

POWER OVER LIFE  
FROM AGAMBEN TO FOUCAULT:  
AN EXAMINATION OF THE QUESTION  
OF SOVEREIGNTY

M T R LALLEMENT

PhD

2015

POWER OVER LIFE  
FROM AGAMBEN TO FOUCAULT: AN  
EXAMINATION OF THE QUESTION OF  
SOVEREIGNTY

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A thesis submitted in partial fulfilment  
of the requirements of the Manchester  
Metropolitan University for the degree  
of Doctor of Philosophy

Department of History, Politics &  
Philosophy

the Manchester Metropolitan  
University

2015

## Abstract

This thesis starts by studying the specificity of Michel Foucault's account of the emergence of bio-power in contrast to that developed by Giorgio Agamben. It focuses on the mutation of jurisdiction Foucault describes in the first volume of the *History of Sexuality*, which corresponds to the shift from the law of the sovereign to that of the norm. Challenging the idea that the concept of biological life can be spontaneously used to understand the type of relationship which links modern political power and life, this thesis questions the epistemological implications of this concept by inscribing it within Foucault's wider description of the emergence of anthropological knowledge. Instead of understanding biopolitical modernity as the expression of the power of the sovereign, this thesis demonstrates that it is not the persistence of sovereign power but its transformation which allows to think the meaning of the concept of life targeted by human sciences. This thesis inscribes the historical emergence of anthropological knowledge within Foucault's wider study of the Western history of subjectivity. It claims that it is the postulate of anthropological truth which provides a basis to the concept of norm. It demonstrates that anthropological knowledge is itself based upon an epistemological concept of truth which Foucault historicizes. This thesis argues that the concept of sovereignty can be used to problematize the relationship between the lives of individuals and their emergence as objects of knowledge. It shows that Foucault's account of life as *bios* and aesthetics of existence provides a sense of the ethical sovereignty of the self which gets obliterated within the logic of the modern *episteme*.

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## Acknowledgements

I am grateful to my Director of Studies, Dr. Keith Crome, for his support during the entire Ph.D process. His encouragements have been key to the completion of this project.

I would like to thank the rest of my supervisory team (Dr. Mark Sinclair and Prof. Joanna Hodge) for their assistance during this project as well as Dr. Mathieu Potte-Bonneville for his helpful commentaries and insights.

Thanks also to all my friends and colleagues from the Philosophy department at Manchester Metropolitan University, with whom I have had the pleasure to exchange during many seminars and friendly reading groups.

Special thanks go to Robert Lapsley for our weekly philosophical and friendly discussions as well as for his friendship, interest and help throughout the research and writing process.

Warm thanks to my dear friend, colleague and neighbour Dr. Jessica Roccard without whom I would have felt very lonely throughout this period. Thanks also to Dr. Bénédicte Brahic who offered me her time, friendship and support many times.

Many thanks are also due to my friends Natacha Coquil, Guillemette Minisclou, Pedro Brito, Paolo De Angelis and Marie-Laure Hamiche who have never failed supporting me. Thanks to Frances Cory with whom I have had the pleasure to laugh many times throughout those years.

The financial support of the Institute of Humanities & Social Science Research at Manchester Metropolitan University is gratefully acknowledged.

Finally, I would like to express my profound gratitude and love to my parents, sister and niece whose inconditionnal support meant more than they will ever know.

## Introduction

Over the last forty years, the concepts of bio-power and biopolitics, first explicitly introduced by Foucault in 1976 in the first volume of his *History of Sexuality* (Foucault: 1998d), have had a considerable impact on the understanding and analysis of the relationship between modern political power and life. In very clear terms, what Foucault described was first of all a historical mutation of political jurisdiction. The power of the sovereign, which was the power “to take life or let live”, became the power “to foster life or disallow it to the point of death” (Foucault: 1998d, 138). According to Foucault, this new form of political power over life did not correspond to the persistence of sovereign power. On the contrary, it corresponded to the historical diagnosis of the progressive decline of the power associated with political sovereignty (*i.e.* the power of the King over his territory and subjects up until the end of what Foucault calls the Classical Age). The historical decline of the power of the political sovereign also entails the decline of the law as expression of his will. With bio-power, Foucault tells us, “the law operates more and more as a norm” (Foucault: 1998d, 144). The historical emergence of bio-power and biopolitics needs to be understood in relation to the mutation of the law in favour of a political power whose logic becomes centred on the concept of norm.

Curiously, an impressive number of scholars and commentators seem to have failed to take these simple remarks into consideration when providing their own

account of the meaning of bio-power and biopolitics. In the late 1990s and early 2000s, some of the Italian reception of Foucault has provided a reading of bio-power and biopolitics relying upon a survival of the metaphysical framework implied by sovereign power. It ignored the specificities of the historical forms that the relations between political power over life take. For instance, in *Empire*, Hardt and Negri reduce biopolitics to the persistence of a monolithic and coherent form of domination when they claim that it corresponds to a “control that extends throughout the depths of the consciousnesses and bodies of the populations” (Hardt & Negri: 2000, 24). The problem with this approach is that it fails to understand that power, for Foucault, describes concrete relationships whose forms vary historically. It is precisely as a consequence of historical variations that the power of the sovereign which expressed the law (by establishing an agonistic and deadly relationship with the subject who breached it) is replaced by norms which provide the basis upon which modern power can “incite, reinforce, control, monitor, optimize, and organize” the forces over which it is exerted (Foucault: 1998d, 136).

Giorgio Agamben is not exempt from such an ontologization of power. In his *Homo Sacer: Sovereign Power and Bare Life*, he produces an interesting variation of the de-historicization of the relationship between political power and life. Whilst the power of the sovereign becomes an ahistorical entity within Agamben’s conceptual framework, the concept of life also becomes an ahistorical given. Not only does he claim that “the production of a biopolitical body is the original activity of sovereign power” (Agamben: 1998, 11), but he also affirms

that with bio-power “the realm of bare life [...] gradually begins to coincide with the political realm” (Agamben: 1998, 12). In other words, Agamben chooses to essentialize sovereign power, the concept of life and the possibility of their relationship. According to him, the only specificity of modern biopolitical power is that it inverts the logic of the relationship which links sovereign power to bare life. Instead of being exerted over the bare life of *homo sacer* (a political figure whose sacred character is defined by its ostracization from the lawful order), modern biopolitical power sees the integration of the bare life of *homo sacer* into the political sphere. This is the reason why the paradigm of the concentration camp constitutes the matrix of modern biopolitical power: since the sovereign power to kill can be exerted upon anyone, every member of the camp is a potential *homo sacer* whose death cannot be condemned by the law.

Although Agamben attempts to retrieve a sense of the historical specificity proper to bio-power and biopolitics, he fails to see that his account actually reinforces the relationship between sovereign power and life that Foucault’s concept of bio-power puts into historical perspective. As Judith Revel puts it in her essay “Identity, Nature, Life: Three Biopolitical Deconstructions”:

In Italian readings of Foucault [...] the transition through a state of being without qualities [...], through the impersonal, or through the pre-individual, obeys nothing but a logical necessity, which in turn rests on a mistake. This logic runs as follows: by de-subjectivizing singularity, one believes that one is able to return to the common which is taken as the basis of all shared resistance. (Revel: 2014, 118)

The “common” Revel refers to corresponds to an essentialization of the shared existence of the individuals become the objects of bio-power and biopolitics.

However, the gesture which consists in essentializing the singular (the immanent and concrete existence of individuals) prevents a proper understanding and criticism of bio-power as a strictly historical phenomenon. If bare life is the ontological determination of existence, and if sovereign power over bare life is the ontological determination of politics, then the diagnosis of the emergence of bio-power and biopolitics serve no purpose. It becomes nothing more than an intellectual exercise producing a metaphysical exegesis disconnected from experience. It constitutes the antithesis to the Foucauldian idea according to which “power comes from below” (Foucault: 1998d, 94).

This misleading appropriation of the concepts of bio-power and biopolitics has been studied and criticized in the past fifteen years. In 2004, Jacques Derrida stressed Agamben’s problematic attempt to historicize bio-power whilst still arguing in favour of its ahistorical and foundational status. He writes:

What surprises me most, incidentally, and constantly disconcerts me in Agamben’s argumentation and rhetoric, is that he clearly recognizes what I have just said, namely that biopolitics is an arch-ancient thing and bound up with the very idea of sovereignty. But then, if one recognizes this, why all the effort to pretend to wake politics up to something that is supposedly, I quote, “the decisive event of modernity” [*sic.* Agamben: 1998, 10]? In truth, Agamben, giving nothing up, like the unconscious, wants to be twice first, the first to see and announce, and the first to remind: he wants both to be the first to announce an unprecedented and new thing, what he calls this “decisive event of modernity”, and also to be the first to recall that in fact it’s always been like that, from time immemorial. (Derrida: 2009, 330)

Even though Derrida carefully identifies the flaws of Agamben’s argumentation, he seems to make the same mistake when he later claims that bio-power needs not be thought in terms of the relationship between sovereign power and human

life but in terms of the threshold between human life and animality. According to him, “what matters to us” is “sovereign power, life and death, animality” (Derrida: 2009, 331). In other words, Derrida criticizes Agamben’s paradoxical historicization of bio-power not by providing a more suitable one but by transferring it to other concepts: bio-power would therefore not concern the threshold between the power of the sovereign and the life of men but rather the threshold between the power of the sovereign and what he briefly calls “animality”. Consequently, Derrida’s critique fails to identify the historical mutation which corresponds to the move from the sovereign law to the norm and misses the crucial point of Foucault’s argument which concerns the historical move from the sovereign law to the natural rule. This natural rule, as Foucault claims in *Society Must Be Defended* (Foucault: 2003b, 38), provides the conceptual basis upon which the norm operates: it implies that the lives of man can be understood as the immanent manifestation of the rule expressing their nature.

In 2002, Jean-Luc Nancy also provided a commentary of the concept of biopolitics. In a short essay entitled “A Note on the Term: Biopolitics”, he argued that life was too vague a concept to constitute the object of modern politics. He writes:

I believe it necessary, however, to ask if “life” truly constitutes the object (real or imaginary, is not the issue now) of these powers, or if it is not rather a destinal figure (“race” or “the human worker”) that comes to substitute for the classical figures of sovereignty. The reduction of these figures to “life” is not sufficient to ground their political and affective power. (Nancy: 2007, 94)

Nancy's reflection is correct and interesting in two respects. Firstly, it is indeed necessary to ask what this concept of life which becomes the object of bio-power and biopolitics corresponds to. Nothing indicates, in Foucault's 1976 text, that the life which becomes the object of the strategies of political modernity can be superimposed with the life of the subject of the King. Secondly, Nancy's remark according to which the concept of life designates a "destinal figure" seems to better correspond with Foucault's description. Still in the first volume of the *History of Sexuality*, the latter tells us that the concept of bio-power is divided into two sub-categories: "the disciplines: an anatomo-politics of the human body" and "regulatory controls: a biopolitics of the population" (Foucault: 1998d, 139). The concept of population, understood as a phenomenon which keeps on evolving and is never finite, is close to that idea of "destinal figure" Nancy describes.<sup>1</sup> Because it does not refer to a fixed and limited reality, this concept targets the irreducible temporality of human existence.

As Luca Paltrinieri puts it in his essay "Gouverner le choix procréatif: biopolitique, libéralisme, normalisation", "in its very emergence, the population is a fictitious entity"<sup>2</sup> (Paltrinieri: 2010, 57). It does not mean that the concept of population targeted by biopolitics has no object, but that this object is not a finished reality. It is a phenomenon whose tendencies overtake the concrete dimension of the

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<sup>1</sup> Even though Nancy seems to capture the goal bio-power and biopolitics target, reducing it to the idea of a "destinal figure" is still problematic. If it is true that the purity of race can correspond to the virtual projection of a destinal figure, the concept of population and the ongoing evolution it implies challenges this eschatological idea. What appears to have become rather transcendental than "destinal", within the epistemological framework of political modernity, is the postulate that the lives of men express the natural rule norms imply.

<sup>2</sup> "dans son emergence même, la population est une entité fictive."

lives it concerns. The concept of population refers to birth rates, death rates or to the evolution of diseases amongst a specific group of individuals. Consequently, biopolitical governmentality targets non-finite objects and attempts to deal with their potential evolution. As Olivier Razac remarks in his *Avec Foucault, après Foucault*, modern governmentality deals with the natural character of populations, it “applies to things in their natural dimension, that is to say at the level of their spontaneous processes, below any juridical link of sovereignty”<sup>3</sup> (Razac: 2008, 35).

It is that very dimension which Nancy has tried to identify and it is the reason why he considered the term “biopolitics” was not suitable to describe the phenomena targeted by such politics. Because biopolitics seems to operate without teleology and because the object of biopolitics seems to be nothing more than “its reproduction and its maintenance through finalities that remain the secrets of power” (Nancy: 2007, 94), Nancy rightfully stresses the fact that it is incompatible with the old idea of sovereign power. Whilst the logic of political sovereignty aims at the preservation of the lawful order of the Kingdom, the finality of biopolitics seems to escape possible formalization. For this reason, Nancy thinks that calling it “ecotechnology” would provide a way to overcome this difficulty: such a technology would designate the management of “natural life” in general (whether animal, vegetal or human). Ecotechnology therefore

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<sup>3</sup> “s’applique aux choses dans ce qu’elles ont de naturel, c’est-à-dire au niveau de leurs processus spontanés, en deçà de tout lien juridique de souveraineté.”

corresponds to the technique which aims at managing the natural world and not simply “life”.

Nancy’s reading is helpful because it clearly identifies the fact that the modern form of political power over life concerns a concept of life which is radically different from that of the subject of the King. It is also helpful inasmuch as it identifies the fact that biopolitics, because it ultimately concerns the unfinished processes that populations represent, engages more than the lives of the ones it targets. As Paltrinieri argues:

The emergence of a normalizing technology acting upon the population understood as “biological whole” implies the deployment of a series of mechanisms aiming at the *regulation*, that is to say the establishment of an homeostatic equilibrium between the “species-body” and its milieu.<sup>4</sup> (Paltrinieri: 2010, 65)

As Paltrinieri remarks, and as Foucault already wrote in the last section of the first volume of the *History of Sexuality*, the biopolitical model of power concerns the encounter of the “natural life” of the species with the milieu it lives in. In this respect, it is radically different from the King’s right of death over his subjects. It does not aim at punishing the subject who breaches the sovereign law by putting him or her to death. It aims at promoting and regulating the lives of individuals and populations whose “natural” character both influences and depends upon the milieu in which they live. However, the naturalness of life that bio-power and biopolitics target should not be understood as a mere ontological determination of individuals understood as living beings. Unlike Agamben, who claims that

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<sup>4</sup> “L’émergence d’une technologie normalisatrice agissant sur la population entendue comme un “tout biologique” implique la mise en oeuvre d’une série de mécanismes visant la *regulation*, c’est-à-dire l’établissement d’un équilibre homéostatique entre le “corps-espèce” et son milieu.”

biopolitical modernity corresponds to the generalization of the power of the sovereign over bare life, it is important to remember that the integration of the so-called “natural life” of individuals within political strategies corresponds to a specific historical configuration which finds its theoretical basis in the concept of the norm. It does not merely concern our modern understanding of biological life but more generally the existence of individuals understood as conducts inscribed within a certain temporality.

As Foucault tells us in the first volume of the *History of Sexuality*, the regulation of the population works “on the side of the norm, knowledge, life, meaning” (Foucault: 1998d, 148). This is a crucial point that all the commentators of bio-power and biopolitics I have just cited seem to have forgotten or overlooked. What the historical emergence of bio-power and biopolitics first describes is the inscription of the lives of individuals (either at the individual level or at the level of the population) into the field of anthropological knowledge. It is only because modernity sees the emergence of the lives of populations as possible objects of knowledge that these lives are understood as a “natural” manifestation which can be observed, predicted, regulated or encouraged. Therefore, it is on the emergence of nature as an object of knowledge within Foucault’s work that this thesis focuses on.

This thesis does not study how norms and normalization concretely operate in political modernity. A very detailed and exhaustive account of the question has already been provided by Stéphane Legrand in his *Les Normes chez Foucault*

(Legrand: 2007). Neither does this thesis study how Foucault's account of normativity still coexists with legal jurisdiction. François Ewald, in his essay "Norms, Discipline and the Law" (Ewald: 1990) and Ben Golder & Peter Fitzpatrick in their *Foucault's Law* (Golder & Fitzpatrick: 2011), provide a very detailed reading of this question. Instead, this thesis is concerned with identifying the epistemological and ethical implications of the modern integration of the lives of men into the field of anthropological knowledge. Following the works of Etienne Balibar in his *Citoyen Sujet et Autres Essais d'Anthropologie Philosophique* (Balibar: 2001), Pierre Macherey in his *De Canguilhem à Foucault: La Force des Normes* (Macherey: 2009) and Judith Revel in her recent *Foucault avec Merleau-Ponty: Ontologie Politique, Présentisme et Histoire* (Revel: 2015), this thesis studies the importance of Foucault's description of anthropological knowledge and man's finitude in relation to the historical emergence of political power over life. This approach implies that the concept of biological life, so readily used in many disciplines to characterize the forms taken by bio-power nowadays, be subjected to a genealogical investigation which takes the internal evolution of Foucault's own work as primary object of study.

My approach is simple and starts from a general observation. The first volume of the *History of Sexuality*, published in 1976, is subtitled "The Will to Knowledge". Before its last section, which introduces the historical diagnosis of the shift from sovereign power to bio-power, Foucault studies how the nineteenth century has seen the emergence of a hermeneutics of the desires of the modern subject. It presupposes the existence of a natural truth at the basis of the subject's

confession of his desires. This natural truth, which provides the rationality that enables the comprehension of both the causes and the meaning of the subject's inclinations, is performed according to the postulate of an intrinsic relationship between the words of the subject and the transcendental truth which precedes them. The knowledge of the natural truth of the modern subject is therefore made possible on the basis of that symbolic disjunction between the subject's speech and the *logos* which speaks in it. It is the pre-existence of such a *logos* which explains the confessions of the subject, but reciprocally it is the confession of the subject which indicates the pre-existence of this truth. In other words, the anthropological truth of the modern subject is built upon a fundamental disjunction characteristic of the modern *episteme* that Foucault described in *The Order of Things*: the impossible presence of the subject within the space of representation, both become subject and object of its own knowledge.

Interestingly, the recent publication of Foucault's first lecture course at the Collège de France reveals that the phrase "will to knowledge" does not appear for the first time in 1976. Entitled the *Lectures on the Will to Know*, the 1970-1971 lecture course examines a similar characterization of the morphology of truth. Foucault describes how the concept of epistemological truth derived from the observation and knowledge of nature emerged at the end of Archaic Greece as a consequence of the dismantling of the political sovereign power of the time. Whereas truth was the privilege of the sovereign (gods, oracles, emperors and kings) who realized it through acts of power, the historical emergence of epistemological knowledge with Classical Greece and the advent of philosophy

sees what Foucault, in "Truth and Juridical Forms", calls the dismantlement of the "union of power and knowledge" (Foucault: 2000c, 32). This dismantlement refers to the impossibility, for the political ruler, to continue being at the same time the man in power and the man of knowledge.

However, in the *Lectures on the Will to Know*, Foucault does not limit his study to the dismantlement of a form of political power which was at the same time a performance of knowledge and truth. In addition, he studies how this dismantlement constitutes the condition of possibility for the emergence of the epistemological knowledge of nature, which depends on the disjunction between what is observed and what is expressed within the positivity of understanding. According to Foucault, after Archaic Greece, it is no longer the case that sovereign jurisdiction (the act in which the sovereign's judicial decision and his or her performance of truth coincide) produces the truth of nature. Rather, the epistemological truth of nature starts to constitute a *logos* which may be retrieved through the exercise of knowledge as a specific human technique. This technique works on the basis of the inquiry which establishes the truth of facticity: it is when what is seen can be linked to the discourse which attests to its truth that the validity of facticity is established.

The Foucauldian description of the historical emergence of epistemological truth appears to be very fruitful as it operates upon the same disjunction as the anthropological truth which emerges after the dismantling of political sovereign power at the end of the Classical Age. The truth grounding the anthropological

nature of the modern subject also works upon the basis of the disjunction between the seen and the said: the immanence of the subject's existence (the seen) is known, validated, informed and encouraged by a scientific discourse which takes it as an object of knowledge.

In other words, the concept of nature implied by the norms grounding the logic of bio-power and biopolitics is too often taken for granted and understood as the mere description of an ontological given. What many of Foucault's commentators on the question of bio-power and biopolitics have failed to see is that this concept of nature is itself a historical construction whose emergence implies the problematization of the relationship between sovereignty, truth, knowledge and power. The fact that the anthropological knowledge which grounds bio-power and biopolitics emerged following the dismantling of the political sovereign power of the Classical Age is itself very striking. The Medieval and Classical sovereign power of the King also established jurisdiction through acts of power: the King's power to kill was the ritualistic manifestation of an act which reaffirmed the order of things linked to the cosmology of the Kingdom. Even though Foucault does not himself establish the connection, I claim that the theme of the disjunction between power and knowledge also constitutes a framework which allows us to understand the historical emergence of anthropological truth with the advent of political modernity. Therefore, my thesis proposes to study the connections between the mutations of jurisdiction Foucault describes at the end of Archaic Greece and at the end of the Classical Age in order to examine how they relate at the same to a reconfiguration of sovereignty and to the

emergence of the concept of epistemological truth either applied to the nature of things or to the nature of men treated as a knowable thing amongst others.

This approach leads me to observe that the theme of sovereignty, which appears in a fragmented manner throughout the whole of Foucault's work, is not only a historical issue, but also an epistemological and ethical one. It not only concerns the union of the knowledge and power of political sovereigns, which disappears historically, but also the emergence of an intrinsic link between epistemological discourse and the facticity it describes. Within the structure of epistemological knowledge and truth, it is the emergence of an ontological coincidence between what exists immanently and the knowledge describing it which reconstitutes the coincidence between power and knowledge proper to the logic of sovereignty. Similarly, the anthropological knowledge of the nineteenth century does not only concern the disappearance of the political sovereign but the emergence of the modern subject. The latter represents the figure of the impossible superimposition of the immanence of its existence and its representation within the field of knowledge. The sovereignty of the modern subject, which appears to be always already alienated within the structure of fragmented representation, is also related to the question of the coincidence between power and knowledge. The immanence of its existence (which corresponds to the level of strict power) cannot coincide with the apparition of this existence within the field of anthropological positivity. It is the structure of the "empirico-transcendental" doublet described in chapter 9 of *The Order of Things* which is almost never mentioned by contemporary readers of Foucault working on the question of

political modernity. Only Michael Dillon, in his essay “Specters of Biopolitics: Finitude, Eschaton and Katechon” has thought of linking the emergence of finitude within the field of positive knowledge with biopolitical modernity (Michael Dillon: 2011). However, he too fails to see that these two aspects find a common basis in the question of the mutation of sovereign jurisdiction both at the end of Archaic Greece and at the end of the Classical Age.

This is the reason why this thesis redefines the concept of life which constitutes the object of bio-power and biopolitics. Instead of understanding life as an ahistorical concept corresponding to biological determinations, I propose to study how the concept of life which emerges with anthropological knowledge constitutes an abstraction which severs the subject from its immanent power to act outside the natural determinations imposed by truth and knowledge. Therefore, I propose to redefine the opposition between life and death not in relation to the sovereign power to kill but in relation to the emergence of the concept of life as the positivity of man’s finitude. The point is to examine the relationship between different but complementary occurrences of the concept of sovereignty within Foucault’s work in order to determine how this concept, understood as the coincidence between power, knowledge and truth, may explain both the form of the modern subject’s alienation and the possibility of an ethical resistance.

In the first chapter of the thesis I examine the contrast between Foucault’s and Agamben’s accounts of biopolitical modernity. Such a contrast reveals that

Agamben has ignored the specific historicity of the concepts of life and sovereign power Foucault refers to when he introduces the concepts of bio-power and biopolitics in the first volume of the *History of Sexuality*. Because Agamben's reading relies upon the concepts of life and sovereign power, it allows me to show by contrast how these concepts are also studied and problematized within the scope of Foucault's work. However, I demonstrate how Foucault, instead of falling back upon ahistorical concepts, produces a radical historicization of them. I use Foucault's account of the mutation of the sovereign power and the emergence of the government of population in the first volume of the *History of Sexuality*, in *Security Territory Population*, and in *Society Must Be Defended* (Foucault: 1998d, 2009c, 2003b) to show that Foucault's understanding of Medieval and Classical sovereign power, inspired by Ernst Kantorowicz's work<sup>5</sup>, does not imply a concern for the fostering of biological life but the persistence of a territory which relies upon a different concept of finitude. I then argue that this is the modern specificity of the concept of man, seeing the emergence of the question of finitude in its positivity, which allows us to understand the abstraction that affects the anthropological concept of life.

In the second chapter, I study how Agamben's account of biopolitical jurisdiction offers a problematization of the relationship between the law of the sovereign and the expression of its immediate power over life. The exposition of his account of the persistence of sovereign jurisdiction within biopolitical modernity allows

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<sup>5</sup> Ernst Kantorowicz, *The Kings' Two Bodies* (Kantorowicz: 1997).

me to show that Foucault also studies the question of jurisdiction before and after the emergence of bio-power. However, I argue that his account of biopolitical jurisdiction does not concern the persistence of the law of the sovereign but the emergence of the concept of natural truth which supposes the equivalence between the existence of man and the possibility of its knowledge. In order to grasp Foucault's understanding of sovereignty, I provide a detailed reading of Foucault's account of the emergence of epistemological truth and knowledge at the end of Archaic Greece. I show that Foucault borrows from Marcel D tienne and Jean-Pierre Vernant a concept of pre-epistemological truth which corresponds to the performance of an immanent act of power and coincides with Foucault's description of political sovereignty in "Truth and Juridical Forms". I then study how Foucault, in the *Lectures on the Will to Know*, *Du Gouvernement des Vivants* and *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (Foucault: 2013, 2012a, 2014b) presents Sophocles' *Oedipus Rex* as the epitome of the historical emergence of epistemological truth. It relies upon the use of knowledge as a specific *tekhne*, which implies that the truth of facticity becomes what grounds a knowledge of nature which predetermines the meaning of immanence. This allows me to argue that it is this mutation of the relationship between epistemological truth and facticity which, in Foucault, allows us to understand the paradigm of liberal political power. The theoretical framework of norms implies that the existence of the modern subject corresponds to the immediate expression of this nature. Therefore, the relationship between bio-power and life can be understood as a case of alienation of the subject's sovereignty: the rationality which grounds the

understanding of its actions is always already determined by the postulate of a natural truth which precedes and determines them.

Finally, the third chapter proves that Foucault's account of biopolitical jurisdiction does not integrate the political figure of the sovereign but does not dismiss the question of sovereignty either. I argue that the figure of the sovereign does not completely disappear from Foucault's concerns: his analysis of anthropological knowledge he develops in chapters 8 and 9 of *The Order of Things* (Foucault: 2001e, 272-374) reproduces the dismantling of political sovereignty on the level of the modern concept of life covering the strict immanence of men's existence. This leads me to examine the ethical aspect of the question of sovereignty which interests Foucault after 1976. When he comes back to Greek and Roman Antiquity in the second and third volumes of the *History of Sexuality*, he questions the ways in which the ethical practice of the self does not depend upon a set body of knowledge grounded upon hermeneutics but upon a reflexive relationship between the self and its own ethical practice. This leads me to consider how Foucault also problematizes the question of ethical sovereignty, understood as the possibility for an individual to determine the rationality of its own actions in the world. In this respect, I attempt to trace how Foucault's definition of life as *bios* in *The Hermeneutics of the Subject* (Foucault: 2006, 477-487) might be understood as a possibility of exerting this sovereignty. It does not rely upon the self's knowledge of its own nature but the self's ability to constantly redefine the form its actions take towards others and towards the world.

From a methodological point of view, it is necessary to determine where Foucault questions sovereign power for the first time. It is not, as it is commonly believed, in the last section of the first volume of the *History of Sexuality* (Foucault: 1998d, 135-159) but in “Truth and Juridical Forms”, a series of lectures delivered at the Catholic University of Rio de Janeiro in May 1973. During these lectures, Foucault traces the disappearance of political sovereign power back to the emergence of Classical Greek thought in the 5<sup>th</sup> century BC. This occurs when the power and knowledge of gods and prophets is replaced by the use of human reason and the emergence of philosophical thought. Foucault mentions “the dismantling of that great unity of political power that was, at the same time, a knowledge” (Foucault: 2000c, 31).

In order to properly understand the implications of such a change, it is necessary to follow Foucault and carefully study the texts which, according to him, illustrate this historical, political and epistemological mutation: *Oedipus Rex* by Sophocles and *Song XXIII* in Homer’s *Illiad*. Foucault sees in the former the clearest example of the shift from sovereign power and knowledge to the knowledge of men. This new relationship to knowledge corresponds to the emergence of an epistemological link between the said and the seen (or between discourse and facts), which allows a new form of truth to appear. The theoretical truth of facts replaces the powerful truth of the political sovereign. Contrary to *Oedipus Rex*, the latter provides an example of Classical Greek literature in which the way truth is produced corresponds to the former paradigm of sovereign power. In this case, it is not the truth derived from human inquiry that matters but the manifestation

of a ritualistic truth. This truth does not rely upon the positivity of facts but upon the respect of a predetermined rule. I choose not to focus on a strictly literal commentary of the texts but on the dramatic elements which allow to identify the type of knowledge and truth that those texts involve or produce in order to follow Foucault's argument properly. I attempt to provide a detailed analysis of the forms of knowledge and truth at stake in those plays. This type of analysis aims at providing a reflection on the relationship between the concepts of "veridiction" and "jurisdiction" Foucault introduces in *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. It implies to question the relationship between truth as a spontaneous act and truth as the result of an essential relationship between what is seen and said.<sup>6</sup>

I choose to follow Foucault and argue in favour of a heterogeneity between the level of discourse and the level of experience. A direct consequence of such a claim is the possibility of a reflection about the relationship between the immanence of one's acts and the epistemic discourses which take them as their objects. It provides the space for a problematization of one's sovereignty as individual and allows us to ask whether the truth about oneself lies in a rationality which claims to understand one's acts in scientific terms or whether this rationality constitutes a heterogenous act which bears no essential relationship with the acts it takes as its objects. Instead of reading *Oedipus Rex* in

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<sup>6</sup> A detailed reflection on this question is found in the 22<sup>nd</sup> April 1981 lecture (Foucault: 2014, 27-55) and in the fourth section of the second chapter of this thesis (pp. 148-167). It concerns the move through which the production of truth through an immanent act gets replaced by the truth of a discourse which takes this act as object.

psychoanalytic terms as Sigmund Freud does,<sup>7</sup> Foucault insists on a reading which follows the emergence of what he calls the “mechanism of the *sumbolon*” (Foucault: 2000c, 24). This mechanism shows how, throughout the play, theoretical truth emerges via the progressive reunion of different parts of knowledge and finally leads to the testimony of the shepherd (a visual witness who is able to reveal Oedipus’ true identity). Foucault, inspired by the work of historians belonging to the Paris School (Marcel Détiègne, Jean-Pierre Vernant and Pierre Vidal-Naquet), shows the mechanism by which an epistemological form of truth emerges through the reunion of immanence and discourse.<sup>8</sup> This thesis chooses to follow the multiple occurrences of Foucault’s analysis of *Oedipus Rex* (both in the lecture courses at the Collège de France and in other conferences) as a way to examine how he sees this structure of theoretical truth at work in other political and epistemological aspects of our modernity.<sup>9</sup>

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<sup>7</sup> Freud famously theorizes the “Oedipus Complex” in “The Dissolution of the Oedipus Complex” and explains that the little boy, at the phallic stage, wants to replace his father and attract the attention of his mother (Freud: 1959, 173-179). In this case, Sophocles’ *Oedipus Rex* constitutes a metaphor of the suppressed desires of the little boy’s developing libido. Instead of accepting this psychoanalytical reading, which implies the existence of unspoken desires that provide a way to understand human desires from a scientific point of view, Foucault takes the opposite stance and chooses to use this text to produce the genealogy of the type of truth which implies an essential link between facts and the epistemic discourse which takes them as objects. To do so, Foucault focuses on the way in which the text moves from a divine and prophetic truth to a truth which relies on the correspondence between discourse and facts and is discovered by men. Foucault makes it clear in “Truth and Juridical Forms”: “It seems to me that there really is an Oedipus complex in our civilization. But it does not involve our unconscious and our desire, nor the relations between desire and the unconscious. If there is an Oedipus complex, it operates not at the individual level but at the collective level; not in connection with desire and the unconscious but in connection with power and knowledge.” (Foucault: 2000c, 17)

<sup>8</sup> In the play, it corresponds to establishing the truth of Oedipus’ identity through the reunion of various memories with the one of the shepherd who gave Oedipus to Patroclus, his adoptive father. More details about this passage can be found in scene 7 in the original text (Sophocles: 2015, 48-57).

<sup>9</sup> This thesis argues that the morphology of knowledge and truth, which Foucault sees emerging in Classical Greece, constitutes the epistemological framework according to which anthropology and human sciences still function today. Foucault says it clearly in “Truth and Juridical Forms”: “What was invented in law during this period was a particular way of knowing, a condition of possibility of knowledge whose destiny was to be crucial in the Western world. That mode of

In other words, this thesis demonstrates that the question of the relationship between the seen and the said (or between act and discourse) constitutes a guiding thread throughout Foucault's work and can be used to characterize the status of the modern subject, whose power to act and speak gets determined by the theoretical truth of modern anthropology and human sciences. I claim that the relationship between knowledge and truth, which emerges in Classical Greece and which *Oedipus Rex* illustrates, is still the one according to which modern subjectivity is understood and deciphered. The truth of the subject who speaks and acts does not stand in its own right but is determined by a rationality which conditions the understanding of these discourses and acts. This rationality is defined by the epistemological structure of anthropology and human sciences and works, like Sophocles' *Oedipus Rex*, according to the principle of the *sumbolon*. Human sciences, by making what the subject says or does correspond to a heterogenous discourse which speaks its truth (as the discourse of medicine does), deprive the subject's acts of their immanent value and the subject of his sovereignty. These acts are no longer the spontaneous expression of a power to act but the expression of a natural truth. They become the manifestation of a truth always already understood as the manifestation of human nature and thought to correspond to anthropological norms. If, as Foucault claims in the last section of the *History of Sexuality*, "the law operates more and more as a norm" (Foucault: 1998d, 144), it is because the modern rationality applied to subjectivity

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knowledge was the inquiry, which appeared for the first time in Greece and which, after the fall of the Roman Empire, remained hidden for several centuries." (Foucault: 2000c, 40)

implies that the way the subject lives corresponds to a nature that manifests itself through the subject's speech and acts. This is especially true of the truth of sexuality which, as scientific and anthropological discourse emerging in the 19<sup>th</sup> century, relies upon the postulate of the manifestation of a nature. Foucault writes:

Situating at the point of intersection of a technique of confession and a scientific discursivity, where certain major mechanisms had to be found for adapting them to one another (the listening technique, the postulate of causality, the principle of latency, the rule of interpretation, the imperative of medicalization), sexuality, was defined as being "by nature": a domain susceptible to pathological processes, and hence one calling for therapeutic or normalizing interventions; a field of meanings to decipher; the site of processes concealed by specific mechanisms, a focus of indefinite causal relations; and an obscure speech that had to be ferreted out and listened to. (Foucault: 1998d, 68)

This manifestation is made possible by the postulate that the subject's acts carry a truth which needs to be deciphered in order to reveal the truth of his nature. This nature becomes the concept from which anthropology and human sciences will develop: it is that which allows the subject's life to be given a rational and scientific signification. It is the emergence of the postulate of such a concept that this thesis analyses.

This analysis seeks to go beyond a spontaneous use of the concept of norm and questions what it is that grounds its condition of epistemological validity. It aims to study the epistemological configuration which allows us to see in a fact and in the scientific discourse which describes it the expression of the same truth. To do so, Canguilhem's conclusions regarding the normativity of life are partially helpful but fail to provide a satisfying account of the relationship between discourse and

truth. It is the question of the relationship between the normal as biological ideal posited by medicine and the normative activity of life itself which he asks. He rightfully argues in favour of the recognition of the normative activity of living organisms and shows that so-called “pathologies” are no less normative than the cases medicine takes to be normal (or to represent and ideal of health). Canguilhem stresses that “[i]f what is normal here can be pathological there, it is tempting to conclude that there is no boundary between the normal and the pathological” (Canguilhem: 2008 130).

Helpful as these conclusions may be, the aim of this thesis is to tackle a different problem. The genealogy of the postulate of the truth of nature Foucault sees emerging in Classical Greece and reappearing in modernity does not concern the power of life to produce new regularities. It addresses the unquestioned postulate according to which the regularities observed in experience obey an *a priori* truth which can be retrieved by the use of a specific epistemic technique. In other words, Canguilhem’s conclusions are satisfactory inasmuch as they lead to recognize that the values observed in life, understood as immanent experience, precede the truth that scientific discourse produce about them. However, they do not target the historical and political conditions which allow epistemological discourse to acquire the founding role of an *a priori* truth that links the seen and the said (or makes existence correspond to the truth of anthropological discourse). In *Canguilhem et les normes*, Guillaume Le Blanc explains:

[...] social rules are exterior to their object whereas vital rules and the organic parts they adjust are immanent to each other. [...] Vital regulation is intrinsically organic whereas social regulation only appears as the end targeted by the organization itself.<sup>10</sup> (Le Blanc: 2007, 87)

This study does not argue in favour of or against the intrinsic normativity of life as a series of organic or biological functions, but questions the historical, political and epistemological basis upon which modern anthropology has been able to start and speak the truth about individual lives and make social norms the criteria of their validity. This perspective is closer to Le Blanc's analysis which measures the distance between Canguilhem's and Foucault's problematization of the concept of norm. He writes:

Canguilhem moves away from Foucault's thought, which privileges the efficacy of social norms over the normative responses produced by human beings. Social norms, inasmuch as they demand the adhesion of individuals to the rules they enunciate constitute a dispositive, a diagram through which individuals, measured and evaluated, are subjected.<sup>11</sup> (Le Blanc: 2010, 255)

This thesis does not target the power of normativity inherent to individual lives but rather the emergence of the epistemological configuration which allows the correspondence between the truth expressed by anthropological norms and the truth expressed and experienced on the level of immanent existence.

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<sup>10</sup> “[...] les règles sociales sont extérieures à leur objet alors que les règles vitales d’ajustement des parties organiques sont immanentes les unes aux autres. [...] La régulation vitale est intrinsèquement organique tandis que la régulation sociale n’apparaît que comme terme visé par l’organisation.”

<sup>11</sup> “Canguilhem s’éloigne de la pensée de Foucault qui privilégie l’efficacité des normes sociales aux réponses normatives produites par les êtres humains. Les normes sociales, en tant qu’elles sollicitent l’adhésion des individus aux règles qu’elles énoncent, constituent un dispositif, un diagramme par lequel les individus, mesurés, évalués, sont assujettis.”

It is from this perspective that I challenge the recent readings of the concepts of bio-power and biopolitics and specifically Agamben's in *Homo Sacer: Sovereign Power and Bare Life* (Agamben: 1998). He fails to see that the historical emergence of these concepts corresponds to an epistemological configuration which is a direct consequence of theoretical truth derived from the postulate of the correspondence between scientific discourse and immanent existence. Agamben leaves unquestioned the equation between nature and biological life, which is a product of modern epistemology and relies on the correspondence between the seen and the said (or between experience and the true discourse produced about it). This is the reason why Agamben's reading of the relationship between sovereign power and bio-power constitutes a point of departure in this thesis: it provides a place to start and tackle the problem but also reveals the need to move away from the conclusions that it reaches). It illustrates the kind of reading which takes the concept of sovereign power for an ahistorical given and becomes insufficient to question the epistemological foundations of the concept of norm Foucault introduces in the first volume of *The History of Sexuality*. It is therefore Foucault's genealogy of those epistemological foundations which this thesis studies. It is the movement through which the truth manifested by an individual who spontaneously acts and speaks is replaced by the postulate of a true discourse which determines it.

This thesis endeavours to read Foucault's works which target the question of modern anthropology and human sciences alongside the courses which develop his analyses further. This allows provision of a more accurate understanding of

the problems and concepts that Foucault addresses in his primary written works. For instance, the question of the shift from ritualistic sovereign power and knowledge to modern anthropology is first studied in *Discipline and Punish* but this analysis is taken further in *Security, Territory, Population* (Foucault: 1995, 2009c). In a similar way, the question of the relationship between the truth spoken by medical and anthropological sciences and the lives of men they take as their objects is studied in *The Birth of the Clinic* and in *The Order of Things* (Foucault: 2003a, 2001e) but is developed further in the *Lectures on the Will to Know* and in *Wrong-Doing, Truth-Telling: the Function of Avowal in Justice* (Foucault, 2013, 2014b). The question of the relationship between the subject's speech and the historical development of a hermeneutics of desires is first mentioned in the first volume of the *History of Sexuality* but also developed further in *The Hermeneutics of the Subject* (Foucault: 1998d, 2006). Finally, the question of anthropological normalization is introduced in the first volume of the *History of Sexuality* but largely enriched when Foucault studies the role of the physiocrats towards the development of modern governmentality in *The Birth of Biopolitics* (Foucault: 1998d, 2008b).

On a broader level, this thesis attempts to rethink the commonly accepted distribution of Foucault's works between archaeology, genealogy and ethics in order to show that Foucault's analysis of the mutation of political sovereignty bears epistemological, political and ethical implications appearing throughout his

work.<sup>12</sup> It is indeed more accurate to claim that the relation to historically specific forms of knowledge and truth have produced different ways of governing one's life as well as the lives of others. I show that Foucault develops throughout his work an analysis of the correspondence between forms of knowledge, forms of power and forms of governmentality. This appears very clearly throughout the last two lecture courses at the Collège de France (Foucault: 2010, 2011b) where the analysis of the Classical Greek notion of *parrhesia* shows a way of acting that allows to reflect on one's conduct, to manifest a form of truth and to trigger political change without the need for epistemological validation. In other words, this thesis shows that thinking epistemology, politics and ethics at the same time when reading Foucault's work provides a better means to understand the dynamics at stake when he introduces the concepts of bio-power and biopolitics. The problem is not the persistence of the will of a sovereign expressing his power over bare life (as Agamben claims) but the unnoticed conflation of ways of life and forms of conducts with the epistemological foundation that the discourse of human sciences provides. This is the reason why the analysis of the relationship between forms of knowledge and truth developed in the second chapter of this thesis concludes with the study of the question of ethical conduct in the last chapter.

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<sup>12</sup> Foucault's scholarship usually divides his work in three main categories: whereas the "archaeological" period refers to his works up to the 1970s, the "genealogical" period refers to his works from the 1970s up to the first volume of the *History of Sexuality*. The latter inaugurates the "ethical" period that runs until Foucault's death. For a detailed discussion about this distribution, see Judith Revel's *Le Vocabulaire de Foucault* and more specifically the entries "*archéologie*", "*généalogie*" and "*éthique*" (Revel: 2002, 7-8, 37-38, 28-30). This thesis argues in favour of a more nuanced distribution and shows that the questions of the historicity of epistemology, political power and aesthetics of existence (which constitute respectively the main objects of archaeology, genealogy and ethics) are intertwined throughout Foucault's body of work.

## **Chapter One: From Agamben's "bare life" to Foucault's "norm": a reading of the epistemological implications of the concept of life as object of bio-power and biopolitics**

### **Introduction**

The last section of the first volume of the 1976 *History of Sexuality: The Will to Knowledge*, describes a decisive historical and political shift in the nature and exercise of political power. The section, entitled "Right of Death and Power over Life", describes the disappearance of political sovereign power – the power to "take life or let live" exerted by the King – in favour of what Foucault chooses to call bio-power and biopolitics, a regime deriving from the power "to foster life or disallow it to the point of death." (Foucault: 1998d, 136, 138). Foucault's description of this historical shift stresses a paradox: whilst the King's right to kill has been replaced by a power supposed to support the development of life, wars and genocides have not disappeared from the political scene. This paradox has been stressed and used by Giorgio Agamben who, in *Homo Sacer: Sovereign Power and Bare Life* (Agamben: 1998), sees in it the opportunity to define an ontology of sovereign power: the sovereign right to kill would be linked to the transcendental and ahistorical relationship between the political function of the sovereign and a concept of life Agamben calls "bare". The sovereign right to kill corresponds to its essential ability to decide upon the threshold between natural and political life and therefore to reveal the bare life which always already precedes the existence of the political sphere.

However, this interpretation of the origin of bio-power and biopolitics is problematic inasmuch as it contradicts the very point Foucault is making in the first volume of *The History of Sexuality* (Foucault: 1998d). The disappearance of sovereign power implies that bio-power and biopolitics rely upon a concept of life which is specifically modern, deriving from Foucault's attempt to radically historicize the relationship between political power and life. The concept of nature is what grounds the rationality of the concept of norm according to which biopolitical modernity operates. It relies upon an ahistorical understanding of life which Foucault historicizes. Unlike Agamben, who posits an *a priori* unchanging relationship between the power of the sovereign and bare life, Foucault's analysis of the shift from sovereign power to bio-power and biopolitics implies the historicization of sovereign power and life. The concept of anthropological life that becomes the target of nineteenth century biology indicates the emergence of a relationship between anthropological knowledge and the concept of life produced by the positivity of this knowledge. The reason for the persistence of death within biopolitical modernity needs to be found elsewhere: rather than claiming that it corresponds to the essential expression of an ahistorical sovereign power, I claim that it is found in the emergence of the concept of population to which corresponds an epistemological concept of nature which is politically protected, preserved or influenced. This epistemological concept of anthropological nature, which constitutes the specificity of Foucault's understanding of political modernity, is antithetical to the idea of an ahistorical concept of bare life that would be the condition of possibility of politics.

This is the reason why the first two sections of this chapter demonstrate that the type of political sovereign power Foucault contrasts with bio-power is radically different from it. The sovereign power of the King, which is described in the opening pages of *Discipline and Punish*, corresponds, to what Foucault calls “the spectacle of the scaffold”, (Foucault: 1995: 32): a manifestation of power through which the body of the condemned – the body of the individual who has breached the sovereign law – gets torn to pieces. The spectacle of the scaffold is a ritual: it is the public manifestation of a battle opposing the sovereign to a subject who has contested his power. In this sense, the scene of torture is a performance designed to reaffirm a world order that has been threatened. *Discipline and Punish*, published one year before *The Will to Knowledge*, gives a genealogy of the prison that is already ordered around the shift from sovereign power to a form of political power which emerges in the nineteenth century. It is a form of power which no longer affirms and reaffirms itself through the violence of its law (which, in the case of sovereign power, form the same reality), but which is apparently gentler, and which presents itself as an administrative and regulatory form of power. *Contra* Agamben, my argument is that the sovereign power Foucault describes when he introduces the concepts of bio-power and biopolitics in the first volume of *The History of Sexuality* does not deal with a concept of natural life but with the persistence of an *imperium* ordered by the will and law of the sovereign.

Consequently, the third section of this chapter examines the cause of Agamben’s failure to perceive the specific modernity of bio-power and biopolitics. Agamben

misses the new articulation between political power and life which emerges with the nineteenth century. This mutation, I argue, implies the radical historicization of the concept of life, a historicization Agamben's project prevents and which it replaces by an essential and ahistorical characterization of the relationship between sovereign power and bare life. Such a historicization leads us to discover that the concept of the norm, which replaces the will of the sovereign, operates according to an epistemic configuration that implies a reciprocal relationship between political and anthropological knowledge. The anthropological knowledge of man by the modern subject implies a positive abstraction of the concept of life.

It is in the light of the positive abstraction of the concept of life within the epistemic configuration of anthropological knowledge that the persistence of killing as an operative mode of political power can be understood. It relies upon the concept of natural rule that provides a criterion for the preservation of life as positive abstraction. This abstraction is what characterizes the morphology of modern political power: it attempts at preserving, through the positive representation of the lives of man within the field of anthropological knowledge, the coincidence between words and things that the law of the sovereign used to perform. However, the historical emergence of anthropological positivity masks the alienation of life from the concrete and immanent existence of men to the knowledge of life as a form of man's positive finitude. It is the epistemological roots of such an alienation that the final section of this chapter describes.

## **1. Putting to death and fostering life**

When, at the end of the first volume of *The History of Sexuality*, Foucault makes the relationship between the concepts of sovereignty and life explicit, he first of all describes the political shift from the Classical Age to modernity by the move from a power to “take life or let live” in favour of the power to “foster life or disallow it to the point of death” (Foucault: 1998d, 136, 138). Up until the end of the Classical Age, the sovereign had the right to exert his power in the name and for the sake of the Kingdom or himself. When threatened by enemies, he takes hold of the lives of his subjects by requesting defence until death in order to address the external threat menacing himself, or the Kingdom and the political order corresponding to it. According to the same principle, the right to kill one of his subjects in the case of an internal threat to his authority is also an expression of his sovereignty, just as is his ability to raise taxes and use the labour force provided by his subjects. In all cases, sovereign power appears as a relationship of deduction by way of which the sovereign affirms a right of withdrawal from his people – either the withdrawal of their lives or the withdrawal of the products of their labour.

When Foucault describes the shift affecting political power at the end of the 18<sup>th</sup> century, a shift identified with the emergence of what he calls “bio-power”, it is first of all to this power of deduction that he refers, and he describes its retreat.

In the last section of the first volume of *The History of Sexuality. The Will to Knowledge*, he writes:

“Deduction” has tended to be no longer the major form of power but merely one element among others, working to incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them. (Foucault: 1998d, 136)

Foucault describes the move by which the power exerted over the life of the subject is no longer the punctual intervention of the monarch in a strictly vertical and negative fashion: political power becomes that through which the force of individuals is controlled, managed and optimized. Whilst the sword falling on the lives of individuals as a divine sentence symbolizes “sovereign power”, bio-power is no longer articulated through the ritualized expression of power of the sovereign. Rather, it corresponds to a form of power concerned with life in and throughout its duration as it is expected to “incite, reinforce, control, monitor, optimize the forces under it.”

However, defining the shift from sovereign power to bio-power by the move from deduction (of life and labour force) to promotion (of life) through political administration is not sufficient to give a comprehensive account of the political mutation affecting the power of the sovereign marked by the decline of feudal power at the end of the eighteenth century. Until the end of the Classical Age it was the imbalance of power between the sovereign and the subject that characterized their relationship. Accordingly, the body of the condemned constituted the sole basis for the exertion of sovereign power as well as its very

limit and took part in the ritualistic economy of the execution. In *Discipline and Punish*, Foucault writes:

As a ritual of armed law, in which the prince showed himself, indissociably, both as head of justice and head of war, the public execution had two aspects: one of victory, the other of struggle. It brought to a solemn end a war, the outcome of which was decided in advance, between the criminal and the sovereign; it had to manifest the disproportion of power of the sovereign over those whom he had reduced to impotence. The dissymmetry, the irreversible imbalance of forces, were an essential element in the public execution. A body effaced, reduced to dust and thrown to the winds, a body destroyed piece by piece by the infinite power of the sovereign constituted not only the ideal, but the real limit of punishment. (Foucault: 1995, 50)

Public executions were the scene of a predetermined confrontation that disclosed the order of a world within which the life of the condemned was exposed at the level of the physicality of his body. Every blow, every act of torture, took place within a rigorous economy of pain, and thus a rigorous economy of the corporal, whereby the hierarchy between the sovereign and the condemned is given expression. The description of the torture of Robert-François Damiens with which Foucault famously opens *Discipline and Punish* describes the case of a regicide: Damiens attempted to assassinate Louis XV of France in 1757, a crime that constitutes an example of disruption of the sovereign order *par excellence*. In response to this crime, the measured and ritualized torture performed in the name of the King corresponds to the defence and restoration of the sovereign order.

However, the first volume of the *History of Sexuality* tells us that the spectacle of death no longer occupies the centre of the public scene. Instead, Foucault

describes a transformation through which death becomes the very limit of power and the most discrete part of existence:

One might say that the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death. This is perhaps what explains the disqualification of death which marks the recent wane of the rituals that accompanied it. That death is so carefully evaded is linked less to a new anxiety that makes death unbearable for our societies than to the fact that the procedures of power have not ceased to turn away from death. In the passage from this world to the other, death was the manner in which a terrestrial sovereignty was relieved by another, singularly more powerful sovereignty; the pageantry that surrounded it was in the category of political ceremony. Now it is over life, throughout its unfolding, that power establishes its domination; death is power's limit, the moment that escapes it, death becomes the most secret aspect of existence, the most "private". (Foucault: 1998d, 138)

As Foucault underlines, it is not because the reality of death has become unbearable to modern societies that the nineteenth century witnessed the decrease of the expression of sovereign power under the form of ritualized torture and executions. It is rather with the emergence of a new economy of power that the violence exerted upon life disappears from public view. Whereas the execution marked, within the logic of sovereign power, a passage from the sovereignty of the King to the sovereignty of God (and therefore a continuity within the logic of sovereignty itself), with bio-power death becomes the very limit of the grasp of political power. Whilst sentencing a subject to death was the paroxysmal expression of sovereign power under a ritual form whereby the power of the King was exerted and expressed through each carefully measured act of torture, bio-power operates on the existence of individuals and a population as a group of living beings.

If, however, executions disappear from the public scene, and if the sovereign right of death no longer constitutes the manifestation of political power, the emergence of bio-power does not mean the complete disappearance of the relationship between political power and death. In the last section of the first volume of the *History of Sexuality*, Foucault famously underlines the paradoxical subsistence of mass-death in the modern age with the occurrence of wars and genocides. Giorgio Agamben, who provides one of the most influential accounts of the relationship between sovereign power and biopower, has not failed to stress the importance of such a paradox which reappears in Foucault's *Security, Territory, Population* and *The Birth of Biopolitics*.<sup>13</sup> In *Homo Sacer: Sovereign Power and Bare Life*, Agamben writes:

After 1977, the courses at the Collège de France start to focus on the passage from the "territorial State" to the "State of population" and on the resulting increase in the importance of the nation's health and biological life as a problem of sovereign power, which is then gradually transformed into a "government of men" (*Dits et écrits*, 3: 719). "What follows is a kind of bestialization of man achieved through the most sophisticated political techniques. For the first time in history, the possibilities of the social sciences are made known, and at once it becomes possible both to protect life and to authorize a holocaust." (Agamben: 1998, 10)

However, contrary to what Agamben claims in *Homo Sacer: Sovereign Power and Bare Life*, the emergence of bio-power, which sees a growing concern for the political management and government of populations, does not correspond to the persistence of the power of the sovereign. The compatibility between sovereign power and a concern for "biological life" and the "nation's health" is

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<sup>13</sup> On the passage from the territorial State of sovereign power to the management of population, see the 25<sup>th</sup> January, the 1<sup>st</sup> February 1978 lectures (Foucault: 2009c, 55-114) as well as the 10<sup>th</sup> January 1979 and 17<sup>th</sup> January 1979 lectures (Foucault: 2008b, 1-50).

not self-evident and both paradigms are not homogenous. If one reads the last section of the first volume of the *History of Sexuality* carefully, it becomes apparent that sovereign power is, according to Foucault, a historical form of political power linked to the symbolic order of blood.<sup>14</sup> This is why, according to Foucault, the sovereign power of the King corresponded to:

a society of blood [...] where power spoke *through* blood: the honour of war, the fear of famine, the triumph of death, the sovereign with his sword, executioners and tortures; blood was *a reality with a symbolic function* (Foucault: 1998d, 147).

The symbolic order of blood establishes a link between the violence either provoked or allowed by the power of the sovereign who defends the political order of the Kingdom (either through the execution of the subject who steps outside the lawful order, or through the request of his life when waging a war). In this case, the bloody violence of the sovereign is not the limit of political power, but the reality of its existence and the possibility and condition of its expression.

As Foucault notes:

For a society in which famine, epidemics, and violence made death imminent, blood constituted one of the fundamental values. It owed its high value at the same time to its instrumental role (the ability to shed blood), to the way it functioned in the order of signs (to have a certain blood, to be of the same blood, to be prepared to risk one's blood), and also its precariousness (easily spilled, subject to drying up, too readily mixed, capable of being quickly corrupted). (Foucault: 1998d, 147)

The preservation of the purity of blood was, at the time of sovereign power, a correlate of the preservation of the integrity and the purity of the Kingdom and

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<sup>14</sup> As Maurice Blanchot claims in his essay "Michel Foucault as I Imagine Him": "sexuality, as [Foucault] understood it or at least the quibbling importance attributed to it today (a today that goes back quite far), marks the transition from a society of blood, or characterized by the symbolics of blood, to a society of knowledge, norm and discipline." (Foucault & Blanchot: 1989, 96).

of sovereign power. However, the preservation of the purity of the Kingdom, linked to a people over which the King exerts a power of deduction, is very different from the notion of population that emerges at the beginning of the 19<sup>th</sup> century.

The problem with Agamben's reading of Foucault's description of the passage from the logic of sovereign power to the one of bio-power consists in its erasure of Foucault's radical historicization of the relationship between political power and life. As a consequence, Agamben believes that the growing concern for the nation's health and biological life corresponds to a problem of sovereign power. However, as Foucault clearly notes in the last section of the first volume of the *History of Sexuality*, wars waged after the 18<sup>th</sup> century are no longer related to the defence of the Kingdom but fought in favour of the preservation of the population. Foucault writes:

Wars are no longer waged in the name of the sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many men to be killed. And through a turn that closes the circle, as the technology of wars has caused them to tend increasingly toward all-out destruction, the decision that initiates them and the one that terminates them are in fact increasingly informed by the naked question of survival. The atomic situation is now at the end point of this process: the power to expose a whole population to death is the underside of the power to guarantee an individual's continued existence. The principle underlying the tactics of battle – that one has to be capable of killing in order to go on living – has become the principle that defines the strategy of states. But the existence in question is no longer the juridical existence of sovereignty; at stake is the biological existence of a population. If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill, it is because power is situated and exercised at

the level of life, the species, the race, and the large-scale phenomena of population. (Foucault: 1998d, 137)

Foucault tells us that the persistence of killing in modernity is no longer a manifestation of the sovereign's right to kill. It is no longer an expression of the power of the sovereign who puts his subjects to death in favour of the political order. Instead, wars and genocides take place in the name and for the sake of life itself, that is to say, for the maintenance of the biological existence of the population as a biological concept and reality. It is therefore the link between life as epistemological concept and political power that needs to be examined in order to be faithful to the meaning of Foucault's attempt to historicize the relationship between power and life. It is therefore a radical reduction of Foucault's philosophical enterprise to claim, as Agamben does, that the bestialization of man to which Foucault refers corresponds to the logic of sovereign power and the symbolic function of blood attached to it. The question of the bestialization of man is linked to the emergence of a biological understanding of life, an understanding that emerges historically at the end of the Classical Age with the development of human sciences. It is in relation to the protection and fostering of life, whose paroxysmal manifestation lets the question of the survival of the population appear, that bio-power emerges in contrast to sovereign power. Instead of grasping the importance of such an historicization, which questions the historical forms taken by the relationship between power and knowledge, Agamben simply produces an ontologization of the concept of sovereign power: it becomes an ahistorical concept which always already prevents the possibility of political critique.

## **2. From Medieval sovereign power to bio-power: the perpetuation of the *imperium* against the management of the population**

In order to grasp the kind of political power emerging at the beginning of the nineteenth century after the decline of royalty, we need to bear in mind that the shift from sovereign power to bio-power – defined by Foucault as the shift from the power to “take life or let live” in favour of the power to “foster life or disallow it to the point of death” (Foucault: 1998d, 136, 138) – does not only correspond to a change of object over which political power is exerted. An entire cosmological understanding is also at stake in this shift which, if we follow Foucault, is not only political but also epistemic. The target of political power is no longer the continuity within the structure of sovereignty in relation to which death marks “the manner in which a terrestrial sovereignty was relieved by another” (Foucault: 1998d, 138). Just as the body loses its central place within the procedure of punishment, the immediate relationship to death established during ritual torture undergoes the same sort of disqualification, as Foucault argues in the first volume of the *History of Sexuality*:

As soon as power gave itself the function of administering life, its reason for being and the logic of its exercise [...] made it more and more difficult to apply the death penalty. How could power exercise its highest prerogatives by putting people to death, when its main role was to ensure, sustain, and multiply life, to put this life in order? (Foucault: 1998d, 138)

The progressive disappearance of the public torture and executions *Discipline and Punish* describes does not echo the mere development or propagation of altruistic ideas and concerns. If capital punishment progressively disappears from

the centre of the public space, it is because we no longer deal with the life of the subjects of the King that threaten the integrity of the Kingdom and get torn to pieces according to the correct ritual in order to make symbolic reparation for their offence, but rather with the preservation of the population as a new political and epistemological reality.

Whereas the imbalance of forces between the infinite power of the King and the body of the condemned was a mark of the cosmological order attached to sovereignty affirming its persistence, bio-power and biopolitics will see emergence of the persistence of the population as the main concern of political power. In *Discipline and Punish*, Foucault does not fail to underline the distinction between the infinite force of the King and the infinitely subjected body of the condemned. As he tells us, the public display of force and violence was not only a means of deterrence directed towards the Kingdom's enemies, but it is also the efficient manifestation of sovereign power itself, actualised through the ritual of torture. The sovereign law could not be distinguished from its force and expression. In the first chapter of *Discipline and Punish*, Foucault writes:

The justice of the king was shown to be an armed justice. The sword that punished the guilty was also the sword that destroyed enemies. A whole military machine surrounded the scaffold: cavalry of the watch, archers, guardsmen, soldiers. This was intended, of course, to prevent any escape or show of force; it was also to prevent any outburst of sympathy or anger on the part of the people, any attempt to save the condemned or to have them immediately put to death; but it was also a reminder that every crime constituted as it were a rebellion against the law and that the criminal was an enemy of the prince. All these reasons – whether a matter of precaution in particular circumstances or a functional element in the performance of the ritual – made the public execution more than an act of justice; it was a manifestation of force, or rather, it was justice as the physical, material and awesome force of the sovereign deployed there. The ceremony of

the public torture and execution displayed for all to see the power relation that gave his force to the law. (Foucault: 1995, 50)

The ritualized manifestation of power that corresponded to public executions was a way to actualise the power of the King as well as to reaffirm this power's ability to destroy enemies, either internal or external to the Kingdom. Sovereign power was directed towards the continuity and stability of a cosmological order that needed to be preserved. This is the reason why the model of war and battle was directed towards the traitor as well as towards the potential conqueror. Thus, the tenet "*rex qui nunquam moritur*" ["the king who cannot die"], mentioned by Ernst Kantorowicz in *The King's Two Bodies* (Kantorowicz: 1997, 316),<sup>15</sup> finds its counterpart in "*populus non moritur*" ["the people does not die"] (Kantorowicz: 1997, 295). It is in this sense that, in Kantorowicz' words, the abstract entity which represents kingship perpetuates the mortal body of the King. This means that the persistence of the *imperium* (through the persistence of the King and of the people) constitutes the political and cosmological structure of Medieval sovereignty. This structure shows that the power of the sovereign and the persistence of the *imperium* is that which constitutes the object of political power at the time. This is the reason why it is impossible to claim, as Agamben does, that "the production of a biopolitical body is the original activity of sovereign power" (Agamben: 1998, 11). The example of Medieval sovereignty

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<sup>15</sup> Ernst Kantorowicz's *The King's Two Bodies* is one of the main sources Foucault uses in his characterization of political sovereign power in *Discipline and Punish*. Kantorowicz has argued the continuity of the order of Medieval political sovereignty in spite and beyond the temporal and mortal existence of the King and his people. His theorization of the meaning of political sovereign power beyond the finitude of human existence allows us to understand how the Empire, as an atemporal entity which links a people to a territory, targets its own persistence through the ritual enforcement and defence of the sovereign law.

proves that the sovereignty of the King does not target the life of a population as biological reality but rather the cosmological order linked to the preservation of a territory. As Kantorowicz puts it:

Baldus<sup>16</sup> [...] assumed a relatively permanent duration of the world which lasted “forever” although its dispositions changed and were subject to corruption and generation. In this case, Baldus applied the doctrine of permanent duration to the *imperium quod semper est*; but he used the same argument also with regard to commonwealth and fisc in general when he said that “they cannot die”, that both were “something eternal and perpetual with regard to their essence, even though the dispositions change frequently”. His formulations were even slightly bolder when talking about the perpetuity of kingdoms and the peoples. (Kantorowicz: 1997, 299)

The permanence of the relation between the King and the people defines the possibility of a common space, the *imperium*, which targets its own perpetuation. This idea of territorial perpetuation is key to understanding the role of sovereignty during the Middle Ages. The King is sovereign in relation to a Kingdom to which corresponds a certain cosmological order. This is the reason why the power exerted by the sovereign is a power of "deduction" (Foucault: 1998d, 136): a recurring deduction of labour force for the exploitation of the soil, of life for the defence of the territory. Foucault confirms this analysis during the 1<sup>st</sup> February 1978 lecture from *Security, Territory, Population*:

From the Middle Ages to the sixteenth century, sovereignty is not exercised on things, but first of all on a territory, and consequently on the subjects who inhabit it. In this sense we can say that the territory really is the fundamental element of both Machiavelli's principality and of the juridical sovereignty of the sovereign as defined by philosophers and legal theorists. Obviously, these territories may be fertile or barren, they may be densely or sparsely populated, the people may be rich or poor, active or idle, but all these elements are only variables in relation to the territory that is the very foundation of the principality of sovereignty. (Foucault: 2009c, 96)

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<sup>16</sup> Kantorowicz refers here to Baldus de Ubaldis, an Italian jurist of the 14<sup>th</sup> century.

Within the paradigm that corresponds to the sovereign power of the King, it is the unity of the Empire that allows it to integrate the question of life and death within the continuity of the Kingdom. If sentencing to death occupied the centre of the public space, it is because the death of the King's subjects, or that of the mortal body of the King himself, did not mean the end of the *imperium*.

The opposition between the King and his subjects had to be joined to the permanence of the territory: the subjects were, in the feudal structure, merely the means for the exploitation of a unified Kingdom; they belonged to the sovereignty of the King just as his territory did. The need for a King and a people that do not die expresses the need to overcome the limit imposed by death. The prolongation of the body of the King and of the people through their abstraction carried the promise of the final unity of the spiritual and temporal times within an eschatological perspective. In this respect, when the King dies, God governs until a new King is invested. Foucault's claim, according to which the terrestrial sovereignty of the King is subordinated to the more powerful sovereignty of God, is in this respect indebted to Kantorowicz who explains the dynastic continuity in relation to Christian theology and eschatology. It is the structure of sovereign power and the cosmological order it produces which is preserved politically. Therefore, the preservation of the *imperium* goes beyond a concern for biological existence. In fact, it has nothing to do with biological existence at all but targets a cosmological structure within which the sovereign, as entity, must preserve its status as foundation of the world. This is the reason why, as Kantorowicz explains,

the possibility of an *interregnum*, which allows the transition from the mortal body of the King to the immortal sovereignty of God, is a necessity. Kantorowicz writes:

In the earlier Middle Ages, apparently following the lead of the Church, the continuity of a realm during an interregnum had been sometimes preserved by a fiction: Christ stepped into the gap as *interrex* and secured, through his own eternity, the continuity of Kingship. (Kantorowicz: 1997, 334)

Kantorowicz shows us that the problem of the finitude of life is resolved at a structural level. This explains why life as biological and immanent reality cannot be understood as an object of political concern before the nineteenth century. In *Security, Territory, Population*, Foucault's point is to show how the move from the political sovereignty of the King to the political concern for the State introduces a new political rationality: it is the existence of the population as immanent and natural reality, and no longer the salvation of the *imperium*, which becomes the main political concern. This is the reason why Foucault, during the 15<sup>th</sup> March 1978 lecture, remarks:

The time of the Middle Ages was still one that, at a certain moment, had to become unified as the universal time of an Empire in which all differences would be effaced, and this universal Empire will herald and be the theater of Christ's return. The Empire, the last Empire, the universal Empire, whether of Caesars or of the Church, was something that haunted the medieval perspective, and to that extent there was no indefinite government. There was no state or kingdom destined to the indefinite repetition in time. (Foucault: 2009c, 260)

The temporality of the Empire, which also corresponds to the time of sovereign power, therefore appeared to be captured within the perspective of a unified structure. The very tension opposing persistence of the *imperium* to the mortal condition of individuals gets articulated on the horizon of a cosmological entity

which needed to be preserved. For instance, the recurrence of taxation carried the idea of a sovereign order perpetuating itself. The fact that such a power seemed to be taken within a ritualistic structure also conveys the idea of the perpetuation of a fixed order of things. Under the paradigm of Medieval sovereignty, the perpetuation of the Empire, hence of the existing relationship between the sovereign and his subject, defines the intrinsic circularity of Medieval sovereignty. It is a circularity which concerns the persistence of a cosmological structure. This is the reason why, during the 1<sup>st</sup> February 1978 lecture, Foucault claims:

Now what does this common good, or this salvation of all, which is regularly invoked by jurists and laid down as the very end of sovereignty, comprise? [...] This means that the end of sovereignty is circular; it refers back to the exercise of sovereignty. The good is obedience to the law, so that the good proposed by sovereignty is that people obey it. There is an essential circularity that, whatever its theoretical structure, moral justification or practical effects, is not so far removed from Machiavelli saying that the Prince's main objective must be to preserve its principality, we always come back to this circular relationship of sovereignty, or the principality, to itself. (Foucault: 2009c, 98-99)

The preservation of the territory is what guarantees the continuation of sovereign power. In relation to Kantorowicz's analysis, it is a series of abstractions (the *corpus mysticum*, the eternal body of the King and divine authority of God), which confers the cosmological stability to the Empire. It is therefore not life as the biological existence of individuals or of a population which defines the political structure of Medieval sovereign power. On the contrary, what matters is the possibility of the continuity of the Empire defined as a "universal Space" encompassing "all members past and future, actual and potential, who followed each other successively in a universal Time." (Kantorowicz: 1997, 309).

As I have shown above, the sovereign power of the King, to which corresponds a cosmology which seeks the preservation of the Kingdom as a structural and territorial entity, does not manage the life of its subjects. The power of deduction the sovereign exerts over his subjects is a withdrawal that serves the interests of the Kingdom, and the violence of the sovereign is either directed towards the wrong-doer who threatens the hierarchy corresponding to sovereignty or towards enemies threatening the integrity of the Kingdom's territory. According to this logic, death occurs in relation to the manifestation of sovereign violence, which manifests its power within the ritualized act of the execution in order to reaffirm the strength and establishment of the sovereign hierarchy that has been threatened. The sovereign power, which manifests a "right of death", is therefore not a power exerted over life for its own sake. It is always a battle conducted for the sake of the Kingdom against an enemy. On the contrary, bio-power and biopolitics do not concern the cosmological horizon of the Empire but the reality of life understood as a biological and natural phenomenon. This new political reality implies that the existence and preservation becomes what guides modern political objectives. As Foucault argues in the last section of the *History of Sexuality*, the concept of bio-power is divided into two sub-categories: "the disciplines: an anatomo-politics of the human body" and "regulatory controls: a biopolitics of the population" (Foucault: 1998d, 139). Whereas disciplines target the question of the body as a machine and attempt to optimize its performance and forces, biopolitics broaden their object: it is not only the case that individual bodies represent a sum of forces that can be used as labour force for economic

purposes, it is also the case that individuals as a group form a reality which, in itself, both depends on and impels specific biological tendencies. As Foucault tells us, the "species body" is a body "imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary" (Foucault: 1998d, 139). In this respect, the question of the "bestialization of man" quoted by Agamben in *Homo Sacer: Sovereign Power and Bare Life* (Agamben: 1998, 10) sees a displacement of the focus of political power from the perpetuation of the cosmological order of the Kingdom (of which the subject of the King is a member) to the population as a group of living individuals. The population corresponds here to a group of living individuals within a specific environment who constitute, as such, a phenomenon subjected to various fluctuations. The bestialization of man, to which Agamben refers in *Homo Sacer: Sovereign Power and Bare Life* (Agamben: 1998, 10), is not merely the individual whose body is disciplined and optimized, nor is it the individual sentenced to death by the sovereign. The concept of population, which has nothing to do with the people belonging to a Kingdom, is not intrinsically linked to a territory that needs to be preserved. Rather, it concerns a phenomenon that can be scientifically observed and influenced. The question of the government of men does not concern the retrieval of an intrinsic nature that would be the essence of man as a living being but is always already at the crossroads of observation and political intervention. Foucault writes:

One of the great innovations in the techniques of power in the eighteenth century was the emergence of "population" as an economic and political problem: population as wealth, population as manpower

or labor capacity, population balanced between its own growth and the resources it commanded. Governments perceived that they were not dealing simply with subjects, or even with a “people”, but with a “population”, with its specific phenomena and its peculiar variables: birth and death rates, life expectancy, state of health, frequency of illnesses, patterns of diet and habitation. All these variables were situated at the point where the characteristic movements of life and the specific effects of institutions intersected: states are not populated in accordance with the natural progression of propagation, but by virtue of their industry, their products, and their different institutions. (Foucault: 1998d, 25)

It is a specific kind of relationship between political power and individuals which Foucault attempts to describe here: it no longer concerns the direct battle opposing the law of the sovereign to the subject of the King who has breached it (as it is the case with public torture and executions). It does not concern the relationship between the sovereign and his people either (in the case of the extraction of labour force or of the mobilisation for war to preserve and foster the Kingdom). It concerns the way in which political power both regulates and registers the fluctuations derived from the observation of the group of living people to which the population, as a phenomenon, corresponds.<sup>17</sup> Foucault calls it the “intersection” between “the characteristic movements of life and the specific effects of institutions”. At this intersection, it is a specific concept of life that is defined: no longer the lives of the feudal subjects which are only seized by sovereign power when they constitute a threat for the Kingdom nor of a people belonging to the King within the symbolic and political unity of the Kingdom, but

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<sup>17</sup> As Foucault describes in *Security, Territory, Population*, the population is an objective and not a fixed reality. It describes a tendency that a group of individuals taken as living beings and object of scientific knowledge reveal (e.g. the increase or decrease of natality or mortality). The population “is pertinent as the objective, and individuals, the series of individuals, are no longer pertinent as the objective, but simply as the instrument, relay, or condition for obtaining something at the level of the population” (Foucault: 2009c, 42). Therefore, the population is not a finished reality but the evaluation of an evolution understood as the expression of a natural phenomenon.

the life of a population defining a natural phenomenon fluctuating within a specific milieu.<sup>18</sup> Death is no longer the occasion of the immediate manifestation of the power of the sovereign seizing and destroying the life of his subject, it becomes the aspect of existence which political power cannot embrace nor control precisely because it is the lives of people as living beings which become the very object of political power at the beginning of the nineteenth century. As Foucault puts it: 'Now it is over life, throughout its unfolding, that power establishes its dominion; death is power's limit, the moment that escapes it; death becomes the most secret aspect of existence, the most "private".'  
(Foucault: 1998d, 138)

Because biopolitics works on a concept of life which corresponds to a fluctuating reality inscribed within a specific temporality (and not the mere fact of being alive in opposition to being dead), the focal point of modern political power is no longer the bipartite opposition between life and death through which the sovereignty of the King strives to negate the finitude of the subjects composing its Kingdom. Instead, it finds its focus in the administration of a phenomenon whose progression is located at the crossroads of natural progression and political intervention. This is the reason why we no longer deal with the persistence of the ritualized expression of sovereign power as a punctual sentence exerted upon individuals as subjects of the King but with the political

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<sup>18</sup> As Katia Grenel puts it in her essay "Le biopouvoir chez Foucault et Agamben", biopolitics targets the multiplicity of men as a global mass. The population is a "scientific and political problem" [*un "problème scientifique et politique"*]. It intervenes on a series of processes such as birth, death and diseases (Grenel: 2004, 4).

management of populations. Accordingly, at the point of junction between the disciplined bodies and the regulation of populations, the way political power operates shifts. It moves from dealing with a symbol of a structural entity (the symbol of blood as part of what invigorates the Kingdom as a body) to the concept of sexuality as the object of knowledge which allows life to become an object of political control and intervention. In the first volume of the *History of Sexuality*, Foucault writes:

We, on the other hand, are in a society of “sex”, or rather a society “with a sexuality”: the mechanisms of power are addressed to the body, to life, to what causes it to proliferate, to what reinforces the species, its stamina, its ability to dominate, or its capacity for being used. Through the themes of health, progeny, race, the future of the species, the vitality of the social body, power spoke of sexuality and to sexuality; the latter was not a mark or a symbol, it was an object and a target. [...] The new procedures of power that were devised during the classical age and employed in the nineteenth century were what caused our societies to go from *a symbolics of blood* to *an analytics of sexuality*. Clearly, nothing was more on the side of the law, death, transgression, the symbolic, and sovereignty than blood; just as sexuality was on the side of the norm, knowledge, life, meaning, the disciplines, and regulations. (Foucault: 1998d, 147-148)

The shift from a symbolic order of blood to an analytics of sexuality clearly illustrates the new form of power which emerges after the Classical Age. Rather than symbolizing the persistence of the entity of the Kingdom through the violence and purity linked to blood, it had to conceive and use the concept of sexuality as a natural reality that would permit the junction between atomised individuals and the population as a fluctuating reality. It is therefore the concept of sexuality that permits the observation, knowledge and influence of behaviours and habits that affects both the lives of individuals and the evolution of populations.

However, the concept of sexuality is an epistemic construction that begins to operate at the crossroads of the development of medicine and social prophylaxis: it is the historical product of the encounter between medico-political power and the existence of living people and it does not pre-exist the modern subject as a transcendental aspect of its nature. As Foucault puts it in the first volume of the *History of Sexuality*:

This is the background that enables us to understand the importance assumed by sex as a political issue. It was at the pivot of the two axes along which developed the entire political technology of life. On the one hand it was tied to the disciplines of the body: the harnessing, intensification, and distribution of forces, the adjustment and economy of energies. On the other hand, it was applied to the regulation of populations, through all the far-reaching effects of its activity. It fitted both categories at once, giving rise to infinitesimal surveillances, permanent controls, extremely meticulous orderings of space, indeterminate medical or psychological examinations, to an entire micro-power concerned with the body. But it gave rise as well to comprehensive measures, statistical assessments, and interventions aimed at the entire social body or at groups taken as a whole. Sex was a means of access both to the life of the body and the life of the species. It was employed as a standard for the disciplines and as a basis for regulations. This is why in the nineteenth century sexuality was sought out in the smallest details of individual existences; it was tracked down in behavior, pursued in dreams, it was suspected of underlying the least follies, it was traced back into the earliest years of childhood; it became the stamp of individuality – at the same time what enabled one to analyze the latter and what made it possible to master it. But one also sees it becoming the theme of political operations, economic interventions (through incitements to or curbs on procreation), and ideological campaigns for raising standards of morality and responsibility: it was put forward as an index of society's strength, revealing of both its political energy and its biological vigour. (Foucault: 1998d, 145-146)

If sexuality allows the articulation of the concept of individual to the one of population, it is because bio-power and biopolitics concern a concept of life that gets taken into strategies embracing political knowledge and intervention. This is

the reason why Foucault uses the expression “political technology of life”. On the one hand, if the politics applied to life through the spectrum of bio-power are the products of a technology, it means that the object they produce is neither natural nor pre-given, but is historically constituted as an object through political power itself. On the other hand, the fact that life becomes the object of a political technology shows that, unlike sovereign power which expresses a right to kill, bio-power targets and influences the very existence of individuals.

Already in the last section of the first volume of the *History of Sexuality*, the question of the biologization of the lives of men cannot be understood merely as the expression of a sovereign right of death over individuals reduced to their utmost existence as animals. For instance, the question of racism – examined by Foucault both in this text and in *Society Must Be Defended*<sup>19</sup> – shows that the fantasy of pure or superior blood held by Nazism is supported by a whole apparatus of disciplinary power, which does not solely work on the binary opposition between the ally and the enemy of the Kingdom, but on the basis of the concept of the pure and good nature of the population which needs to be preserved and defended. When, in the first volume of the *History of Sexuality*, Foucault mentions Nazism, he takes great care to underline the intricate relationship existing between the fantasy of superior blood – which continues the symbolism of sovereign power – and the disciplinary logic at the basis of such politics. He writes:

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<sup>19</sup> Foucault examines the question of racism in the 17<sup>th</sup> March 1976 lecture (Foucault: 2003b, 239-272).

Racism took shape at this point (racism in its modern, “biologizing”, statist form): it was then that a whole politics of settlement, family, marriage, education, social hierarchization, and property, accompanied by a long series of permanent interventions at the level of the body, conduct, health, and everyday life, received their color and their justification from the mythical concern with protecting the purity of the blood and ensuring the triumph of the race. Nazism was doubtless the most cunning and the most naïve (and the former because of the latter) combination of the fantasies of blood and the paroxysms of a disciplinary power. A eugenic ordering of society, with all that it implied in the way of extension and intensification of micro-powers, in the guise of an unrestricted state control, was accompanied by the oneiric exaltation of a superior blood; the latter implied both the systematic genocide of others and the risk of exposing oneself to a total sacrifice. (Foucault: 1998d, 149, 150)

If a race is concerned with the question of the purity of blood, it is not because the enemy threatens the sovereign’s ability to manifest its power over a Kingdom or a territory but because the enemy represents a threat to the pure nature of the race that is protected and preserved. It is no longer the model of the war between Kingdoms or between races that serves to illustrate the logic of preservation at the basis of political power, but the idea that it is the good nature of the population itself, the good *race* that might get corrupted and threatened.

The modern racism Foucault describes does not deal with the paradigm of sovereign power ordering an *imperium*, but with the idea of life as true nature that must resist corruption. If sovereign power survives under totalitarian regimes, it is thanks to a biologism which, by preferring one population over another, finds its validity in the truth of the pure race. This is the reason why Foucault describes the modern form of racism as a form of counter-history:<sup>20</sup> a

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<sup>20</sup> Foucault provides this description during the 28<sup>th</sup> January 1976 lecture at the Collège de France from *Society Must Be Defended*.

history that no longer concerns the mythical and sempiternal story of the foundation of the Empire that strives to maintain itself, but a history which has the biogeno-medical nature of the population as its foundation. Foucault writes:

The history of the revolutionary project and of revolutionary practice is, I think, indissociable from the counter-history that broke with the Indo-European form of historical practices, which were bound up with the exercise of sovereignty; it is indissociable from the appearance of the counterhistory of races and of the role played in the West by clashes between races. We might, in a word, say that at the end of the Middle Ages, in the sixteenth and seventeenth centuries, we left, or began to leave, a society whose historical consciousness was still of the Roman type, or which was still centered on the rituals of sovereignty and its myths, and that we then entered a society [...] whose historical consciousness centers not on sovereignty and the problem of its foundation, but on revolution, its promises, and its prophecies of future emancipation. [...] And it was at the moment when a counterhistory of the revolutionary type was taking shape that another counterhistory began to take shape – but it will be a counterhistory in the sense that it adopts a biogeno-medical perspective and crushes the historical dimension that was present in this discourse. You thus see the appearance of what will become actual racism. This racism takes over and reconverts the form and function of the discourse of race struggle, but it distorts them, and it will be characterized by the fact that the theme of historical war – with its battles, its invasions, its looting, its victories, and its defeats – will be replaced by the postrevolutionist theme of the struggle for existence. It is no longer a battle in the sense that a warrior would understand the term, but a struggle in the biological sense: the differentiation of species, natural selection, and the survival of the fittest species. Similarly, the theme of the binary society which is divided into two races or two groups with different languages, laws, and so on will be replaced by that of a society that is, in contrast, biogenically monist. Its only problem is this: it is threatened by a certain number of heterogeneous elements which are not essential to it, which do not divide the social body, or the living body of society, into two parts, and which are in a sense accidental. Hence the idea that foreigners have infiltrated this society, the theme of the deviants who are this society's by-products. The theme of the counterhistory of races was, finally, that the State was necessarily unjust. It is now inverted into its opposite: the State is no longer an instrument that one race uses against another: the State is, and must be, the protector of the integrity, the superiority, and the purity of the race. The idea of racial purity, with all its monistic, Statist, and biological implications: that is what replaces the idea of race struggle. I think that racism is born at

the point when the theme of racial purity replaces that of race struggle, and when counterhistory begins to be converted into biological racism. (Foucault: 2003b, 79-81)

Whereas the foundation of the power of the sovereign is linked to a mythical truth that exists outside time and regardless of time, the biological implications of modern racism emerge from an opposition directed towards the mythical and timeless foundation of sovereign power. Parallel to the emergence of a counterhistory that goes against the mythical and timeless foundation of sovereign power, Foucault sees the emergence of a historical discourse of the revolutionary type supposed to challenge the foundation of sovereign power in the name of the King or of God. However, the model of the battle or of war opposing the ally of the Kingdom to its enemy gets replaced by the war between races which, instead of being supported by the over-arching sovereignty of God, finds its ground in the idea of a pure and superior race. It is no longer the *imperium* that needs to be protected (an *imperium* whose foundation and truth is derived from the eminence of the power of the sovereign itself) but the survival of the good race. This is the reason why Foucault claims that the “struggle for existence” (at stake in biological racism) replaces the theme of the “historical war” which opposed one people to another. In the same fashion, if “the State is no longer an instrument that one uses against another”, it is because the monism defined by the unity of the Kingdom is replaced by a monism which advocates the purity of the race. The enemy of such a monism and integrity is no longer found in the other State, the other people, or the other Kingdom, but in the other who has infiltrated the purity providing the foundation to the race: it is no longer the truth proceeding from the sovereignty of God which saves the structure of

the Kingdom from death, it is the concern for the purity of the race which founds the pure and superior race in truth and prevents it from being corrupted.

The modern enemy is therefore less the stranger outside of the State or the Kingdom than the “foreigner”, “deviant” or “by-product” of the society. If the modern State’s legitimacy is no longer founded in truth by the sovereignty of the King or of God – hence by a structural transcendence – the question that remains concerns the basis which allows one to discriminate the pure from the impure, those who deserve to live or those who will, in Foucault’s own words, be “disallow[ed] [...] to the point of death” (Foucault: 1998d, 138).<sup>21</sup> What does not appear in full clarity in 1976 – neither in the last section of the first volume of the *History of Sexuality*, nor in *Society Must Be Defended* – is the fact that when the paradigm of sovereign power disappears at the end of the Classical Age, it is also its eminence and transcendence that disappears. It is a mutation which Etienne Balibar clearly identified in his 2011 *Citoyen sujet et autres essais d’anthropologie philosophique*. Balibar insists on the fact that:

The representation of sovereignty is in effect implied in the idea of eminence, and conversely the reality of finite things could not be understood outside the specific dependence “according to which all things are subjected to God”.<sup>22</sup> (Balibar: 2011, 38)

If the eminence of the most sovereign (God) is what grounds the existence of the feudal subject in the face of death (by including it within the Kingdom as an

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<sup>21</sup> As Jean Terrel puts it in his essay “Les Figures de la Souveraineté”, killing becomes a means “to develop the vitality of the race” [“*developper la vitalité de la race*”] as well as “to purify one’s own race by exposing it to death” [“*purifier sa propre race en l’exposant à la mort*”] (Terrel: 2003, 123).

<sup>22</sup> “La représentation de la souveraineté est en effet impliquée dans l’idée d’éminence, et inversement la réalité des choses finies ne saurait se comprendre hors d’une dépendance spécifique selon laquelle toutes choses sont sujettes à Dieu.”

intrinsic part of it), the modern concept of race finds no other ground than that of its own purity and it therefore unavoidably carries the spectrum of death from another angle. Killing is no longer that which concludes the violent manifestation of sovereign power and allows the subject of the King to pass from terrestrial to divine sovereignty, it becomes a necessary means for the preservation of the purity of a population. What Foucault's take on racism tells us is that the apparent return of sovereign power under the form of totalitarianism cannot be superimposed on the paradigm of sovereign power preceding the Classical Age: putting to death is no longer the act through which the sovereign expresses the infinitude of its power against the mortal subject for the sake of the preservation of the Kingdom but becomes a means to preserve the existence of the pure race or, to put it differently, of the population which deserves to live.

### **3. Agamben's misreading of the meaning of the "biological" in Foucault's first volume of *The History of Sexuality***

Agamben's definition of modern biopolitical power is founded on the use of the concept of bare life, a concept that relies on a clear distinction between *zoe* and *bios*: life as "bare" biological existence in opposition to political life. In order to reach such a distinction, Agamben uses the Aristotelian definition of man as *zoon politikon* – a living being that possesses a political disposition on top of its very existence as living being.<sup>23</sup> It is the conceptual distinction Agamben introduces

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<sup>23</sup> Aristotle defines man as *zoon politikon* in *Politics, Book I, 1253a 1-15* (Aristotle: 1908, 28-29).

between the concept of bare life belonging to nature (*phusis*)<sup>24</sup> in opposition to a political life belonging to the realm of law (*nomos*) which allows Agamben to problematize the specificity of modern political power in relation to the overlapping or the conflation of the two concepts of life (the natural and the political life). According to him, both are clearly distinguished in Aristotle but yet not distinguished in Foucault's first volume of the *History of Sexuality*. It is on the basis of such an emphasis that Agamben writes:

The Foucauldian thesis will then have to be corrected or, at least, completed, in the sense that what characterizes modern politics is not so much the inclusion of *zoē* in the *polis* – which is, in itself, absolutely ancient – nor simply the fact that life as such becomes a principal object of the projections and calculations of State power. Instead the decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life – which is originally situated at the margins of the political order – gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact, enter into a zone of irreducible indistinction. (Agamben: 1998, 12)

According to Agamben, the modern integration of life into political calculations, which characterizes bio-power, is merely the symptom of a more fundamental shift unnoticed by Foucault: the modern superimposition of *zoe* and *bios*, that is the superimposition of a so-called “natural” and political life originally heterogeneous in Classical Greek antiquity. According to Agamben, as soon as natural life (*zoe*) becomes conflated with political life (*bios*), the mere fact of being alive cannot but become the object of political strategies and calculations.

The problem with Agamben's political diagnostic of modernity lies in the fact that

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<sup>24</sup> This word is either transcribed *physis* (in Agamben's *Homo Sacer: Sovereign Power and Bare Life*) or *phusis* (in Foucault's texts). For the sake of consistency, I have chosen to spell it *phusis* throughout the course of my argument. However, I have respected the spelling used in the original texts.

it is built upon two criticizable assumptions which amount to a misreading of Foucault's philosophical enterprise.

The first problematic assumption implied by Agamben's exposition of bio-power lies in the paradoxical historicization and dehistoricization of the concept of sovereign power he provides. On the one hand, "the inclusion of *zoe* in the *polis*" is "absolutely ancient", yet, on the other hand, "the realm of bare life [...] gradually begins to coincide with the political realm, [...] *bios* and *zoe*, right and fact, enter into a zone of irreducible indistinction". The reason for this contradiction is found in the ontologization of the concept of sovereign power, which is itself reliant on the ahistoricity of Agamben's concept of bare life as natural life. Even though Agamben appears to recognize bio-power as a modern political reality, this apparent historicity ultimately falls back upon and is founded by an ontologization of bare life as the life which becomes the transcendental condition of the politics and makes the political and lawful order possible. In *Homo Sacer: Sovereign Power and Bare Life*, Agamben writes:

The present inquiry concerns precisely this hidden point of intersection between the juridico-institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and that the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power.* (Agamben: 1998, 11)

According to Agamben, his book targets a "hidden point of intersection between the juridico-institutional and the biopolitical models of power". Yet, he claims that "the production of the biopolitical body is the original activity of sovereign

power”, that is to say sovereign power and biopolitics are always already coextensive. The conceptual heterogeneity between sovereign power and bio-power, which I have exposed in the first section of this chapter, prevents one from arguing that sovereign power remains the basis upon which the juridico-institutional and the biopolitical models of power find their articulation. This gesture, which consists in reducing the historical specificity of bio-power to the production of a biopolitical body amounts to the neglect of the very historical dimension of political power and the mutation of jurisdiction Foucault diagnoses after the Classical Age. Transforming the historical character of sovereign power identified by Foucault in the last section of the first volume of the *History of Sexuality* into a transcendental and ahistorical pre-given concept allows Agamben to isolate a concept of life which is entirely dependent upon the sovereign decision: it is through this decision that the limit between the natural and the political sphere is traced and that bare life gets included in the political realm. Therefore, the bare life Agamben points at remains a product of sovereign power and is radically different from the concept of life Foucault targets.

Agamben’s characterization of “the production of a biopolitical body” (Agamben: 1998, 11) as the “original activity” of sovereign power transforms Foucault’s historical critique of sovereign power into an ontology of sovereign power: it claims to identify the essential characteristic of sovereign power, which would be “the production of a biopolitical body” at all times of history. Agamben continues by establishing a clear equivalence between bare life and “biological life” as if the concepts of biological and “non-political” life could be superimposed without

difficulty. It is such an equation that allows him to claim that biopolitics is the intrinsic activity of sovereign power. He writes:

It can even be said that the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the sovereign exception. Placing biological life at the centre of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting sovereign power and bare life, thereby reaffirming the bond (derived from a tenacious correspondence between the modern and the archaic which one encounters in the most diverse spheres) between modern power and the most immemorial of the *arcana imperii*. (Agamben: 1998, 11)

The “secret tie uniting sovereign power and bare life” Agamben mentions is the conceptual gesture that prevents any historical critique. Because Agamben refuses to distinguish “the modern power” and “the most immemorial of the *arcana imperii*”, the concepts of bare life and sovereign power work reciprocally and the “natural” or “biological” life Agamben describes always already implies the sovereign decision. The historical specificity Agamben grants to biopolitical modernity seems therefore highly questionable as it merely lies upon a primordial sovereign decision related to an ahistorical concept of sovereign power.

In the 1976 first volume to *The History of Sexuality*, Foucault provides a clear historicization of sovereign power and consequently opens up the possibility of its mutation. He writes:

For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence, modern man is an animal whose politics places his existence as a living being in question (Foucault: 1998d, 143)

When Foucault writes that “modern man is an animal whose politics places his existence as a living being in question” [*l’homme moderne est un animal dans la politique duquel sa vie d’être vivant est en question*], he designates a political administration of life which does not essentially coincide with an understanding of life understood in biological terms. Life may indeed be qualified as “biological” only through the scope of an understanding of life that corresponds to the modern *episteme* within which Foucault places his analysis of bio-power and biopolitics. This biological life is first of all the product of a representation of knowledge: it is a kind of discourse which has no relevance when referring to Greek antiquity. Hence, biological life cannot be superimposed with the idea of an unqualified nature that would ground political power and constitute the “hidden point of intersection between the juridico-institutional and the biopolitical models of power” (Agamben: 1998, 11) for the concept of biological life emerging with the nineteenth century is in itself an intrinsic part of the biopolitical model of power. The distinction Aristotle draws between *zoe* and *bios* in his *Politics* cannot therefore be used to qualify the nature of the biological life at stake with bio-power and biopolitics.

The concept of bare life at the margin of the *polis*, and his account of modernity as the absorption of *bios* (the realm of political life) by *zoe* (animal life and biological persistence) do not do justice to the actual problem underlying the question of bio-power, namely the fact according to which the law now gets articulated with the concept of norm (Foucault: 1998d, 144). Whereas Agamben understands the political realm of the law to be the one of the norm (in contrast

to nature or *phusis*), Foucault understands the concept of norm as resulting from the mutation of *episteme* and jurisdiction. Indeed, when Agamben locates the sovereign at the threshold of the distinction between what he calls "*phusis*" and "*nomos*" (the natural realm *versus* the political realm), he fails to account for the mutation of jurisdiction that Foucault sees in the shift from sovereign power to bio-power and biopolitics. It is no longer the case that the law corresponds to the judicial rule derived from sovereign power. If the judicial edifice of power does not disappear with the nineteenth century, it nevertheless no longer occupies the centre of political power. On the contrary, it now serves to regulate the emergence of the natural rule as a positivity, an object of knowledge that manifests itself through the code of normalization defined by disciplines.<sup>25</sup> This code of normalization, which determines the framework within which the natural rule of norms gets expressed, cannot be aligned with the concept of bare life whose integration into the political sphere Agamben sees as the distinctive mark of political modernity. Instead, the fact according to which a "continuum of apparatuses" follows life in its temporality tells us more about the meaning of the "biological" which is the target of bio-power and biopolitics. Failure to grasp the "biological" as the *logos* about a *bios* (that is a positive discourse about the lives of the individual composing the population) cannot account for the historical specificity of the *episteme* Foucault describes.

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<sup>25</sup> As Blanchot puts it in his essay "Michel Foucault as I Imagine Him": "when power renounces its alliance with the sole prestige of blood and bloodlines (under the influence of the Church, which would profit from it by overthrowing the rules of kinship – by suppressing the levirate, for example), sexuality takes on a preponderance that no longer associates it with the Law but with the norm, no longer with the rights of masters, but with the future of the species – life – under the control of a knowledge laying claim to determine and regulate everything." (Foucault & Blanchot: 1989, 96-97).

It is precisely because Agamben misses the question of the relationship between knowledge and life that he cannot escape an ontological understanding of life as bare life which fails to go beyond the modern *episteme* Foucault first describes in *The Order of Things*: the fact according to which Life, Language and Labour emerge as quasi-transcendentals according to which modern man constitutes a knowledge of himself as a finite epistemological reality. In the introduction to the second volume of the *History of Sexuality*, Foucault refers to the “games of truth” according to which man “conceives of himself as a living, speaking, laboring being” (Foucault: 1990, 7). He obviously refers to chapter 8 of *The Order of Things* entitled “Labour, Life, Language” (Foucault: 2001e, 272-329) where he writes:

We have now advanced a long way beyond the historical event we were concerned with situating – a long way beyond the chronological edges of the rift that divides in depth the *episteme* of the Western world, and isolates for us the beginning of a certain *modern* manner of knowing empiricities. This is because the thought that is contemporaneous with us, and with which, willy-nilly, we think, is still largely dominated by the impossibility, brought to light towards the end of the eighteenth century, of basing syntheses in the space of representation, and by the correlative obligation – simultaneous but immediately divided against itself – to open up the transcendental field of subjectivity, and to constitute inversely, beyond the object, what are for us the “quasi-transcendentals” of Life, Labour and Language. In order to bring about the emergence of this obligation and this impossibility in all the harshness of their historical irruption, it was necessary to let analysis run right through the thought that it finds its source in such a chiasm; it was necessary that verbal formulation should waste no time in traversing the destiny or slope of modern thought in order to reach at last the point where it could turn back: this clarity of our day, still pale but perhaps decisive, that enables us, if not to avoid entirely, at least to dominate by fragments, and to master to some extent what, from that thought formed on the threshold of the modern age, still reaches us, invests us, and serves as a continuous ground for our discourse. (Foucault: 2001e, 272-273)

It is within the scope of “the *modern* manner of knowing empiricities” that the relationship between life, discourse and language proper to bio-power and biopolitics needs to be understood. The fact that life, labour and language are described by Foucault as “quasi-transcendentals” tells us that the transcendental dimension (as condition of possibility for the political space) Agamben grants to life misses the “quasi” Foucault underlines, hence the irreducible difficulty there is in superimposing knowledge and experience within the scope of an ontological discourse. The “quasi-transcendentals” Foucault refers to indicates the historical possibility of identifying such a mismatch by confronting the modern mode of thinking man’s finitude with a different mode of thinking. “The impossibility [...] of basing syntheses in the space of representation, and [...] to open up the transcendental field of subjectivity, and to constitute inversely, beyond the object, what are for us the “quasi-transcendentals” of Life, Labour and Language” (Foucault: 2001e, 272) shows that it is, according to Foucault, impossible to constitute within the field of positive knowledge a discourse which folds the subject of knowledge back on himself as an object of this very knowledge. As a consequence of this impossible posture, Foucault describes the modern concepts of Life, Labour and Work as givens whose historical emergence is no longer questioned. It is, however, by questioning this emergence that the field of transcendentality may be identified and put into question. This field of transcendentality determines the condition of possibility as well as the finitude of the modern understanding of the concept of life. Human life becomes a concept understood and rationalized as the manifestation of a nature which precedes and conditions its manifestation.

Ignoring Foucault's scattered but real and consistent reflection on the finitude of man's knowledge, Agamben is unable to identify the modern specificity of the mode of thought Foucault describes. This is the reason why he concludes *Homo Sacer: Sovereign Power and Bare Life* with the idea that in the syntagm "bare life", "bare" corresponds to the Greek *haplos*, which designates a "pure Being" (Agamben: 1998, 102). He writes:

what constitutes man as a thinking animal has its exact counterpart in what constitutes him as a political animal. In the first case, the problem is to isolate pure Being (*on haplos*) from the many meanings of the term "Being" [...]; in the second, what is at stake is the separation of bare life from the many forms of concrete life. Pure being, bare life – what is contained in these two concepts, such that both the metaphysics and the politics of the West find their foundation and sense in them and in them alone? What is the link between the two constitutive processes by which metaphysics and politics seem, in isolating their proper element, simultaneously to run up against an unthinkable limit? (Agamben: 1998, 102)

Agamben here not only claims to identify a correspondence between the metaphysical question and the essence of the political question, he also advocates the possibility of reaching their essence through the isolation of a "pure" being and "pure" life. The isolation of this "pure Being" corresponds to the isolation of bare life as a concept: an "unthinkable limit" which is not so distant from Foucault's impossible synthesis of subjective experience but is yet not thought in terms of the question about the possibility of the knowledge of life (*i.e.* in terms of the impossibility to represent man's finitude). Isolating life as a concept ultimately amounts to a dead-end, since – to follow Agamben's argument until its final development – it would result in "a *bios* that is only its own *zoe*" (Agamben: 1998, 105) and in the impossibility for "a form of life [to]

seize hold of [its] very *haplos*" (Agamben: 1998, 105). This reveals that Agamben fails to identify the problem targeted by Foucault when he questions the mutation of sovereign power after the Classical Age with the emergence of the modern *episteme*. Agamben remains committed to an ontological and metaphysical understanding of the concept of sovereignty which reaches its limits when confronted by the question of the relationship between knowledge and life bio-power describes. This question addresses the impossibility, for an individual, to represent positively the essence of his own life.

It is not by chance that medicine comes first in Foucault's list of apparatuses taking part in modern life's political administration. One must remember that when Foucault coins the term "biopolitics" for the first time,<sup>26</sup> he is giving a lecture on social medicine at the State university of Rio de Janeiro in October 1974 and contextualizes it in those terms:

What I maintain is that, with capitalism, we did not go from a collective medicine to a private medicine. Exactly the opposite occurred: capitalism, which developed from the end of the eighteenth century to the beginning of the nineteenth century, started by socializing a first object, the body, as a factor of productive force, of labor power. Society's control over individuals was accomplished not only through consciousness or ideology but also in the body and with the body. For capitalist society, it was biopolitics, the biological, the somatic, the corporal, that mattered more than anything else. The body is a biopolitical reality, medicine is a biopolitical strategy. (Foucault: 2000b, 136-137)

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<sup>26</sup> According to Antonella Cutro, the term biopolitics was not originally coined by Foucault. It is first found in Morley Roberts' *Bio-politics. An essay on the physiology, pathology and politics of social and somatic organisms* and designates an attempt to understand how biological knowledge may be used to influence and act upon social phenomena (Cutro: 2010, 59).

This quotation shows that, from the earliest stage, the concept of biopolitics works at the level of the biological, the somatic and the corporal. However, those three terms do not refer to natural life as such but always already to its modern, scientific and positive understanding. Unlike Catherine Malabou, who, in a recent lecture,<sup>27</sup> criticized the vagueness of such a lexical alignment as a failure to “go beyond” the political paradigm of modernity, I argue that this specific lexical choice translates the presence of a different problem. Between the “spectacle of the scaffold” found in *Discipline and Punish*, which epitomizes the power of the King over the body of the condemned and over the body as “bio-political reality”, my claim is that the biological and the somatic point towards another kind of power over bodies than the one at stake with sovereign power. The biological and the somatic, as products of modern science, medicine and psychoanalysis are first of all products of the grasp of life within the field of knowledge whereby the empirical existence of men as living beings is turned into its possible scientific representation. I claim that bio-power and biopolitics share a historical specificity: they find themselves within the modern *episteme* whereby, to use a phrase from *The Birth of the Clinic*, the individual becomes both “subject and object of his own knowledge” (Foucault: 2003a, 244).<sup>28</sup>

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<sup>27</sup> This lecture is entitled “A Critique of Foucault” and is available at <https://www.youtube.com/watch?v=6OUbWHqXO2E> (accessed on 29<sup>th</sup> July 2015).

<sup>28</sup> As Philippe Hauser puts it in his essay “Anti-Humanisme et Mort de l’Homme chez le Premier Foucault”: “[i]n his *Archaeology of human sciences (The Order of Things, 1966)*, Foucault explores both the ground on which lies our modern culture and the positive knowledge which developed on it, whilst posing the fundamental problem [...] of the possibility of an ‘authentic’ knowledge of man – whose impossibility he will precisely demonstrate [...]” [“Dans son *Archéologie des sciences humaines (Les Mots et les Chose, 1966)* Foucault explore à la fois le fond sur lequel repose notre culture moderne et le savoir positif qui s’y est développé, tout en posant le problème fondamental [...] de la possibilité d’une connaissance ‘authentique’ de l’homme – dont il montrera précisément la radicale impossibilité [...]” (Hauser: 2005, 63).

In contrast to Agamben's thesis, I am arguing that Foucault's concern with the mutation from sovereign power to bio-power is actually nourished by the underlying question of the mutation of jurisdiction. This question interrogates the historicity of the concept of truth which links the modern concept of "biological life" to the idea of a true nature. This question of jurisdiction, which addresses the historical mutation of the relationship between political power, truth and knowledge, is what allows one to identify the rupture that emerges after the Classical *episteme*. Such a rupture, according to which "the law operates more and more as a norm" (Foucault: 1998d, 144), disqualifies the law of the sovereign as what puts the world into order. Rather, it is the concept of natural rule, which implies an epistemological correspondence between the immanent existence of the modern subject and the positivity of scientific knowledge, which defines the framework within which modern politics operate.<sup>29</sup> As François Ewald clearly argues in his article entitled "Norms, Discipline and the Law":

Foucault does not mean to suggest here that the development of bio-power is accompanied by a decline of law. His further commentary makes it clear that the formation of a normalizing society in no way diminished the power of law or caused judicial institutions to disappear. In fact, normalization tends to be accompanied by an astonishing proliferation of legislation. Practically speaking, legislators never expressed themselves as freely or as extensively as in the age of bio-power. The norm, then, is opposed not to law itself but to what Foucault would call "the juridical": the institution of law as the expression of a sovereign's power. If, as Foucault puts it, "the law cannot help but be armed", and if its weapon *par excellence* is death, this equation of law and death does not derive from the essential character of the law. Law

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<sup>29</sup> As Mika Ojakangas puts it in his essay "Impossible Dialogue on Bio-power. Agamben and Foucault": "This does not mean that the law has faded into the background or that institutions of justice have disappeared, but rather that the law operates more and more as a tool of bio-power, that is, as a technique the task of which is to regulate and correct the development of life in general" (Ojakangas: 2005, 15).

can also function by formulating norms, thus becoming part of a different sort of power that “has to qualify, measure, appraise, and hierarchize rather than display itself in its murderous splendor.” In the age of bio-power, the *juridical*, which characterized monarchical law, can readily be opposed to the *normative*, which comes to the fore most typically in constitutions, legal codes, and the constant and clamorous activity of the legislature.” (Ewald: 1990, 138)

If the judicial does not disappear from the economy of bio-power and if death is not an essential consequence of the law, then it means that law functions differently in modernity than “the expression of a sovereign’s power”, which was essentially deadly. Ewald brings to the fore the shift from a judicial paradigm of political power, which coincides with the sovereign’s expression of the law, to the normative paradigm, which gets articulated upon the “continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory” and “effects distributions around the norm” (Foucault: 1998d, 144). This distribution is however only possible once the modern subject has been at the same time abstracted as a knowable object and therefore alienated from the strict immanence of its individual existence. Contrary to Agamben, who grounds his account of biopolitical power upon a ready-to-use concept of “biological life”, my aim is to question the concepts of “natural” and “biological” which are used in the first volume of the *History of Sexuality* to qualify the shift from sovereign power to bio-power. This shift is from a form of power centred on the law of the sovereign that puts death at the centre of its manifestation, to a form of power centred around the norm for which death corresponds to what escapes the possible administration of life.

Agamben's failure to grasp the radical historicization of sovereign power at the basis of Foucault's diagnosis of the emergence of biopolitical modernity forces him to erect the main concepts which allow him to articulate his demonstration as transcendental conditions of politics: sovereign power and bare life. Agamben's reading of Foucault's last section of the first volume of the *History of Sexuality* produces a conceptual conflation of the concepts of nature and biology. Whilst Agamben believes they refer to the same reality, Foucault clearly underlines a distinction proceeding from the specificity of the modern *episteme*. What biology means since the nineteenth century corresponds to the inclusion of individuals in an epistemic configuration that turn them into objects of knowledge. The shift from life understood as concrete and immanent individual existence to political strategies regulating and policing the lives of populations is the crucial distinction Agamben misses when he links sovereign power and bare life to a metaphysical definition of politics which ignores the temporal dimension of life itself within which individual existences get normalized. It is, according to Agamben, the sovereign decision which produces the distinction between what he calls *nomos* (the space within which life is subjected to the sovereign law) and *phusis* (a so-called "natural" space where life escapes the sovereign law and is left "bare"). Bare life is therefore nothing else than the life which has been excluded from the sovereign law, but the originality of Agamben's argument is to claim that the exclusion of bare life from the *polis* corresponds to a state of exception which proceeds from the sovereign decision (Agamben: 1998, 12). He writes:

The "sovereign" structure of the law, its peculiar and original "force", has the form of a state of exception in which fact and law are indistinguishable (yet must, nevertheless, be decided on). Life, which is

thus obliged, can in the last instance be implicated in the sphere of law only through the presupposition of its inclusive exclusion, only in an *exceptio*. There is a limit-figure of life, a threshold in which life is both inside and outside the juridical order, and the threshold is the place of sovereignty. (Agamben: 1998, 22)

Agamben's distinction between *zoe* and *bios* merely constitutes the first step of a logic which grants bio-power and biopolitics the status of a de-historicized reality. Ultimately, the fact according to which the emergence of bio-power corresponds to a new distribution of natural and political life (hence the incorporation of a so-called "natural" life within the political sphere) only serves to prove the grounding position of the sovereign who decides upon the inclusion or the exclusion of bare life in or from the *polis*. The concept of life Agamben designates here corresponds to a notion of "unqualified" life opposed to the qualified life which corresponds to *bios*. In the introduction of *Homo Sacer: Sovereign Power and Bare Life*, he writes:

The Greeks had no single term to express what we mean by the word "life". They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoe*, which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group. When Plato mentions three kinds of life in the *Philebus*, and when Aristotle distinguishes the contemplative life of the philosopher (*bios theoretikos*) from the life of pleasure (*bios apolaustikos*) and the political life (*bios politikos*) in the *Nicomachean Ethics*, neither philosopher would ever have used the term *zoe* (which in Greek, significantly enough, lacks a plural). This follows from the simple fact that what was at issue for both thinkers was not at all simple natural life but rather a qualified life, a particular way of life. (Agamben: 1998, 9)

Following Agamben's argument, we see that the unqualified "bare" life he designates corresponds to the Greek *zoe*, expressing in his words "the simple fact of living common to all living beings". This means that the sovereign's ability to

trace the threshold between bare life and political life corresponds to his ability to expose the fundamental *zoe* at the basis of any human being's existence. However, the gesture which consists in positing *zoe* or "natural life" as the basis over which an ahistorical form of sovereign power is exerted clearly ignores the historicization of the concept of life present in Foucault's description of the modern *episteme*. Judith Revel writes:

As for bare life, the concept seems to allude to something on which life understood as a historico-social construction would be founded, some sort of primal nucleus or primordial stratum, which Agamben defines exactly as the reduction of *bios* to *zoe*. Yet, even the way in which one attempts to think biology – or "nature" in general – does not escape history, that is, a cultural construction. It is sufficient to recall Foucault's work on the natural sciences in the 1960s, for instance in *The Order of Things*, or to more recent analyses of the way in which the opposition between nature and culture, so fundamental in anthropology, is in fact ripe for an *anthropological* deconstruction. In short, the idea of "biological life" is no more able than the idea of "nature" to save us the trouble of a spatial, temporal, and cultural contextualization. (Revel: 2014, 121)

As she rightly claims, the postulate which claims that *zoe*, nature, and biological life refer to the same historical reality fails to grasp the epistemological specificity of anthropological discourse. The historicity of the relationship between power and life Foucault identifies throughout his work forces the deconstruction of such concepts and implies that one puts into question the epistemological shift which allows the modern superimposition of concrete individual existence, biological life and human nature.<sup>30</sup>

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<sup>30</sup> As Foucault clearly states during his conversation with Noam Chomsky on Dutch television in 1971, "the notion of life is not a *scientific* concept; it has been an *epistemological indicator* of which the classifying, delimiting, and other functions had an effect on scientific discussions, and not on what they were talking about" (Chomsky & Foucault: 2006, 6). This means that the concept of life can never refer in itself to an immanent and concrete reality but is always already the effect of an epistemological construction. Therefore, there can be "bare" or "natural" life as such.

#### **4. The natural rule: the product of a new relationship between power and knowledge**

The question brought forward by Foucault's reflection on modern racism – expressed as the “battle for existence” no longer relies on the law of the sovereign but upon the nature of life based upon the concept of norm. This idea, already expressed by Foucault in the last section of the first volume of the *History of Sexuality*, corresponds to the move from “the juridical existence of sovereignty” to “the biological existence of a population” (Foucault: 1998d, 137).

As Foucault puts it in the first volume of the *History of Sexuality*:

The law always refers to the sword. But a power whose task is to take charge of life needs continuous regulatory and corrective mechanisms. It is no longer a matter of bringing death into play in the field of sovereignty, but of distributing the living in the domain of value and utility. Such a power has to qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendour; it does not have to draw a line that separates the enemies of the sovereign from his obedient subjects; it effects distributions around the norm. I do not mean to say that the law fades into the background or that the institutions of justice tend to disappear, but rather that the law operates more and more as a norm, and that the judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory. A normalizing society is the historical outcome of a technology of power centered on life. (Foucault: 1998d, 144)

Foucault's insistence on the shift from a power based upon the law, to a power centred on the norm shows that as soon as political power produces a technology which targets life (that is a technology aiming at the administration of the existence of individuals and the evolution of the population), the law becomes secondary and gets incorporated within a form of power which “operates more and more as a norm”. This means that as soon as life becomes the object of a

political technology, it is through normalization that it becomes administrable and regulated. The origin of such a regulation is no longer the violent expression of the law of the sovereign but the validity of the normal with regard to scientific truth. As Judith Revel puts it in her essay “Identity, Nature, Life. Three Biopolitical Deconstructions”:

This idea of norm no longer corresponds to the old juridical rule as the expression of a sovereign will, but to a natural rule (or one presumed to be natural) applied to homogenous groups, which are in turn defined on the basis of several common traits that are presented as “natural”, and on the basis of which it is possible to construct a *social clinic*. (Revel: 2014, 115)

Revel states the point clearly: in order for the norm to appear as a rule and replace the sovereign will, it must be based upon a concept of nature which emerges historically. If this concept is “one presumed to be natural”, it is because it is a concept which implies a new relationship between political power and life. In contrast to the paradigm of Medieval sovereign power which targets the persistence of the cosmological order of the *imperium*, the “social clinic” which emerges in the nineteenth century goes hand-in-hand with the emergence of the population as a political concern. What matters is no longer the defence of the territory but the defence of the biological nature of the population which, by extension, may serve as the conceptual basis for the defence of the true race. The concept of norm which implies the underlying truth of nature relies upon the anthropological objectification of the existence of man into forms of positive scientific knowledge. This is the reason why the concept of norm is, for Foucault, linked to a specific historical epoch and *episteme* and cannot be used, as Agamben does in chapter 7 of *Homo Sacer: Sovereign Power and Bare Life*, to

designate the political sphere defined by the sovereign decision (Agamben: 1998, 95-101). Although it is Agamben's right to define and use the concept of norm in his own way, it is a philosophical and hermeneutic mistake to presuppose, as he does, that the concept of nature associated with bare life is of the same kind as the concept of nature used by Foucault in the first volume of *The History of Sexuality*. For Foucault, there is no such thing as "bare life", but only different relationships between political power and life.

In this respect, Revel tells us that when Foucault starts using the concept of norm in 1976, it does not describe the relationship between the power of the sovereign and the life of his subject which persists but the relationship between scientific knowledge and the existence of individuals which emerges. As Revel puts it:

Starting in the 1970s, Foucault develops a double analysis of the way in which men and women are simultaneously "objectivized" in knowledges and practices, in discourses and strategies, which is to say everywhere and by all possible means assigned to an identity that proves their inclusion in the system. This double analysis focuses, on one side, on the governing of singularities through the production of the "individual", and, on the other side, on the government of masses of such "individuals" through the production of equally objectivized and identitary "homogenous populations". Beginning with *Discipline and Punish*, this analytic division of labour is evident – I refer, for example, to the extraordinary pages dedicated to the functioning of the maritime hospital, or more generally to the rule of "productive placement" (*emplacement productif*). Still, in *Discipline and Punish* the discourse on "populations" is not pursued to its ultimate conclusions because it is missing a concept that would be able to account for both the production and the identification of a population as well as for its political management. Foucault is still lacking the concept of the norm as a new instrument of governmental technology which only makes its appearance with his formulation of biopolitics. (Revel: 2014, 115)

The concept of norm allows Foucault to account for the emergence of governmental practices specifically linked to biopolitics, that is to say in

correlation with the concept of population that serves to account for the production, identification and political management of groups of individuals. The use of these terms reveals that the idea according to which a group of people named “population” intrinsically manifests a natural rule does not correspond to a pre-given ontological truth but is the product of the evolution of governmental practices that Foucault attempts to describe. In this regard, Foucault’s characterization of biopolitics in the 14<sup>th</sup> January 1976 lecture from *Society Must Be Defended* makes more specific Revel’s account of the difference between the law of the sovereign and the epistemological framework of bio-power and biopolitics. He says that:

The discourse of discipline is alien to that of the law; it is alien to the discourse that makes rules a product of the will of the sovereign. The discourse of disciplines is about a rule: not a juridical rule derived from sovereignty, but a discourse about a natural rule, or in other words, a norm. Disciplines will define not a code of law, but a code of normalization, and they will necessarily refer to a theoretical horizon that is not the edifice of the law, but the edifice of human sciences. And the jurisprudence of these disciplines will be that of clinical knowledge. (Foucault: 2003a, 38)

According to this quotation, disciplines are already the product of a discourse heterogeneous to that of the law: they are not the expression of the will of the sovereign. The “theoretical horizon” of such a discourse (its foundation in truth) does not proceed from the timeless and transcendental jurisdiction of the sovereign but from human sciences, hence from a historical change of the relationship between power and knowledge which emerges in the nineteenth century.

Failure to acknowledge the mutation of the relationship between political power and life which characterizes the shift from sovereign power to bio-power has led Agamben to misconstrue Foucault's problematization of the historical withdrawal of sovereign power and the emergence of bio-power and biopolitics in such a way that his conclusions end up at best contradicting and at worst completely covering-up the originality of Foucault's characterization of the modern *episteme* at work as early as 1966 in *The Order of Things*.<sup>31</sup> The Classical Age introduces a gap between words and things as soon as discourse no longer corresponds to the ordering power of the sovereign but to the knowledge of men. Whereas the mythical language of cosmological foundations from the Middle Ages or the language of similitudes from the Renaissance did not disqualify the materiality of discourse as an act which bears the concrete reality of the world in its very expression, the kind of discourse starting with the Classical Age inaugurates signification: anthropological knowledge presupposes a rationality which pre-exists the strict materiality of discourse. In *The Order of Things*, Foucault insists on a pre-Classical mode of thought which does not establish a strict distribution and heterogeneity between "the seen and the read" or "the visible and the expressible" (Foucault: 2001e, 47). The absence of such a distinction, or the possibility according to which the visible and the expressible

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<sup>31</sup> Jacques Derrida who, in *The Beast and the Sovereign* (Derrida: 2009, 305-334), attempts to provide a critique of Agamben's account of biopolitical modernity during the 20<sup>th</sup> March 2002 lecture, also misses Foucault's point. Even if he too recognizes a historical specificity and modernity to the form of political power which emerges with the 19<sup>th</sup> century, his attempt to bring back the question of bio-power to the political status of animality prevents him from seeing that the anthropological *episteme*, because it concerns the move by which the modern subject becomes the object of his own knowledge, cannot concern the concept of animality. Referring to the "animality" of individuals amounts to failing to notice that the concept of animality itself belongs to the anthropological paradigm of modern science.

constitute the same experience at the core of the same cosmological order without mutual exclusion made it impossible to infer meaning beyond that which appears, hence beyond the act of meaning itself. At the end of the fifth part of the second chapter, Foucault writes:

The profound kinship of language with the world was thus dissolved. The primacy of the written word went into abeyance. And that uniform layer, in which the *seen* and the *read*, the visible and the expressible, were endlessly interwoven, vanished too. Things and words were to be separated from one another. The eye was thenceforth destined to see and only to see, the ear to hear and only to hear. Discourse was still to have the task of speaking that which is, but it was no longer to be anything more than what it said. This involved an immense reorganization of culture, a reorganization of which the Classical age was the first and perhaps the most important stage, since it was responsible for the new arrangement in which we are still caught – since it is the Classical age that separates us from a culture in which the signification of signs did not exist, because it was reabsorbed into the sovereignty of the Like; but in which their enigmatic, monotonous, stubborn, and primitive being shone in an endless dispersion. (Foucault: 2001e, 47-48)

The epistemic mutation Foucault describes with the Classical Age reconfigures entirely the role of language and discourse. It is no longer the expression of a reality which manifests its possibility through the materiality of its very expression (in the same fashion as the violent power of the sovereign both manifests itself and the possibility of its order upon the body of the condemned), it becomes a discourse disconnected from its materiality which fundamentally lacks, but at the same time is intrinsically dependent on, the object it represents.

If the *seen* and the *read*, the visible and the expressible “were endlessly interwoven”, it is because they constituted the same fabric and expressed an infinite order organised through and by a sovereign law of which they both were the expression. When in the first two parts of the second chapter of *The Order of*

*Things* – “The Prose of the World” – Foucault describes the relationship between words and things during the Renaissance through what he calls “the four similitudes”, he describes a cosmological order whose continuity is organised by and gets resolved in the figure of God:

The world is simply the universal “convenience” of things; there are the same number of fishes in the water as there are animals, or objects produced by nature or man, on the land [...]; the same number of beings in the water and on the surface of the earth as there are in the sky, the inhabitants of the former corresponding with those of the latter; and lastly, there are the same number of beings in the whole of creation as may be found eminently contained in God himself, “the Sower of Existence, of Power, of Knowledge and of Love”. Thus, by this linking of resemblance with space, this “convenience” that brings like things together and makes adjacent things similar, the world is linked together like a chain. At each point of contact there begins and ends a link that resembles the one before it and the one after it; and from circle to circle, these similitudes continue, holding the extremes apart (God and matter), yet bringing them together in such a way that the will of the Almighty may penetrate into the most unawakened corners. (Foucault: 2001e, 21)

The whole order of similitudes Foucault describes corresponds to a cosmology within which every element is in relationship to another along an architectonic continuity that does not exclude but absorbs its components into the divine eminence. In the same fashion, the cosmological unity found in *convenientia* is repeated in the second form of similitude (*aemulatio*):

There is something in emulation of the reflection and the mirror: it is the means whereby things scattered through the universe can answer one another. The human face, from afar, emulates the sky, and just as man’s intellect is an imperfect reflection of God’s wisdom, so his two eyes, with their limited brightness, are a reflection of the vast illumination spread across the sky by sun and moon, the mouth is Venus, since it gives passage to kisses and words of love; the nose provides an image in miniature of Jove’s sceptre and Mercury’s staff. The relation of emulation enables things to imitate one another from one end of the universe to the other without connection or proximity: by duplicating itself in a mirror the world abolishes the distance proper to it; in this way it overcomes the place allotted to each things. But which of these

reflections coursing through space are the original images? Which is the reality and which the projection? It is often not possible to say, for emulation is a sort of natural twinship existing in things, it arises from a fold in being, the two sides of which stand immediately opposite to one another. (Foucault: 2001e, 22)

Both *convenientia* and *aemulatio*, within the epistemic structure of the Renaissance, show a world within which the knowledge and power of God are neither separated nor divorced from one another and the things in the world that are their expression. If the order of emulation “abolishes the distance proper to it [the universe]”, it is because the visible and the expressible are one and the same stable reality whose logic lacks nothing but the possibility of its own self-perpetuation. In this sense, between the sovereignty of the King whose order establishes and maintains the possibility of the continuity of the *imperium*, the order of knowledge proper to the Middle Ages and to the Renaissance manifests an order which, in the same fashion, remains identical and perpetuates itself. As Foucault puts it:

The whole volume of the world, all the adjacencies of “convenience”, all the echoes of emulation, all the linkages of analogy, are supported, maintained, and doubled by this space governed by sympathy and antipathy, which are ceaselessly drawing things together and holding them apart. By means of this interplay, the world remains identical, resemblances continue to be what they are, and to resemble one another. The same remains the same, riveted onto itself. (Foucault: 2001e, 28)

The cosmological order of the Renaissance assigns a function to language which is different from the discourse of anthropological knowledge. This language does not establish a signifying relationship (and rupture) between the signifier and the signified: it is not a discourse which signifies what the world is; it is an intrinsic part of a world whose harmony passes through it as it passes through all the

things subjected to the divine law. As Olivier Dekens clearly puts it in his *Michel Foucault*:<sup>32</sup>

Hence, language is immediately given a function and a mission: to be the vehicle of the harmony of the world, which it says without accomplishing it but which reveals itself only through it. It [language] is not yet this this homogenous mirror of things, this arbitrary system which signifies nothing by itself, entirely subjected to the meaning a thinking subject will give to it. The discourse of man is always, under a form which remains mysterious and opaque, the discourse of God signing his oeuvre. A miraculous configuration where works and things together speak the beauty of the world; a harmony which will disappear in the seventeenth century [...](Dekens: 2011, 145)

Whilst the logic of similitudes organising the epistemic configuration of the Renaissance obey a language whose expression cannot be separated from the world and the divine order corresponding to it, the epistemic rupture the Classical Age introduces asks a different question. Once the law of the sovereign disappears at the foundation of the order of the Kingdom, once the law of the King is no longer a mirror of the divine law which holds the world within the order of similitude, or once the divine law is no longer what can save the terrestrial sovereign order from the threat of disappearance, that which constitutes the ground of experience disappears and the place of the King is left vacant.

The historical emergence of a distance between the seen and the said or – to put it differently – the emergence of language as an object that intrinsically lacks its

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<sup>32</sup> “Le langage est donc immédiatement chargé d’une fonction et d’une mission : être le véhicule de l’harmonie du monde, qu’il dit sans faire, mais qui ne se révèle que par lui. Il n’est pas encore ce miroir homogène des choses, ce système arbitraire qui ne signifie rien en lui-même, tout entier soumis à ce qu’un sujet pensant va lui donner à dire. Le discours de l’homme est toujours, sous une forme demeurant mystérieuse et opaque, le discours de Dieu signant son oeuvre. Configuration miraculeuse, où les mots et les choses disent ensemble la beauté du monde ; harmonie qui disparaît, au XVII<sup>e</sup> siècle [...]”

object, is linked to the disappearance of the paradigm of political sovereign power itself. The sovereign's power to hold together the existence of things within a harmonious and stable order, an order within which God is "the Sower of Existence, of Power, of Knowledge and of Love" (Foucault: 2001e, 21) – an order where what exists and what can be known are therefore not separated – disappears and the place of the sovereign becomes vacant. The question of the vacancy of the place of the sovereign constitutes the central problem that occurs with the shift from sovereign power to bio-power: it is the question of the possibility of articulating the lived experience of human beings to a discourse which attempts to grasp it scientifically.<sup>33</sup> In this respect, the possibility of extracting a "natural rule" from the lives of individuals asks in its own way the question of the possible correspondence between the discourse of knowledge and the things it describes.<sup>34</sup> It is not by accident that Judith Revel insists on the fact that the natural rule is "one presumed to be natural" (Revel: 2014, 115). To presume that it is possible to speak a discourse targeting the nature of individuals amounts to bridging the gap introduced by the epistemic rupture of the Classical Age. It is a gap which, since the Cartesian *cogito*, confers the role of the synthesis

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<sup>33</sup> As Philippe Sabot puts it in *Lire Les Mots et les Choses de Michel Foucault*, human sciences are "negative sciences" ["sciences négatives"] in the sense of negative theology ["théologie négative"]: they are sciences without concrete object because the object which founds their positivity (the immanent life of men) cannot be positively described without relying upon a fixed form of finitude which is in itself absent from immanent experience (Sabot: 2006, 155).

<sup>34</sup> As Foucault puts it in chapter 4 of *The Order of Things*, "[t]he law of nature is constituted by the difference between words and things – the vertical division between language and that lying beneath it which it is the task of language to designate". This difference and heterogeneity between words and things, which emerges with the modern *episteme*, will find the possibility of a new synthesis in the figure of the modern subject. Anthropological knowledge therefore initiates a transfer of sovereignty from the figure of the sovereign to the one of the modern subject become object of knowledge (Foucault: 2001e, 118).

of experience (the synthesis of what is perceived and what is known) to the primacy of the subject of knowledge.<sup>35</sup>

Therefore, my claim is that Agamben, who understands the concept of natural life as the expression of a transcendental sovereign power has read Foucault partially or too literally and has neglected to distinguish the language Foucault uses from the historical context he describes. As Revel clearly puts it in her essay:

It is not that nature in itself does not exist, but, in his investigation of the nineteenth century, Foucault discovers the emergence of a new political use for this reference to the natural, which is in itself absolutely unnatural and whose genealogy must be established. In sum, “Everything in our knowledge which is suggested to us as being universally valid must be tested and analysed.”<sup>36</sup> The vitalism that appears to have established biopolitics consequently needs to be considered as a historical product, and not as the condition of possibility for all knowledge about human beings: “History draws these sets before erasing them; we must not look here for brute, definite biological facts that would impose themselves on history from out of the depths of ‘nature’.”<sup>37</sup> (Revel: 2014, 120)

The philosophical gesture that attempts to question the relationship between the discourse of knowledge and the existence of human beings is of the same kind as the one attempting to retrieve the difference between the natural and the biological. Critiquing the vitalism which proceeds from biopolitics amounts to establishing a difference of level between the discourse of knowledge and

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<sup>35</sup> As Jean Terrel puts it in his essay “Les Figures de la Souveraineté”, the Foucauldian critique targets several objects. Amongst them, the privilege granted to the consciousness of the subject since the XVII<sup>th</sup> century and the belief in the impartiality of truth explain the mutation of political sovereign power at the end of the Classical Age (Terrel: 2003, 107). It is the encounter of those two objects, which amounts to postulate that the knowing subject is able to reach the truth of his nature, that grounds the possibility of the concept of anthropological nature.

<sup>36</sup> Foucault, “Foucault by Maurice Florence”, p.461 [*sic*. Revel does not provide a precise reference to the edition she used].

<sup>37</sup> Foucault, “Bio-histoire et bio-politique”, p.97 [*sic*. Revel does not provide a precise reference to the edition she used].

immanent existence. It is precisely because the latter cannot be reduced to the discourse proceeding from the natural rule – hence from modern biology – that bio-power and biopolitics cannot be understood as the mere emergence of the nature or biological existence of human beings as a political concern. This abrupt analysis which Agamben provides, needs to be confronted to the mutation of the jurisdiction which corresponds to the withdrawal of sovereign power at the end of the Classical Age. It is only when the sovereign law no longer expresses the order of a world that there is room for a natural rule sustaining the clinical knowledge of human sciences and the truth of biology. It is in relation to this mutation within the paradigm of jurisdiction (whereby the just and true no longer proceeds from the will of the sovereign but from the veracity of biological discourse) that life and death acquire a new meaning. Death no longer intervenes in the political sphere as a manifestation of sovereign power eradicating the threats to its law and reaffirming its order; it becomes that which threatens the concept of life at the basis of the biological discourse emerging with the 19<sup>th</sup> century. It is a concept which cannot be identified with the immediacy of the lived experience but cannot be more than the positivity derived from the knowledge and regulation of the existence of individuals. It always already constitutes an objectification which conceals the fundamental heterogeneity between the knowledge of science and the reality of experience. In other words, the life the natural rule speaks of a discourse which, because it relates to its object which lacks, produces its unavoidable alienation. It is upon this alienation that modern racism appears, sustained by the idea of the good and true race as the manifestation of the true and good nature. It is also in the name of such

objectification that individuals challenging the norms appear as a threat to the positive law of nature.

## Conclusion

In this chapter, I have shown how the account Giorgio Agamben provides of bio-power and biopolitics presupposes an ahistorical concept of sovereign power. Because Agamben defines the intrinsic activity of sovereign power as the production of a biopolitical body (Agamben: 1998, 11), he fails to see the historical critique of the relationship between political power and life Foucault addresses in the first volume of *The History of Sexuality*. As a consequence, Agamben is led to claim that bio-power is in itself a transcendental category of politics. This claim fails to grasp the fact that bio-power and biopolitics do not target the same political object than sovereign power did. Unlike Medieval sovereign power, which was concerned with the persistence of the cosmological order linked to the Kingdom and the return of the same eschatological time, biopolitics target an object which lacks a finite temporality: the concept of population implies the evolution in time of a natural phenomenon which is in itself a non-finite process. However, the concepts of nature and biological life which underpin the concept of norm at the basis of Foucault's diagnosis of the mutation of sovereign power and the emergence of the population are not transcendental categories which can be used outside their historical context.<sup>38</sup>

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<sup>38</sup> As Luca Paltrinieri explains in his essay "Gouverner le choix procréatif: biopolitique, libéralisme, normalisation": "one must not mistake the 'nature' of the population neither for the 'naturalness'

In this respect, Foucault's description of the emergence of bio-power and biopolitics should be linked to the epistemic shift he describes in *The Order of Things* (Foucault: 2001e). This shift, which implies that modernity sees a new relationship between words and things, goes hand-in-hand with the historical mutation of the paradigm of political sovereign power. Whilst the sovereign expressed the return of a cosmological order through the powerful and immediate expression of his law, the epistemological postulate of anthropological nature presupposes a disjunction between discourse and the facticity it describes. It is within the space of that disjunction that the concept of nature attached to the life of the modern subject acquires a positive form and it is an analysis of the emergence of that positivity, through which the modern subject attempts to know and fix the form of its finitude, which defines the logic of bio-power and biopolitics.

The consequence of this mutation is that the deadly power of the sovereign who puts to death – which was also the ritual expression of a hierarchized world order – cannot function any longer. As soon as political power administers life, it expresses an order derived from the norm. However, the norm derived from the

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of biological life nor for a presumed 'animal' naturalness preceding political action. [...] The 'quantity' of life expressed by the 'measure' of the population is not – never has been – an exclusively biological life: the 'regularities' discovered by demography must be put in relation with a set of economic, technical, political and sociological human practices." ["[...] *il ne faut pas confondre la 'nature' de la population avec une 'naturalité' biologique de la vie, ni avec une présumée naturalité 'animale' précédant l'action politique. [...] La 'quantité' de vie exprimée par la 'mesure' de la population, n'est pas – n'a jamais été – une vie exclusivement biologique: les régularités 'découvertes' par la démographie doivent être mises en relation avec un ensemble de pratiques humaines, économiques, techniques, politiques, sociologiques.*" (Paltrinieri: 2010, 66).

natural rule bears the marks of the dissolution of sovereignty: it neither expresses nor realises the existence of the world without mediation (as the sovereign does) but relates to an absent object – a certain idea of the healthy and normal man (on the side of disciplinarity) and a certain idea of the race to be preserved (on the side of the population). In order to understand the persistence of deadly political power in our modern societies, which allows Agamben to rely upon the concept of bare life, it is crucial to be aware of the change of jurisdiction corresponding to the shift from the law and will of the sovereign to the law expressed by the natural rule: the concept of life bio-power and biopolitics speak about is an objectified reality which produces an alienation of the concrete existence it targets. It is on the basis of such an alienation that the modern meaning of life and death needs to be understood and problematized: life and death cannot be merely understood as the opposition between sentencing to death or allowing to live (as did the sovereign) but as the opposition between the positivity derived from biological science and the negation of this positivity. This is only according to this distinction that we can understand how the threat targeted by the genocides of modern racism aim at the deviant or the danger to good race, that is a danger to the positivity derived from the normal rule.

## Chapter Two: From sovereign jurisdiction to the truth of nature: Foucault's account of the mutation of truth as condition of epistemological knowledge

### Introduction

In spite of Agamben's missed historicization of the relationship between political power and life, his account of bio-power and biopolitics insists on a modern specificity of political power over life. This modern specificity relies upon the paradigm of the concentration camp, which reveals the relationship between the sovereign law (the *quaestio iuris*) and the concrete and immanent reality this sovereign law produces (the *quaestio facti*). A careful reading of Agamben's account of biopolitical jurisdiction offers an opportunity to better grasp the implications of Foucault's account of the mutation of jurisdiction which occurs with the emergence of bio-power and biopolitics. However, unlike Agamben's analysis, Foucault's historicization of the concept of life and of the form taken by political power reveals that the modern sovereign has become a blind spot within the epistemological structure of anthropological knowledge: because the judicial law is founded on the concept of the norm, it implies the postulate of a truth of anthropological nature (*i.e.* the truth the knowledge the modern subject produces about himself as an epistemological concept).<sup>39</sup> As the last section of

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<sup>39</sup> As Arnold Davidson claims in his essay "La Fin de l'Herméneutique de Soi": "if we want to be done with positive figure of man which works as the foundation of our hermeneutics of the self, we must question, criticize and refuse the politics of truth established in our society: a regime of scientific truth which aims at governing our conduct, for in this political regime what we want to do, our conduct, is subordinated to what we are, to the truth of our nature." ["*Si nous voulons en finir avec la figure positive de l'homme qui fonctionne comme fondement pour notre*

the first chapter demonstrates,<sup>40</sup> the ninth chapter of *The Order of Things* (Foucault: 2001e, 330-374) reveals that it is the attempt to derive positive knowledge about the modern subject as a living being which characterizes the epistemic structure of modern anthropology. As I have argued, this epistemic structure produces an impossible synthesis between the modern subject as empirical reality and his representation as an object of positive knowledge. Since modern man is no more than an epistemological abstraction, the postulate of anthropological nature is what allows the superimposition of man as a concrete living being and man as object of positive knowledge.

Therefore, it is necessary to provide an account of the epistemological and ethical implications of the historical emergence of bio-power and biopolitics. These implications concern the alienation which unavoidably underpins the attempt to grasp individuals as objects of positive knowledge. In order to grasp the logic of this alienation, it is necessary to reevaluate the development of the concept of sovereignty within the larger scope of Foucault's work. It is indeed not only the case that the emergence of bio-power and biopolitics correspond to a disappearance of the form taken by political sovereign power after the Classical Age, it is also the sovereignty of the modern subject (*i.e.* the possibility for this subject to determine its own actions), which is replaced by the expression of the truth of its nature. Consequently, a thorough examination of the question of

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*herméneutique de soi, nous devons interroger, critiquer et refuser la politique de la vérité établie dans notre société: un régime de la vérité scientifique qui vise à gouverner notre conduite, car dans ce régime politique ce que nous voulons faire, notre conduite, est subordonné à ce que nous sommes, à la vérité de notre nature.”]* (Davidson: 2013, 72).

<sup>40</sup> See chapter one, pp. 75-82.

sovereignty in Foucault's work must take into account the way in which Foucault problematizes and historicizes the relationship between knowledge and life.

This chapter claims that this historicization, which describes the emergence of anthropological knowledge at the beginning of the nineteenth century, relies upon the concept of epistemological truth whose emergence Foucault analyzes in his first lecture course at the Collège de France (Foucault: 2013) as well as in a series of lectures given at the Catholic University of Rio de Janeiro in April 1973 entitled "Truth and Juridical Forms" (Foucault: 2000c, 1-89). He studies the mutation of the morphology of knowledge occurring at the end of Archaic Greece and at the beginning of Classical Greece: this mutation emerges through the use of the technique of the inquiry (the search for knowledge) as a way of establishing factual truth and introduces a divorce between the seen and the said. The veracity of facticity no longer relies upon the strict actuality of what happens but upon the symbolic relationship between what happened and the discourse of knowledge which treats the facts as epistemological objects. This divorce coincides with the historical emergence of a mediation between truth and immanence.

It is Foucault's account of the emergence of this mediation that this chapter studies. Whilst the first section focuses on Agamben's and Foucault's diverging account of biopolitical jurisdiction, the second section studies Foucault's account of the emergence of epistemological truth at the end of Archaic Greece. Such an account allows us to understand, as the third section claims, that it is the

disjunction between the said and the seen which provides a space for the concept of epistemological truth to function and for knowledge to operate as a specific technique or a specific mode of relating to the world.

### **1. Agamben's and Foucault's divergent accounts of sovereign jurisdiction**

Agamben's and Foucault's accounts of bio-power and biopolitics not only differ in relation to the concept of life their respective accounts target. Both authors provide an account of the type of jurisdiction that corresponds to biopolitical modernity: it concerns the ways in which strict immanence<sup>41</sup> is made lawful by the political power that is exerted over it. It is on this very point that contrasting both understandings of modern power over life appears to be the most fruitful.

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<sup>41</sup> I use the term "immanence" to refer to the immediate experience of individuals, to their existence understood as the present moment in which their actions take place. Foucault does not conceptualize the immediacy of experience but does mention it during the last lecture of *The Hermeneutics of the Subject* (Foucault: 2006, 486). Foucault refers to the immediacy of experience in order to reject its reduction as object of knowledge through which the lived experience gets connected to an *a priori* concept of truth which accounts for it. The move from strict immanence to its appropriation as object of knowledge characterizes the epistemological structure within which the discourse of the modern subject is taken in the first volume of the *History of Sexuality*: the strict act of speech through which the subject confesses his desires is understood in relation to the anthropological truth these desires reveal. Similarly, the successive historical mutations of the relationship between justice and truth Foucault identifies in "Truth and Juridical Forms" move from the strict immediacy and immanence of truth (the agonistic form of justice in Archaic Greece) to a temporal disconnection between the act (the wrong committed) and its recognition within the field of anthropological knowledge. It is the morphology of the examination on the basis of which modern justice functions (Foucault: 2000c, 59). What matters is not merely the wrong that has been committed but the epistemological connection which can be established between the act considered in its strict immanence and the pathological nature of the wrongdoer. The discourse of truth which grounds this discourse functions as a transcendental recognition and validation of the meaning of the act. Therefore, I have chosen the word "immanence" in contrast with the concept of epistemological truth which functions as an *a priori* foundation of experience. Confronted to the absence of words conceptualizing immediate experience in Foucault's work, Revel chose to coin the word *présentisme* in her recent *Foucault avec Merleau-Ponty: Ontologie, Politique, Présentisme et Histoire* (Revel: 2015).

Whilst they both provide a philosophical reflection upon sovereign jurisdiction, they reach strictly opposite conclusions. A proper understanding of Foucault's historicization of political sovereign power and of the mutation of the concept of life it implies shows that he, like Agamben, grasps biopolitical modernity as the historical emergence of a specific kind of jurisdiction. However, as I will demonstrate, whilst Agamben grounds the specificity of this jurisdiction in the essence of sovereign power itself, Foucault's work provides a radical historicization of the relationship between truth, knowledge and life. Whilst, according to Agamben, it is the essence of sovereign power which makes immanence lawful, Foucault provides a historical account of the way in which the disappearance of political sovereign power becomes the condition of possibility of the emergence of positive facticity (*i.e.* of the epistemological coincidence between immanence and truth). Understanding that Foucault's critique of biopolitical power over life finds its roots in a historical critique of facticity (*i.e.* in the historicization of the relationship between truth and immanence) will then lead us to better understand the relevance of Foucault's post-1976 works on Greek ethics as a mode of reflection upon the sovereignty of the self (*i.e.* understood as the possibility for the self to determine the rationality of its own actions).<sup>42</sup>

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<sup>42</sup> I have chosen to call "sovereignty" the self's ability to determine its own conduct because what Foucault describes when he refers to "self-fashioning" is the ability for the self to constantly determine and revalue the way it lives its life. This idea of self-fashioning challenges the divorce between the immanence of acts in the world (the power of the self to act) and the anthropological truth which determines or validates these acts. Because the self-fashioning self exerts a form of autonomy which implies the absence of distinction between its power and the knowledge which explain its acts, I have chosen to call it "sovereign". In Foucault's works, the figures who perform a strict coincidence between power and truth are sovereigns (kings, gods and Masters of Truth) and the Cynics, who value their conduct without knowledge or self-knowledge are described as sovereigns in his last lecture course at the Collège de France. In this lecture course, Foucault

According to Agamben, it is the paradigm of the concentration camp which defines the specificity of biopolitical jurisdiction in its modern form. He claims that it is this paradigm which allows the sovereign to suspend the distinction between law and fact. He writes:

The sovereign no longer limits himself, as he did in the spirit of the Weimar constitution, to deciding on the exception on the basis of recognizing a given factual situation (danger to public safety): laying bare the inner structure of the ban that characterizes his power, he now *de facto* produces the situation as a consequence of his decision on the exception. This is why in the camp the *quaestio iuris* is, if we look carefully, no longer strictly distinguishable from the *quaestio facti*, and in this sense every question concerning the legality or the illegality of what happened there simply makes no sense. *The camp is a hybrid of law and fact in which the two terms have become indistinguishable.* (Agamben: 1998, 97)

The paradigm of the concentration camp provides the example of a situation where the distinction entailed by the discrimination between the legal (*quaestio iuris*) and the alegal or "bare" (*quaestio facti*) – what Agamben also calls the "norm" or *nomos* in opposition to "nature" or *physis* – is no longer possible. This indistinguishability emerges, according to him, as a consequence of the sovereign intrinsic power to "trace [...] and [...] renew[...] the threshold of indistinction between outside and inside, exclusion and inclusion, *nomos* and *physis* (Agamben: 1998, 22). It is because "the state of exception [...] is realised normally" (Agamben: 1998, 97) or because bio-power corresponds to "the space

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analyzes the theme of "the reversal of the sovereign life". In contrary to the sage or the philosopher who exert their sovereignty in relation to a transcendent concept of truth, it is through the performance of immanent acts that truth appears and that the Cynics affirm their sovereignty (Foucault: 2011b, 269-289). In each of these examples, the theme of the coincidence between power and truth recurs.

that is opened when the state of exception begins to become the rule" (Agamben: 1998, 96) that bare life is exposed to death.

However, it is precisely when Agamben defines sovereign power as the immediate expression of the law (*i.e.* an enforcement without mediation where the act of speaking the law corresponds to its strict realization) that the concept of bare life upon which his account of sovereign power was grounded cannot function any longer. Thus, when he takes the example of Nazi Germany and the word of the Führer as the epitome of the production of a biopolitical body, he is forced to bridge the gap between law and fact by claiming that the juridical rule decides a fact which itself provides the criterion for its application. He writes:

Only from this perspective does the National Socialist theory that posits the immediate and intrinsically perfect source of law in the word of the Führer acquire its full significance. Just as the word of the Führer is not a factual situation that is then transformed into a rule, but is rather itself rule insofar as it is living voice, so the biopolitical body (in its twofold appearance as Jewish body and German body, as life unworthy of being lived and as full life) is not an inert biological presupposition to which the rule refers, but at once rule and criterion of its own application, a *juridical rule that decides the fact that decides on its application*. (Agamben: 1998, 98)

With this example, Agamben reveals the limits of his own argument: it is clear that the "Jewish body" and the "German body", whether he designates here the individual body or the body of the population, is no longer the unqualified life to which bare life supposedly refers. It is, in his own words, either a "life unworthy of being lived" or "a full life" and is not, in any case, "an inert biological presupposition". We see that Agamben is forced to move from the concept of

bare life to a concept of life which, without being clearly defined, presupposes a value superimposed upon the idea of bare life.

Agamben's failure to see in the biopolitical norm a type of relationship between law and fact which disqualifies the primacy of the will of the sovereign prevents him from seeing that the biopolitical valuation of life actually reveals the relationship between knowledge and life which, according to Foucault, characterizes the modern *episteme*. It is indeed the way in which the shift from sovereign power to bio-power is described in the last section of the first volume of the *History of Sexuality*. "[T]he law operates more and more as a norm" (Foucault: 1998d, 144) and no longer comes from "a juridical rule derived from sovereignty, but [from] a discourse about a natural rule" (Foucault: 2003b, 38). It is this process of estrangement of the rule from the power of the sovereign that, for Foucault, allows a reciprocal influence between the truth expressed by the norm and the immanence that gets normalized. In contrast to Agamben, Foucault shows that modern political power does not presupposes the primacy of the will of the sovereign but the truth implied by the norm (or the natural rule) as an epistemological criterion. The 14<sup>th</sup> January 1976 lecture from *Society Must Be Defended* clearly exposes the historical shift according to which the will of the sovereign no longer expresses the truth of facticity. Rather, it is the presupposition of a natural truth found in facticity which grounds political power. He writes:

What are the rules of right that power implements to produce discourses of truth? Or: What type of power is it that is capable of producing discourses of power that have, in a society like ours, such powerful

effects? What I mean is this: In a society such as ours – or in any society, come to that – multiple relations of power traverse, characterize, and constitute the social body, they are indissociable from a discourse of truth, and they can neither be established nor function unless a true discourse is produced, accumulated, put into circulation, and set to work. [...] Power constantly asks questions and questions us; it constantly investigates and records; it institutionalizes the search for the truth, professionalizes it, and rewards it. We have to produce the truth in the same way, really, that we have to produce wealth, and we have to produce the truth in order to be able to produce wealth. In a different sense, we are also subject to the truth in the sense that truth lays down the law: it is the discourse of truth that decides, at least in part; it conveys and propels truth-effects. After all, we are judged, condemned, forced to perform tasks, and destined to live and die in certain ways by discourses that are true, and which bring with them specific power-effects. (Foucault: 2003b, 24–25)

The point of Foucault's critique of biopolitical power is to argue that, even though the presupposition of the truth of the natural rule is what replaces the will of the sovereign, this truth is not a metaphysical given. It is the direct historical expression of power. There is no distinction in kind between epistemological truth and immanent power. Consequently, there is no ontological distinction between right, discourses of truth, and power. The three concepts he uses here do not mark any disjunction: it is, according to him, power that produces true discourses that have in return powerful effects. In other words, rules of right and justice and discourse of truth are all instances of modes of effectuation of power.

Truth is what provides power with a foundation but Foucault makes really clear that truth and power are not essentially different. It is, on this point, useful to recall the interview given to André Berten on 7<sup>th</sup> May 1981 before a series of lectures Foucault was invited to give at the Faculty of Criminology at the Catholic

University of Leuven between 22<sup>nd</sup> April and 20<sup>th</sup> May 1981.<sup>43</sup> During this interview, Foucault says:

There are powers that lack foundation and that function very well, and powers that seek a foundation, indeed find a foundation, and then ultimately fail to function. So, if you will, the problem I asked myself was: Can't we study the way in which power actually functions? When I say "power", it is absolutely not a question of finding an authority or some sort of force that is there, hidden or visible – whichever – and that noxiously radiates out through the social body or that fatally extends its network. [...] Power *is* relations. Power is not a thing. It is a relationship between two individuals, and a relationship that allows one individual to conduct the conduct of another or to determine the conduct of another – to determine their conduct voluntarily according to a number of objectives that are his own. In other words, when one examines what power is, one sees that it is the exercise of something one could call government, in the broadest sense of the term. Society can be governed, a group can be governed, a community can be governed, a family can be governed, someone can be governed. And when I say "govern someone", it is simply in the sense of determining their conduct on the basis of strategies, using a certain number of tactics. (Foucault: 2014b, 239–240)

If, on the one hand, power is not a thing but a mode of government, that is the establishment of a relation through which one conducts someone else's conduct, and if, on the other, "we are obliged to produce the truth by the power that demands truth and needs it in order to function", then truth is itself this relation between the governor and the governed. And if, according to the same logic, "we are judged, condemned, forced to perform tasks and destined to live and die in certain ways by discourses that are true", it is the relation which power is and enforces according to its truth which produces justice and compels a specific conduct. Instead of accounting for modern jurisdiction as the immediate expression of the will of the sovereign, Foucault grounds it in the presupposition

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<sup>43</sup> This series of lectures, entitled *Wrong Doing, Truth-Telling: The Function of Avowal in Justice* has been recently translated in English (Foucault: 2014b). It has been originally published in French as *Mal Faire, Dire Vrai: La Fonction de l'Aveu en Justice* (Foucault: 2012b).

of the truth of anthropological nature. However, this truth is not, according to Foucault, a metaphysical concept. It is the strict expression of an immanent power. This power is constituted by a multiplicity of immanent relationships which aim at conducting the subject's conduct.

## **2. Foucault's account of the emergence of epistemological truth: the disjunction of the said and the seen**

I argue that it is an account of the way in which the concept of truth acquires the position of a founding rationality disconnected from immanent power that can guide us in understanding the shift from the law as expression of the will of the sovereign to the law derived from the norm. It will allow us to understand how the concept of norm that grounds the rationality of biopolitical power proceeds from a knowledge postulating the existence of a natural rule and no longer from the sovereign decision. Providing such an account requires a reading of Foucault's first explicit account of the relationship between political power and knowledge. This account appears in in "Truth and Juridical Forms", a text that collects a series of lectures given at the Catholic University of Rio de Janeiro from 21<sup>st</sup> to 25<sup>th</sup> May 1973 where Foucault defines the political power preceding Classical Greece as the strict coincidence between knowledge and power. This means that power and knowledge coincided without relying upon the metaphysical presupposition of the concept of truth.<sup>44</sup> This coincidence is defined as the synthesis of power and

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<sup>44</sup> This definition of Archaic political power derives from Georges Dumézil's trifunctional hypothesis. In *Mitra-Varuna*, originally published in French in 1948, Dumézil links the two Proto-Indo-European entities *Mitra* and *Varuna* to two distinct but complementary aspects of sovereign

the esoteric knowledge of the sovereign that realizes the order of the world.

Foucault says:

In European societies of the Mediterranean East, at the end of the second millennium and the beginning of the first, political power always implied the possession of a certain type of knowledge. By the fact of holding power, the king and those around him held a knowledge that could not and must not be communicated to the other social groups. Knowledge and power were exactly reciprocal, correlative, superimposed. There couldn't be any knowledge without power, and there couldn't be any political power without the possession of a certain special knowledge. This is a form of power-knowledge that Georges Dumézil, in his studies concerning the three functions, has isolated, showing that the first function was that of a magical and religious political power. Knowledge of the gods, knowledge of the action that can be brought to bear on us by the gods – that whole magico-religious knowledge is present in the political function. (Foucault: 2000c, 31)

Foucault refers to a form of political power existing before the emergence of philosophical thought which worked according to an intrinsic esotericism and exclusivity. Knowledge was, in this case, the condition of possibility of political sovereignty. It was not linked to a positive reality that could be learnt about and read through the observation of nature. This form of knowledge was the privilege of the few and corresponded to political power itself.

Foucault does not refer to an idea of magico-religious power arbitrarily: this type of power is an esoteric knowledge from a divine origin. It is an intrinsic unity between power and the knowledge of truth that makes justice possible and defines the right order of the world. In "Truth and Juridical Forms", Foucault locates the dismantlement of the unity between sovereign power and sovereign

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power: *Mitra* corresponds to the rational order of this world and *Varuna* to the violent, terrible and warlike power to which men have no access (Dumézil: 1988, 71-72).

knowledge characterizing the Assyrian empires at the emergence of the Classical Greece society of the fifth century BC. He says:

What occurred at the origin of Greek society, at the origin of the Greek age of the fifth century, at the origin of our civilization, was the dismantling of the great unity of a political power that was, at the same time, a knowledge – the dismantling of that unity of a magico-religious power which existed in the great Assyrian empires; which the Greek tyrants, impregnated with Oriental civilization, tried to restore for their own purpose; and which the sophists of the sixth and fifth century still used as they could, in the forms of lessons paid for in cash. We witness that long decomposition during the five or six centuries of archaic Greece. And when classical Greece appeared [...] what had to disappear for this society to exist was the union between power and knowledge. (Foucault: 2000c, 31–32)

Foucault states his point very clearly: it is the union of knowledge and power that disappears when Classical Greece emerges. More precisely, it is the very coincidence of power and knowledge in an act that realizes truth which disappears when Classical Greece emerges. The emergence of philosophical thought during the fifth century B.C. links discourse to a truth that becomes the object of philosophical reflection as well as its condition of possibility. Consequently, the knowledge of the one in power will no longer be a means of pursuing the interests of a political tyrant but instead acquires an objective relationship to a truth preexisting its pursuit.

However, the problematization of the relationship between power and knowledge is not limited to a mutation occurring at the turn from Archaic to Classical Greece. In *Du Gouvernement des Vivants*, the lecture course given at the Collège de France in 1980, the coincidence between political power and knowledge is also at stake when Foucault examines the Roman Empire. He opens

the lecture course by insisting on the link between the figure of the sovereign and the possession of a cosmological knowledge that guarantees the stability and return of a fixed order of things. During the 9<sup>th</sup> January 1980 lecture, he borrows the example of Severus the Seventh from Don Cassius: an Emperor who had the ceiling of the judgment room of his palace painted according to the ordering of the stars that overarched his birth and destiny. This example illustrates the intrinsic relationship at stake between the possibility of political power and the exclusivity of sovereign knowledge: it is an ageless truth that speaks, a truth that concerned the past, determines the future and the decisions of the sovereign.

Foucault says:

It was a matter for him [Severus the Seventh] of inscribing the particular and accidental sentences that he pronounced inside the very system of the world, and of showing how the *logos* that presides over this world order and that presided at its birth, was the same *logos* that organized, founded and justified his decisions. What he used to say in a particular circumstance of the world, what he said in a particular *kairos* [...] was precisely the very order of things as they were fixed in the beyond, once and for all.<sup>45</sup> (Foucault: 2012a, 3–4)

The distinction as well as the correlation Foucault establishes between the "particular circumstance" or the "particular *kairos*" and the "order of things as they were fixed in the beyond" clearly shows that the logic of political power corresponded to a knowledge made power and therefore repeated the coincidence between political power and knowledge Foucault described in "Truth

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<sup>45</sup> "Il s'agissait bien sûr pour lui d'inscrire les sentences particulières et conjoncturelles qu'il rendait à l'intérieur du système même du monde, et de montrer comment le *logos* qui présidait à cet ordre du monde et qui avait présidé à sa naissance, ce même *logos* était celui qui organisait, fondait et justifiait les sentences qu'il rendait. Ce qu'il disait dans une circonstance particulière du monde, ce qu'il disait dans un *kairos* particulier [...] c'était précisément l'ordre même des choses telles qu'elles avaient été fixées là-haut, une fois pour toutes."

and Juridical Forms” in 1973. The reference to “the very order of things as they were fixed in the beyond” evokes, under a slightly different form, the magico-religious esoteric coincidence between political power and knowledge which disappears with Classical Greece. It is “the same *logos*” which determines the timeless order of the world and speaks through each of the Emperor’s decision of justice. When Foucault characterizes cases of political power linked to the expression of the decision of the sovereign, even when considering different historical periods, he insists on the coincidence between discourse and the act of power itself: it is the sovereign *logos* which is powerful, true and just all at once. In doing so, Foucault shows that the structure of political power linked to political sovereignty prevents metaphysical exegesis: if the act of justice and power strictly corresponds to the esoteric knowledge of the sovereign made power, truth is not a metaphysical postulate which may be abstracted from the sovereign act.

By joining sovereign power and knowledge, Foucault brings to light a concept of knowledge which does not correspond to the use of a *tekhnē* that leads to the discovery of truth but which corresponds instead to the esoteric privilege of the kings, the oracle, the seer or the poet. What changes in Greece of the fifth century BC, and what Foucault describes in the *Lectures on the Will to Know* in 1970–1971 (Foucault: 2013) as well as in “Truth and Juridical Forms” in 1973, is the emergence of a concept of knowledge which results from the use of a *tekhnē* whose first occurrence appears, according to him, in Sophocles’ *Oedipus Rex*.<sup>46</sup>

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<sup>46</sup> In his essay “Knowingness and Abandonment: An Oedipus for Our Time”, Jonathan Lear stresses that Sophocles provides in *Oedipus Rex* an implicit critique of knowledge as attitude towards the world. It is Oedipus’ insistence to know the murderer’s identity which makes him unable to

In contrast to this coincidence between knowledge and power, the relationship between power, truth and justice at work in our modern societies is put into question because their coincidence is no longer synthesised by a political figure performing truth in an act of power. In *Society Must Be Defended*, when Foucault interrogates the mechanism at work between “rules of right, mechanisms of power [and] truth-effects” or between “rules of power, and the power of true discourses” (Foucault: 2003b, 25), he puts the discourse of knowledge and the efficacy of power on the same level of immanence and challenges the idea of heterogeneity between the transcendence of truth on the one hand and the immanence of power on the other. Foucault does not define sovereign power as a metaphysical foundation of politics (as Agamben does) but he sees in historical forms of political power preceding either Classical Greece or the Classical Age a coincidence of knowledge and power within the same act of justice: an act of justice actualizing a truth is a strict expression of power.

Ultimately, what Foucault wants to describe is the emergence of discrepancy: when knowledge and power no longer strictly coincide in an act of justice – *i.e.* when knowledge and power no longer perform truth together in the space of an act – the disjunction of the two is what gives way to the possibility of knowledge

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distance himself from the risk of such an enterprise. Lear argues that the reduction of “reason” to what he calls “knowingness” is a characteristic made apparent but also criticized in Sophocles’ text: “Sophocles is offering a diagnosis of ‘knowingness’: both a critique of its thinness as a way of being in the world, and an account of how it comes to take over a culture. And insofar as this ‘knowingness’ presents itself as reason, Oedipus the tyrant becomes [...] Oedipus tyrannized [...] by what *he* takes to be the reasonable movement of his own mind.” (Lear: 2006, 195)

as technique of investigation and as quest for a truth divorced from the immanence of an act of power. Such a discrepancy appears in Foucault's readings of Sophocles' *Oedipus Rex*. A first exposition of the problem can be found in the recent publication and translation of Foucault's 1970–1971 *Lectures on the Will to Know*. The published lectures contain in an appendix the transcription of a lecture given at the State University of New York, Buffalo in March 1972 and at Cornell University in October. Entitled *Oedipal Knowledge*, it presents Foucault's reading of Sophocles' tragedy through an analysis of the status and role of knowledge in the play. One year before "Truth and Juridical Forms", Foucault shows that Oedipus possesses a form of knowledge also linked to political power but this time not in terms of a strict performative coincidence (whereby the act of power is the act of knowledge and truth) but in terms of lack. Foucault reminds the reader that it is because Oedipus managed to solve the Sphinx's riddle and to save the city of Thebes that he was enthroned and thus accessed political power.<sup>47</sup> Oedipus is the one who knows without knowing: he knows what to answer to the Sphinx but is ignorant of the fact that he is the reason for Thebes' plight. It is only through an investigation (*i.e.* the use of knowledge as *tekhne*) that Oedipus will discover the truth he ignores.<sup>48</sup> Foucault writes:

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<sup>47</sup> Depending on the text quoted, the spelling of the name of this character varies. It is sometimes called *la Spninge* in French. For the sake of consistency, I have chosen to call it the Sphinx throughout the course of my argument and have respected the spelling used in the original texts in the quotations.

<sup>48</sup> Several times throughout the play, Oedipus will insist to obtain knowledge through confession in order to establish the truth and discover the murderer's identity. This is especially noticeable when he presses Tiresias and Laius' servant to say what they know (in scenes 4 and 8). Both instances reveal that Oedipus needs the utterance of spoken words to link the seen with the said and establish the truth of facts:

"TIRESIAS

[...] stand by your own decree that you proclaimed,  
and from this day do not address these men, nor me –

In this unique and fragile position, the power of Oedipus is linked to a type of knowledge (*savoir*). If he seized power at Thebes, or rather if he was given power, it was because he won the “knowledge (*connaissance*) test.” At several points Oedipus and the Chorus remind each other that the bond between them is based on knowledge; and on a double knowledge moreover: that of Oedipus, who demonstrated his superiority by solving the riddle, and [that of] the city, which was able to ascertain beyond doubt that Oedipus knew; it is because he was recognized “*sophos*” and on evidence (*basano*), that he was loved by the city [...]. This knowledge demonstrated in the test enables Oedipus to govern, and whenever he appears, exercising his power, it is in the form of the one who knows: I know, I have seen. In this way, Oedipus manifests independently his knowledge and his power. *Oida* is the word through which he asserts himself, and which precisely is inscribed in his name. It is this power-knowledge that is exposed, risked, endangered by the plague of Thebes: if the king does not know what is to be done, if he does

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because you are the foul pollutant in this land.

OEDIPUS

You have the gall to stir this slander?  
You can't believe you'll get away with this!

TIRESIAS

I have escaped already.  
I sustain the truth to be my strength.

OEDIPUS

Who did you learn this from? Not from your craft, I think.

TIRESIAS

I learned from you:  
You pressed words out from me against my will.

[...]

OEDIPUS (*to his attendants*)

Quick, one of you tie back his arms.

OLD SLAVE OF LAIUS

Why, why? What is it you want to know?

OEDIPUS

First, did you give this man the child he asked about?

OLD SLAVE OF LAIUS

I did give him – if only I had died that day!

OEDIPUS

You will die now, if you don't tell me the honest truth.

OLD SLAVE OF LAIUS

Far worse than that, if I *do* speak.” (Sophocles: 2015, 27, 59-60)

not know who is responsible for the defilement, if he does not know to whom the purifying rite must be applied, then he will be lost along with the city. But, precisely, once again he will solve the riddle, he will discover what one knew, and he will lose his power. (Foucault: 2013, 244)

Oedipus' tragedy reveals that he precisely misses the knowledge that would allow him to perform the equation between truth and justice necessary to legitimate his power. The truth Oedipus knows at the start of the play allows him to access political power but he is an illegitimate ruler since he does not know that he himself is the criminal he is looking for. It is only the conduct of an investigation and a quest for truth that will lead him to see he is not the legitimate ruler.

The case of *Oedipus Rex* interests Foucault for it stands at a point where the problematization of the relationship between power and knowledge appears vividly in the Greek literature of the time.<sup>49</sup> Philippe Chevallier, in his *Michel*

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<sup>49</sup> Foucault does not limit himself to studying the example of Sophocles' *Oedipus Rex*. In a series of lectures given at the University of California at Berkeley in Autumn 1983, he also develops the antagonistic relationship between divine truth and human knowledge in Euripides' *Hippolytus*, *The Bacchae*, *Electra*, *Ion* and *Orestes*. Foucault had already studied Euripides' *Ion* a few months earlier during his 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> January 1983 lectures at the Collège de France (Foucault: 2010, 61-148). In Autumn 1983, Foucault clearly insists on the fact that the mutual exclusion of power and knowledge in Greco-Roman Antiquity makes room for the "parrhesiastic contract": a practice through which the sovereign will seek the knowledge he lacks and either reward reliable testimonies or punish lies. This "parrhesiastic contract" corresponds to the introduction of *parrhesia* (which corresponds to saying what one holds to be the truth) in politics. Foucault writes: "The 'parrhesiastic contract' – which became relatively important in the political life of rulers in the Greco-Roman world – consists in the following. The sovereign, the one who has power but lacks the truth, addresses himself to the one who has the truth but lacks power, and tells him: if you tell me the truth, no matter what this truth turns out to be, you won't be punished; and those who are responsible for any injustices will be punished, but not those who speak the truth about such injustices" (Foucault: 2010, 32). Sophocles' *Oedipus Rex* exemplifies such a relationship. This appears clearly when Oedipus attempts to obtain a confession from the old slave of Laius:

"OEDIPUS  
No, no, don't threaten him [the old Corinthian], old man:  
It's your words call for threats far more than his.

OLD SLAVE OF LAIUS  
Why, mighty lord? What have I done that's wrong?

*Foucault et le Christianisme*, insists on the meaning of Sophocles' tragedy as disqualification of the figure of the political ruler which synthesizes political power and knowledge according to a truth which remains his privilege. But more specifically, Chevallier tells us that what emerges is a mistrust of the esoteric power of the ruler which, instead of being received as true and just, appears to men as being tyrannical because fateful. Chevallier writes:

The main function of the twists and turns of the Oedipal tragedy is to display the failure of a certain form of political power. Foucault identified this form with a precise historical figure which appeared in Greece in the seventh and sixth centuries BC: the figure of the tyrant, that is to say of the man who attains power not through legitimate ancestry but through his personal achievements. [...] Once recognized as a tyrant like any other, Oedipus can indeed be compared to real kings and legislators such as Kypselos or Solon, although the play itself, through its prosecution speech against the tyrannical procedures of government by knowledge, heralds in its own way Plato's *Republic*. The play thus partakes in this vast movement of denunciation and decomposition of an archaic Greece which is the inheritor of the Assyrian empires.<sup>50</sup> (Chevallier: 2011, 162–163)

Chevallier's depiction of the figure of the tyrant meets Foucault's definition of his status. In "Truth and Juridical Forms", Foucault had already characterized Oedipus as a tyrant because he is the one who enforces his own will without caring for truth. In this respect, "the tyrannical procedures of government by knowledge" to which Chevallier refers designate a form of political power that imposes its own

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#### OEDIPUS

Not answering the question

This man asked about the child." (Sophocles: 2015, 59)

<sup>50</sup> "les péripéties de la tragédie oedipienne ont pour fonction principale de montrer l'échec d'une certaine forme de pouvoir politique. Or, cette forme, Foucault l'identifie immédiatement à une figure historique précise, apparue en Grèce aux VIIe et VIe siècles avant notre ère : celle du tyran, c'est-à-dire l'homme arrive au pouvoir non par une descendance légitime mais par ses exploits personnels. [...] Une fois reconnu tyran au même titre qu'un autre, Oedipe peut en effet être rapproché de rois ou législateurs bien réels comme Kypselos ou Solon; tandis que la pièce elle-même, dans son réquisitoire contre les procédures tyranniques de gouvernement par le savoir, annonce à sa manière *La République* de Platon. La pièce participe ainsi à ce vaste mouvement de dénonciation et de décomposition d'une Grèce archaïque, héritière des empires assyriens."

ways without caring for the right order of justice. Chevallier adds that it is not only Oedipus' dismissal that the play describes, but a more global rejection of political power whose knowledge is not accessible to human *tekhne*. It is precisely the possibility of knowledge as a technique opposed to divine decrees that Oedipus will pursue. It is through the denunciation of the kind of knowledge that only a few can see and speak that Oedipus will be led to discover and see the truth with his own eyes and with his own ability. The proximity between Sophocles' text and Plato's *Republic* lies in their denunciation of the inadequacy between knowledge and truth: the denunciation of a knowledge that would not care for the forms the soul has seen and that it can rediscover through philosophical exercise. In this respect, the tragedy of *Oedipus Rex* is both representative of the Archaic Greek truth performed in coincidence with an act of power and the of the truth of the philosophical inquirer. Oedipus, who is an illegitimate ruler at the beginning of the play (like the tyrant), discovers his identity through the technique of the inquiry. When he discovers it, he cannot bear being both the man of power and of knowledge. Indeed, because he cannot bear the truth, Oedipus finally blinds himself.<sup>51</sup>

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<sup>51</sup> In the original text, Oedipus' decision to blind himself for he cannot stand to face the truth is told by the Messenger in scene 9 and follows the discovery of Jocasta's suicide. The text develops with a strong insistence on "seeing" which, even from the Messenger's perspective, is made unbearable:

[...] And there we spied the woman hanging  
with her neck noosed in a twisting cloth.  
He saw, and with an awful roar, released the knot.  
Once she was laid upon the ground,  
what happened next was unbearable to see.  
For he extracted the long golden pins  
which fixed her robes; and then he lifted them  
and stabbed them in the sockets of his eyes.  
And as he did, he cried that they should see no more  
the sort of evils he had suffered and had done,  
but that in future they should stare in darkness

In the *Lectures on the Will to Know*, we learn that Oedipus' name refers to the Greek word *oida*:<sup>52</sup> "*Oida* evokes both *oidano*, "to inflate, swell", *oidema*, "swelling" (Oedipus' feet), and *eideo*, *eido*, to see with one's own eyes (Foucault: 2013, 259). Oedipus is the one who seeks to see the truth with his own eyes. However, the truth he will discover is different from the one derived from the knowledge thanks to which he was enthroned: it will be derived from an investigation through which Oedipus attempts to discover the identity of Laios' murderer in order to bring back justice to the city.<sup>53</sup>

This investigation, conducted according to a *tekhne*, leads to the superimposition of what is said with what has been seen: the incomplete discourse of the characters speaking a part of the truth in the play (Jocasta, Tiresias and Creon) will meet the truth of a visual witness (the peasant) and reveal to Oedipus that Tiresias, the blind seer who sees the full truth, was right. Sophocles' text constitutes, according to Foucault, a turning point in the relationship between power and knowledge: Oedipus acts as a tyrant because he does not care about

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at the ones that they should not have seen, and fail to know those that he'd longed for. (Sophocles: 2015, 64-65). Oedipus will not witness the consequences of his acts but he will forever reflect on the ones he has committed. The paradoxical reference to vision shows that Oedipus' fate heralded at the beginning of the play is now complete and that it is the knowledge of Oedipus as the murderer of his father and the husband of his mother which ends the inquiry. From then on, it is no longer the observed truth of facts which matters but only the one that has been tied to the preceding fragments of discourse throughout the play.

<sup>52</sup> For further development of the analysis of Oedipus' name, see footnote 40 (Foucault: 2013, 244).

<sup>53</sup> Depending on the text quoted, the spelling of the name of this character differs. For the sake of consistency, I have chosen to spell it *Laios* through the course of my argument. I have respected the spelling used in the original text in the quotations. The name is spelled *Laius* in the *Lectures on the Will to Know* and in Sophocles' *Oedipus Rex*.

the divine words that are true and just all at once. Following his own will, Oedipus puts the divine oracle to the test in order to free himself from the gods' decrees. However, the originality of Oedipus' quest is that it corresponds to a specific *tekhne* which is neither an attempt at solving a riddle (as it was in the case of the Sphinx) nor a hermeneutic exercise. The novelty of Oedipus' *tekhne* is that it precisely avoids the gods' justice by the use of the inquiry. What matters is therefore not the interpretation of what has been said by the gods, but the possibility of linking what is said to be true with what actually happened.

The use of this technique modifies the relationship between men and *tukhe*. *Tukhe* is no longer the fate conveyed by the truth and justice of the gods but instead becomes the unexpected event whose occurrence can constitute an occasion to change the course of things. In the *Lectures on the Will to Know*, Foucault writes:

We can see that the *tekhne* of Oedipus is not tuned to knowledge (*connaissance*) of the gods' hidden decrees which fix the destiny of men in advance, but to the discovery of what happened and is happening. It does not listen to the words of the gods which bind man once and for all; it lends attention to those irregularities, detours, and highs and lows which constitute Fortune [*Tukhe*]. The knowledge (*savoir*) of Oedipus is on the side of *Tukhe*. This proximity of *tekhne-tukhe* in Oedipal knowledge has a double effect: on the one hand, it allows one to give credence only to what has happened, not to look, "either to the right or the left," for what side the prophet's birds are flying [...], to consider all prediction, all *pronia* [...] idle, and not to see a realized prediction but a blow of *Tukhe* in the events that occur, like the death of Polybus [...]. The *tekhne* of Oedipus allows him to consider divine oracles, "*theon manteumata*" [...], as nothing. But on the other hand to consider them as nothing is to be able to escape; it is always possible to substitute a different destiny for the *moira* [fate; G.B] that prophets seem to reserve for man [...]. (Foucault: 2013, 248)

What Foucault insists upon when he stresses the proximity between *tekhne* and *tukhe* is that the case of *Oedipus Rex* reveals a disjunction between justice and knowledge. It is no longer the case that the gods' esoteric knowledge and sovereign power command the King's decisions and determine men's destiny; it is Oedipus' use of a specific *tekhne* that will provoke his fate.

What Foucault is interested in is precisely the emergence of knowledge as a *tekhne* that can be used by men in order to counterbalance the esoteric divine decrees. The process that will lead Oedipus to confirm the divine truth is a search for truth that no longer consists in the sovereign coincidence between truth, discourse and justice in one and the same act of power. On the contrary, Oedipus risks his power and goes through the play on the basis of a disjunction: it is by making justice and truth coincide again that he will eventually lose power. In trying to affirm a sovereignty that bypasses the fate imposed by divine truth, what Oedipus focuses on is the possibility of putting the divine knowledge to the test through an enquiry reuniting the seen and the said (the truth of the oracle with the discourse of the messenger). This restores the coincidence between the expressible and the visible which characterized the divine esoteric knowledge made a ritual act of power: it is only when the identity of Laios' murderer is identified through visual testimony that the truth will be complete.

In the preface to the French edition of Sophocles' tragedies, Pierre Vidal-Naquet draws attention to the different kind of knowledge Oedipus uses when he resorts to investigating Laios' murder. Vidal-Naquet insists on the fact that the opposition

between divine and human knowledge and their respective validity is expressed by the words of the priest who recognizes both may be valid. This opposition is further pursued by Oedipus who puts the truth of his technique up against the truth of the seer. Vidal-Naquet writes:

Through a frequent play on his name (*Oidipous*) and on the verb meaning “I know” (*oida*), Sophocles makes Oedipus the one who knows. It is through knowledge and art that he has freed Thebes from the dangerous musician, the Sphinge. It is to Oedipus’ knowledge that the priest – representative of the people at the beginning of the play – appeals: “It matters little whether the voice of a God or a mortal teach it to you”. [...] When Tiresias, speaking enigmatically in his turn, claims that “there lives in him the power of truth”, Oedipus who puts the art of the seer on an inferior level than his own knowledge replies: “And who would have taught you the truth? It is certainly not your art”.<sup>54</sup> (Vidal-Naquet: 1973, 27)

What Foucault stresses and Vidal-Naquet corroborates is the mutation of the meaning of knowledge: it no longer constitutes an immediate manifestation of power which realizes the order of things, but represents a specific technique or art accessible to men.

During a later lecture course given at the Collège de France in 1979-1980, and published as *Du Gouvernement des Vivants*, Foucault specifies further the nature of this human *tekhne*. He shows that by putting to the test the words of the oracle, Oedipus will be led to the reconstruction of truth in its totality, joining the said

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<sup>54</sup> “Par un jeu fréquent sur son nom (*Oidipous*) et sur le verbe signifiant “je sais” (*oida*), Sophocle fait d’Oedipe celui qui sait. C’est par le savoir et par l’art qu’il a délivré Thèbes de la redoutable musicienne, la Sphinge. C’est au savoir d’Oedipe que fait appel le prêtre, porte-parole du peuple au début de la pièce: “Que la voix d’un Dieu te l’enseigne ou qu’un mortel t’en instruisse, peu importe”. Quand Tirésias parlant à son tour par énigme affirme que “vit en lui la force du vrai”, Oedipe qui met l’art du devin sur un plan inférieur à son savoir réplique: “Et qui t’aurait appris le vrai? Ce n’est certes pas ton art”.

(the discourses of different characters in the play reporting what they know) with the seen (the testimony of the peasant who has witnessed the crime):

Thus statistically there is a set of six halves. [...] In fact, it is a matter of the adjustment of complementary fragments that go hand-in-hand, if you will, at each level, with the totality of truth. You are given the totality of truth that is, actually, uttered by the gods [by the oracle and Tiresias the seer]. This totality of truth is, if not completely spoken, at least touched on by Oedipus and Jocasta when they recall their memories. And finally, the totality of truth is said again a third time, by the servants and the slaves. [...] The game of these two halves that come to complete themselves between two characters [...], is what, in Greek, is of course called the *σύμβολον*: this figure, this material object, this piece of pottery which is broken in two and possessed by two characters bound to each other by a certain pact. [...] Truth will therefore be obtained and only be obtained through this game of the *σύμβολον*, of a half or rather of a fragment that will come and complete another, possessed by someone who is linked to the first by a religious or juridical bond, or one of friendship (Foucault: 2012a, 31–32).<sup>55</sup>

The specific concept of truth Foucault puts forward in this text, which already appears under a similar form in the *Lectures on the Will to Know*, in “Truth and Juridical Forms”, and in *Wrong–Doing, Truth–Telling: The Function of Avowal in Justice* relies on the basis of a disjunction between the discourse of knowledge and the facts to which it corresponds.<sup>56</sup>

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<sup>55</sup> “On a donc statistiquement un jeu de six moitiés. [...] En fait, il s’agit d’ajustements de fragments complémentaires qui se font deux par deux avec, si vous voulez, à chaque niveau, la totalité de la vérité. Vous avez la totalité de la totalité de la vérité qui, au fond, est dite par les dieux. La totalité est, sinon tout à fait dite, du moins comme touchée du doigt par Oedipe et Jocaste lorsqu’ils rappellent leurs souvenirs. Et enfin, la totalité de la vérité est dite à nouveau, une troisième fois, par les serviteurs et les esclaves. [...] Le jeu de ces deux moitiés qui viennent s’emboîter entre deux personnages [...], c’est ce que, en Grec, on appelle bien sûr le *σύμβολον*: cette figure, cet objet matériel, ce tesson de poterie qui est cassé en deux et que possèdent les deux personnes qui ont lié entre elles un certain pacte. Et lorsqu’il faut authentifier le pacte. [...] La vérité va donc s’obtenir et elle ne s’obtiendra que par ce jeu du *σύμβολον*, d’une moitié ou plutôt d’un fragment qui viendra s’ajuster à un autre, détenu par quelqu’un qui est lié au premier par un lien religieux, juridique ou d’amitié”.

<sup>56</sup> See respectively Foucault: 2013, 229–260, Foucault: 2000c: 16–32, Foucault: 2014b: 57–90.

The way in which the different parts of truth complete each other throughout the play shows that the type of truthful and just discourse it relies on is always fundamentally lacking and dependent on a symbolic structure: the *sumbolon* is this fragmented object whose other half is missing. In the same fashion, Sophocles' text shows that the knowledge of the characters of the play, in order to be complete and just, requires the visual testimony of the peasant.<sup>57</sup> This two-party distribution of truth recalls the principle thanks to which Oedipus had been granted political power at the beginning of the play: the fact that the knowledge he spoke was also acknowledged and validated by the city. Unlike the sovereign truth which sees and speaks at the same time, Foucault shows that the truth spoken by men relies on a divorce between the seen and the said and it is only the overcoming of this divorce (*i.e.* the reconstitution of the *sumbolon*) that legitimates the truth again. In the transcription of the lecture entitled "Oedipal Knowledge" found in the *Lectures on the Will to Know*, Foucault explains how the divine and human knowledge involved are of a different kind. He writes:

[...] there is also a displacement in the forms of knowledge: Apollo, who sees everything and speaks to his servants, was invoked first of all, or his blind seer, who listens to the god's word and sees in the dark. Listening and looking whose power has nothing in common with human listening

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<sup>57</sup> In the original text, the truth of facts is made possible once the messenger states that he has seen Oedipus discovering Jocasta's dead body:

"CHORUS-LEADER

Poor soul – what caused her death?

MESSENGER

She brought it on herself.

You're spared the worst of what was done,

because you were not there to see,

but I shall still recall as best as I can,

so you may know of that poor lady's sufferings." (Sophocles: 2015, 64)

The messenger clearly insists on the fact that he, unlike the chorus, can speak the truth because he has seen what happened. This is one example of how the reunion of the seen and the said constitutes the condition for truth throughout the play.

and looking, since they see the invisible and understand the puzzle. Corresponding to them in the human half are completely different kinds of looking and listening: regarding the death of Laius, Jocasta says what she has heard, and Oedipus recounts what he has seen with his eyes and done with his hands; in turn, the messenger from Corinth recounts what he has seen and done; the shepherd of Thebes, what he has done and heard. In this half the seeing and hearing intertwine (Jocasta heard what the shepherd saw; Oedipus heard what the messenger saw; the shepherd heard what Jocasta saw and did), just as the light and voice in the god and the seer intertwine (the god of light makes his voice heard by the blind man who sees everything). (Foucault: 2013, 234)

The correspondence between the said and the seen, which are heterogeneous on the human side, is made possible through the symbolic structure Foucault has described. It is this symbolic structure that will determine the shape of the knowledge that emerges, according to Foucault, within Classical Greek thought. It is a form of knowledge that dismantles the unity that characterized the power of the sovereign – the strict coincidence between power and knowledge that grants possession of the totality of truth to either the gods or the seer. This dismantling goes hand-in-hand with the emergence of knowledge as *tekhne* that seeks the reunion of the said and the seen, and finds the positivity of facticity at its basis. The investigation led by Oedipus aims at reconstituting the veracity of the facts which confirm the identity of Laios' murderer. However, the symbolic structure of knowledge and truth that corresponds to this *tekhne* introduces a necessary temporalization whereas the power/knowledge of the sovereign is immediate, spontaneous and true all the time, it is only with time that knowledge as *tekhne* reveals truth. In the *Lectures on the Will to Know*, Foucault describes the knowledge technique which appears in *Oedipus Rex* as a completion of two fragments:

The halves which come to complement each other are like the fragments of a symbol whose reunited totality has the value of proof and attestation. Oedipus is a “symbolic” story, a story of circulating fragments, which pass from hand to hand and the lost half of which one is looking for: from Phoebus to the seer, from Jocasta to Oedipus, from the messenger to the shepherd – so from the gods to the kings and from the kings to the slaves. And when, finally, the last slave leaves his hut with the last fragment of knowledge still needed in his hand, then the “narrative” half has joined the “oracle” half, the “incest” half has joined the “murder” half, the “Theban” half has joined the “Corinthian” half, and the total figure is reconstituted. The tessera has been reformed from its scattered fragments. The *symbolon* is complete. The entire procedure of the search has followed the dictates of this mechanism of the symbol: examination and authentication of what one has in one’s hand, definition of what is missing and was of supreme importance to know; designation of the person who must have the absent and complementary fragment in his possession. This is what Oedipus calls “making an inquiry”. (Foucault: 2013, 234–235)

We learn from this quote that the circularity of the symbolic structure that characterizes the new morphology of knowledge based upon the inquiry is both a completion and an authentication. Not only will the knowledge obtained through the reunion of the said and the seen be complete knowledge, but it will also be authentic knowledge, knowledge that corresponds to truth and which is no longer the idiosyncratic truth of the tyrant or the divine truth accessible to a few.

It is easy to see how, according to Foucault, the type of knowledge and truth that appears in *Oedipus Rex* inaugurates Platonic philosophy and its relation to truth: the type of philosophical discourse which emerges with Platonism seeks a relationship between knowledge and the remembrance of the form the soul has seen. What Foucault sees in Classical Greece is the emergence of concepts of knowledge and truth which no longer concern the power of the divine or of the

poets but the use of a *tekhnē* which establishes a link between the visible and the expressible (between what has happened and the knowledge of the fact). Knowledge no longer corresponds to the very utterance of the ruler who knows and speaks but to the absent fact it designates.<sup>58</sup>

Although it is in the *Lectures on the Will to Know* and in “Truth and Juridical Forms” that Foucault insists on this mutation of knowledge and truth, the mutation of the exercise of power emerging with Classical Greece is already mentioned in Foucault’s inaugural talk at the Collège de France on 2<sup>nd</sup> December 1970. He says:

For the Greek poets of the sixth century BC, the true discourse (in the strong and valorised sense of the word), the discourse which inspired respect and terror, and to which one had to submit because it ruled, was the one pronounced by men who spoke as of right and according to the required ritual; the discourse which dispensed justice and gave everyone his share, the discourse which in prophesying the future not only announced what was going to happen but helped to make it happen, carrying men’s minds along with it and thus weaving itself into the fabric of destiny. Yet already a century later the highest truth no longer resided in what discourse was or did, but in what it said: a day came when truth was displaced from the ritualized, efficacious and just act of enunciation, towards the utterance itself, its meaning, its form, its object, its relation to its reference. Between Hesiod and Plato a certain division was established, separating true discourse from false discourse: a new

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<sup>58</sup> In the 1<sup>st</sup> February 1984 lecture from the final lecture course at the Collège de France, Foucault differentiates two different modes of truth-telling, which he calls “veridiction” (Foucault: 2011b, 23): the truth of the one who teaches, which is related to a knowledge which pre-exists the act of its enunciation and the truth of the parrhesiast. Unlike the truth of the teacher or of the technician, the truth of the parrhesiast implies the strict coincidence between one’s actions and the production of truth which correspond to them. It is an act made truth through which the individual defines an ethical conduct by himself. This form of truth-telling is linked, throughout this lecture course, to the philosophical practice of the Cynics who produce the truth of their conduct at the very strict moment of their actions. One can see that the concepts of truth-telling and “veridiction” Foucault stresses link the production of truth to an immanent technique and not to the determination of a rationality to be discovered through the use of knowledge. In this sense, there is a direct dialogue between Foucault’s first and last lecture course at the Collège de France. Whilst, in the *Lectures on the Will to Know*, Foucault analyses the emergence of epistemological truth as a human technique, he provides in *The Courage of Truth* the example of ethical attitudes which bring back the concept of truth to strict immanent action.

division because henceforth the true discourse is no longer precious and desirable, since it is no longer the one linked to the exercise of power. (Foucault: 1981, 54)

The redistribution of power and knowledge appears clearly: when knowledge coincided with power, it is discourse as an act that mattered. What mattered was the efficacy of a discourse that was powerful in itself (the coincidence of what is said and seen by gods, the oracle or the seer). However, once the divorce between knowledge and power occurs, it is no longer the efficacy of the act of enunciation or discourse in its materiality that matters. What matters then is the meaning and the object of discourse – its absent referent. Foucault's reading of the play deepens his analysis of the mutation of sovereign power by adding to the question of the coincidence between the performance of the law and the manifestation of truth the idea that truth is no longer conveyed by the coincidence of act and discourse.

The concept of truth as performance and coincidence of the said and the seen (or of the visible and the expressible) is an idea Foucault borrows from Marcel Détienne's analysis of the meaning of truth in Archaic Greece. In *The Masters Of Truth in Archaic Greece*, Détienne insists upon the fact that the sung speech of the poets had the function – amongst others – of praising the sovereign who sets the world in order and thus marks the condition of possibility of the *kosmos*. However, this sung speech is not merely the reminder of a lost origin but plays an active part in realizing the order of the world:

Hesiod does appear to provide the final remaining example of sung speech praising the figure of the king, in a society centered on the type of sovereignty seemingly exemplified by Mycenaean civilization. In

Hesiod's case, the royal figure is simply represented by Zeus. At this level the poet's function was above all to "serve sovereignty": by reciting the myth of emergence, he collaborated directly in setting the world in order. (Détienne: 1999, 44–45)

The last sentence of the quotation underlines the role of the poet in relation to a *logos* whose efficacy is not divorced from the moment of its enunciation. When the poet "[collaborates] directly in setting the world in order", the sung speech is efficacious and does not correspond to the usual meaning of memory: it is the sovereign *logos* made actual. Détienne adds:

Sung speech, delivered by a poet with the gift of second sight, was efficacious speech. Its peculiar power instituted a symbolicreligious world that was indeed reality itself. [...] Traditionally, the poet served two functions: "to hymn the immortals and the glorious deeds of heroes." The example of Hermes illustrates the former: "While he played shrilly on his lyre, he lifted up his voice and sang. He sang (*krainon*) [literally: through his praise he made real] the story of the deathless gods and of the dark earth, how at the first they came to be, and how each one received his portion." (Détienne: 1999, 43)

It is not by accident that the Greek for the verb "sing" is *krainon*, which signifies an act of power,<sup>59</sup> and means that the sung speech is an act establishing order and justice. It is only through the act of singing that the poet actualizes its *logos*. The poet – one of the "Masters of Truth" described by Détienne – shows the existence of a symbolicreligious link to a beyond which is not of a metaphysical nature. It is the very "magicoreligious" power Foucault mentions in "Truth and Juridical Forms": a power which coincides with an efficacious *logos* but which is the exclusive possession of gods and the Masters of Truth. Between the symbolicreligious function of the poet who, by praising God, makes his

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<sup>59</sup> *Krainon* comes from *krinein* which means "to accomplish, to fulfill". See Liddell & Scott (1883, 840).

cosmogonic power come true and the structure of the *sumbolon* which runs through the story of *Oedipus Rex*, the nature of truth changes. In the case of the *Masters of Truth*, Détiénne's reading of *aletheia* is articulated around the question of memory and forgetfulness: Détiénne reads it as a non-forgetfulness [*a-lethe*] and it is by actualizing truth through its speech that the Masters of Truth prevent its oblivion. In the case of Foucault's reading of *Oedipus Rex*, the question of truth is asked in relation to the identity of the parricide who needs to be identified through a correspondence between the vision of Tiresias and that of the peasant (the visual witness). The words of the peasant and the words of Tiresias meet at the point where the identity of Oedipus is finally revealed: the testimony of the visual witness brings the confirmation of Oedipus' parricide.

However, in the case of the poet praising the truth of the *kosmos*, "his privilege was to enter into contact with the other world, and his memory granted him the power to 'decipher the invisible'" (Détiénne: 1999, 43). The poet – who sings the power of the gods – possesses "the privilege to 'devise and accomplish' (*noseai te krenai te*): Apollo 'realizes through his speech', and Zeus 'realizes' everything" (Détiénne: 1999, 71). In Archaic Greece, the poet and the seer were amongst those able to access the efficacious *logos* of gods. In contrast to this efficacious coincidence between knowledge and power, Foucault interprets the practice of inquiry in *Oedipus Rex* as the direct consequence of the dismantlement of a form of political power which is in fact a case of sovereignty: the ability to know and realize truth in one and the same act becomes the deployment of a *tekhné* through which the veracity of a fact is established. The dismantling of this

coincidence entails a definition of truth as dissociation between the visible and the expressible whose coincidence was performed by sovereigns (Masters of Truths, kings and gods). The role played by the peasant in Sophocles's *Oedipus Rex* precisely produces this form of truth: once it is brought forward, his testimony will reveal Oedipus' parricide and identity, both of which become facts with which truth is associated. Truth is no longer the partial truth spoken by different characters throughout the play but a true fact. During the 17<sup>th</sup> March 1791 lecture, Foucault says:

And this system of constraints shown by the Oedipus fable could be characterized very schematically in the following way: on the one hand, the political, juridical, and religious requirement to transform the event, its recurrences and figurations over time, into established and definitively preserved facts in the *observation* of witnesses. Subjecting the event to the form of the observed fact is the first aspect of Oedipal truth. (Foucault: 2013, 196)

The subjection of the event to the *observed* fact, that is the fact which cannot change and may be retrieved through memory, recollection or knowledge, echoes Foucault's analysis of the mutation of the political power as the expression of justice. Whereas political power was expressed through a sovereign law realized as it was spoken, the structure of the *sumbolon* which marks the specificity of Oedipal knowledge severs the truth of discourse from its expression. This makes possible the move from a judicial to an epistemological understanding of truth: both are subjected to the transfer of the immediate sovereign synthesis of power and justice to a mediated relationship of signification. Foucault adds:

The transformation of the lightning flash of the event into observed fact, and access to truth given only to someone who respects the *nomos*, are the two great historical constraints that, since Greece, have been imposed on the true discourse of Western societies, and it is the birth, the formation of these historical constraints that *Oedipus*

recounts. [...] [W]e can see how the signifier is what enables the lightning flash of the event to be subjected to the yoke of the observed fact, and what also allows reduction of the requirement of distribution to the purified knowledge of the law. The system of the signifier is the major instrumental element in this Oedipal constraint; which is why the order of the signifier has to be overturned. (Foucault: 2013, 196–197)

Foucault's reading of the historical emergence of a new way of producing truth shares a judicial as well as an epistemological dimension. In the *Lectures on the Will to Know*, "Truth and Juridical Forms" and *Truth-Telling: The Function of Avowal in Justice*, Foucault keeps on interweaving the epistemological search for truth with the idea of the adequate expression of justice.<sup>60</sup> The reason for such an interweaving lies in the contrast Foucault draws between the performance of sovereign justice through an agonistic relationship opposing two parties (*i.e.* the individual breaching the rule *versus* god, the Master of Truth or king of justice) and the expression of justice as adequacy with a preexisting truth.<sup>61</sup> Within the

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<sup>60</sup> Regarding the question of the coincidence between justice and truth, Foucault is greatly indebted towards Nietzsche's account of the relationship between truth and justice. As Nietzsche claims in the *Gay Science*, §289: "a new justice is needed!". This justice would not be the one of "confessors, conjurers of souls, and forgivers of sins". Nietzsche refers to the creation of "many news suns" which, like new values, would challenge the overarching status of our concept of truth (Nietzsche: 2001, 163). Truth would therefore not be associated to a transcendental criterion against which experience would be judged, but to an ethical practice or to a perpetual creation. In this respect, Foucault's reading of Nietzsche's will to power differs from Heidegger's. It is clear that Foucault's use of the word "will" is a direct reference to Nietzsche's and corresponds to the immanence of subjective acts not determined by scientific judgment. As I remark on page 47, Foucault's definition of the will as "the pure act of the subject" is that which produces truth. This interpretation contradicts Heidegger's reading of Nietzsche's concept of justice according to which "[Nietzsche] invokes 'justice' as a way of thinking that arises from such value-estimations" (Heidegger: 1991, 143). According to Foucault's reading of Nietzsche's concept of justice, justice is not a "value-estimation" but the creation of values. Consequently, Nietzsche's will to power cannot be read as "the permanentizing of Becoming into presence" (Heidegger: 1991, 156). Rather, the will understood as "pure act of the subject" is that which allows becoming. As Foucault puts it: "there can be truth only in the form of the other world and the other life" (Foucault: 2011b, 356).

<sup>61</sup> This opposition between the production of an autonomous truth which coincides with the manifestation of an act of power and an epistemological truth reconstructed through the technique of investigation involving factual knowledge is an opposition which recurs regularly in Foucault's work. It is above all thematized in "Truth and Juridical Forms" (Foucault: 2000c, 1-89) and in the *Lectures on the Will to Know* (Foucault: 2013, 71-132, 149-166). Whilst Foucault never calls it "sovereign power" explicitly, D tienne refers to the coincidence of power and knowledge

paradigm of sovereign justice, the right order of things is either enforced or restored: it is the function fulfilled by the ritual as it expresses the proper sovereign order that has been threatened. But once justice gets linked to the retrieval of facts, the synthesis between truth and power is no longer performed autonomously by the sovereign but is dependent on the truth of a fact that confirms that what is said corresponds to something that has happened. In *Oedipus Rex*, the visual witness is the one entitled to confirm the truthfulness of the truth by doubling the actuality of his discourse to the non-actuality of a past event. It is only once the peasant performs the joining of the visible and the expressible that truth is accepted. Between Oedipus' legitimation as ruler by the city as a result of his solving the riddle of the Sphinx, and Oedipus' recognition of the truth after the testimony of the visual witness, the logic of validation of truth has changed. Truth no longer consists in the private knowledge of one (*i.e.* Oedipus being able to solve the riddle on his own) which suffices to legitimate the truth, it is the truth-value of the fact which is spoken about (the possibility of confirming that discourse actually corresponds to what it speaks about) that validates truth. In this case, truth acquires a transcendental position which makes it both possible and necessary to decide whether a discourse is in itself true or false, whether it fits the symbolic structure of signification which establishes an intrinsic correspondence between the expressible and the visible or between

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as a case of political sovereignty. The examples Foucault uses are the ones of emperors, kings, or of the philosophical figure of the Cynic who, in *The Courage of Truth*, exerts a "true sovereignty" (Foucault: 2011b, 303). In *Security, Territory, Population*, Foucault clearly mentions that "the end of sovereignty is circular. It refers back to the exercise of sovereignty" (Foucault: 2009c, 98-99) according to which "law and sovereignty were absolutely united" (Foucault: 2009c, 99) Therefore, political but also ethical sovereignty defines the possibility of a coincidence between one's *logos* and one's acts or between one's truth and one's power.

discourse and the observed fact to which it refers. In the case of *Oedipus Rex*, overturning the order of the signifier means rediscovering the missing signified. Throughout the play, it is a series of signifiers (the incomplete knowledge of the different characters as well as the meaning of Oedipus' name) which indicate a missing signified, namely the murder that indicates Oedipus' identity.

We see that what characterizes, according to Foucault, the historical emergence of a truth which relies upon the epistemological dependence of the expressible and the visible (*i.e.* the dependence between the discourse of knowledge and the factual truth it targets) coincides with the historical disappearance of a form of political power which was linked to forms of sovereignty (of gods and kings): it implied an essential coincidence between the manifestation of truth and its actualization as act of power. This disappearance, which, according to Foucault, happens at the end of Archaic Greece, is of crucial importance in order to understand the specificity of biopolitical jurisdiction because it recurs when Foucault studies the emergence of bio-power and biopolitics in the nineteenth century. This time, it is the model of Medieval political sovereignty which disappears after the Classical Age to give rise to the anthropological knowledge which characterizes the modern *episteme*. The law of the sovereign no longer expresses the ritualized order of the world, it is the rationality derived from the knowledge of anthropological nature which provides the basis for an ordering of the lives of men. This shift also implies a disjunction between the visible and the expressible. However, it is this time the sovereignty of the modern subject which is compromised: the possibility of a strict coincidence between the production of

subjective truth and subjective acts is always already preceded by an anthropological rationality which presupposes a transcendental truth divorced from the immanence of the act. In the following section, I will explore the implications of Foucault's account of the emergence of epistemological truth at the end of Archaic Greece. This emergence conceals the fact that the search for epistemological truth corresponds first of all to an immanent technique or to an immanent and powerful act. This will provide the conceptual framework necessary to understand how, within biopolitical modernity, the postulate of anthropological truth also conceals the fact that the truth of anthropological nature is not a transcendence given prior to experience. It is based upon the postulate of an epistemological truth which exists independently from the immanent existence of individuals.

### **3. Foucault's account of the mutation of truth and justice: the sovereign act of speech against the knowledge of nature**

The juridical and epistemological mutation Foucault identifies in his study of Sophocles' *Oedipus Rex* reappears in "Truth and Juridical Forms" and takes a wider dimension. In the 1973 text, the necessity to establish the correct relationship between the expressible and the visible in order to convey truth and justice is linked to the general movement which characterizes the passage from the esoteric power of gods to the knowledge of men. As D  tienne has shown, the fact according to which sovereign power performed a strict synthesis of power

and truth (*i.e.* the act that expresses and actualizes truth at the same time) made the sovereign responsible for the right and just order of things. The epistemological counterpart of the adequacy between discourse and justice, instead of being derived from the esoteric divine truth, will be derived from the concept of nature whose laws are accessible to human knowledge. It is Jean-Pierre Vernant, who provides a clear account of the process of rationalization of the poetic myths by the discourse of the philosophers and by the knowledge of the *Phusikoi*. In *Mythe et Pensée chez les Grecs*, Vernant insists upon the emergence of philosophy and the natural sciences in Classical Greece as a way of producing a rational knowledge which, through the positivity of discourse, replaces what the power of the sovereign previously realized:

In philosophy, [Cornford writes] myth is "rationalized". But what does that mean? Firstly, that it has taken the form of a problem formulated explicitly. The myth was a story, not the solution to a problem. It recounted the series of decrees of the king or of the god, just as the rite used to imitate it. The problem was resolved before being posed. But, in Greece, where with the City new political forms triumph, the old royal rituals only subsist as vestiges whose meaning has been lost; the memory of the king as creator of order and maker of time has been erased. [...] It is these questions (genesis of the cosmic order and explanation of the *meteôra*) which constitute, in their new form as problems, the matter of the first philosophical reflection. The philosopher thus replaced the old king–magician, master of time: he theorizes what the king used to effectuate.<sup>62</sup> (Vernant: 2006, 379)

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<sup>62</sup> "Dans la philosophie, écrit-il [Cornford], le mythe est "rationalisé". Mais qu'est-ce que cela signifie? D'abord, qu'il a pris la forme d'un problème explicitement formulé. Le mythe était un récit, non la solution d'un problème. Il racontait la série d'actions ordonnatrices du roi ou du dieu, telles que le rite les mimait. Le problème se trouvait résolu avant d'avoir été posé. Mais, en Grèce, où triomphent, avec la Cité, de nouvelles formes politiques, il ne subsiste plus de l'ancien rituel royal que les vestiges dont le sens s'est perdu ; le souvenir s'est effacé du roi créateur de l'ordre et faiseur du temps [...]. Ce sont ces questions (genèse de l'ordre cosmique et explication des *meteôra*) qui constituent, dans leur forme nouvelle de problème, la matière de la première réflexion philosophique. Le philosophe prend ainsi la relève du vieux roi–magicien, maître du temps: il fait la théorie de ce que le roi, autrefois, effectuait."

Vernant tells us that the knowledge of the *Phusikoi* and of the philosophers aims at producing the positivity of what, in the words of the Masters of Truth, was fundamentally a performance. The discourse which replaces the sovereign synthesis of power and truth establishes a fundamental distance which affects the way in which the *logos* operates: it no longer effectuates a truth which disappears after its expression and gets actualized again through the logic of the ritual but makes truth the condition of possibility of its own expression: it is no longer the sovereign who produces truth through his *logos* but truth which expresses its sovereignty by always already determining a rationality which survives its expression. In "Truth and Juridical Forms", Foucault, who had read Vernant, provides the same kind of analysis: the replacement of truth effectuated in an act of power by knowledge produces a disjunction of the expressible and the visible. This disjunction works in relation to the past (memory and recollection), or to the future (inquiry). Foucault writes:

[...] there was the development of a new type of knowledge – knowledge gained through witnessing, through recollection, through inquiry. A knowledge by inquiry which historians such as Herodotus, a short time before Sophocles, naturalists, botanists, geographers, Greek travelers, would develop and Aristotle would totalize and make encyclopedic. In Greece there was, then, a sort of great revolution which, through a series of political struggles and contestations, resulted in the elaboration of a specific form of judicial, juridical discovery of truth. The latter constituted the mold, the model on the basis of which a series of other knowledges – philosophical, rhetorical, and empirical – were able to develop and to characterize Greek thought. (Foucault: 2000c, 34)

According to Foucault, "the history of the birth of the inquiry" through which the divine truth gets replaced by human knowledge is what characterizes the shift from Archaic Greece to Classical Greece: a shift which sees the replacement of the esoteric divine truth performed in an act of power by a truth which, because

it points either towards the past or towards the future, survives the moment of its manifestation. What Foucault wants to prove, each time he studies the replacement of the sovereign manifestation of truth by facts that can be known through inquiry, is that the settlement of a judicial conflict becomes first of all a juridical matter which makes truth dependent on a discourse which survives the moment of its expression. It is both this disjunction and interdependence between the visible and the expressible appearing as a direct consequence of the mutation of truth that characterizes the birth of Classical Greece and marks the opening of an epistemological concern: how is it possible to determine that the truth discovered through the inquiry is also the just truth?

This is the reason why Vernant, in *Oedipe et ses mythes*, writes that “Oedipus leads both a judicial and scientific inquiry, as underlined by the repeated use of the verb *zetein*.”<sup>63</sup> (Vernant & Vidal-Naquet: 2006, 34).<sup>64</sup> The practice of the inquiry which retrieves truth from its absence through the use of knowledge is a movement through which the esoteric truth and justice of gods is made the positive purpose of inquiry. In *The Lectures on the Will to Know*, Oedipus is the first character that Foucault, inspired by Vernant’s reading, describes as practicing *zetesis*. But Oedipus is not the only one, in the Foucaultian *corpus*, to inquire in this way. The term recurs in the 1983-1984 last lecture course *The Government of the Self and Others II: The Courage of Truth*. During the 15<sup>th</sup> February 1984

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<sup>63</sup> “Oedipe mène une enquête, à la fois judiciaire et scientifique, que souligne l’emploi répété du verbe *zetein*.”

<sup>64</sup> Foucault too refers to the practice of *zetesis* (the inquiry) again in his last lecture course at the Collège de France in 1983–1984 *The Government of the Self and Others II: The Courage of Truth* (Foucault: 2011b).

lecture, Foucault tells us that Socrates too, in the *Apology*, puts the Delphic oracle to the test in order to make sure that what the god says is true. Socrates embarks on an inquiry (*zetesis*) which will allow him to verify the divine truth. Foucault writes:

Socrates' friend, Chaerephon, went to ask the god of Delphi: What Greek is wiser than Socrates? And you know that the god's answer to this question, put not by Socrates but by one of his friends, was: No one is wiser than Socrates. Of course, like all the god's answers, this is enigmatic, and the person to whom the god gives the answer is never really sure of understanding it. In fact, Socrates does not understand it. And he wonders, like all or almost all of those who have received the god's enigmatic words. [...] What Socrates says in regard to what he did at this point is very interesting. He says: having been given the answer to Chaerephon's question, and not understanding it, wondering what the god could really mean, I undertook a search. The verb used is *zetein* (you find the word *zetesis*). (Foucault: 2011b, 81–82)

Note 24 to the lecture tells us that the English translation of *Socrates' Apology*, translates *zetein* by the verb "check": "I set myself at last with considerable reluctance to check the truth of it in the following way" (Foucault: 2011b, 94). What this tells us is that the discovery of knowledge through inquiry that Foucault describes is not the interpretation of the oracle's words but their verification. During the same lecture, Foucault indeed adds that Socrates does not attempt to decipher the hidden meaning of what the god said but the conformity of his words with truth. He adds:

The investigation Socrates undertakes aims to find out if the oracle told the truth. Socrates wants to test what the oracle said. He is anxious to subject the oracle to verification. Significantly, he uses a characteristic word to designate the modality of this search (*zetesis*). This is the word *elegkhein*, which means: to reproach, to object, to question, to subject someone to cross-examination, to challenge what someone has said in order to find out whether or not it stands up. It is, in a way, to dispute it. So he will not interpret the oracle, but dispute it, subject it to discussion, to challenge, in order to find out if it is true. (Foucault: 2011b, 82)

We see that Foucault links the birth of the inquiry to a change of jurisdiction: not only is it possible for men to know the truth, but this truth must also correspond to the right expression of justice. It is the reason why the practice of the inquiry (which aims at the reconstitution of the conjunction between the visible and the expressible) is thought on the basis of sovereign unity, just and true at the same time, which performs the right order of things. The mutation of the morphology of truth and knowledge at the turn of Archaic and Classical Greece shows that the availability of a natural rationality produces an alienation of the ability to determine the truth which one speaks: since truth preexists the act of speech, it is the concept of truth and the knowledge leading to it which acquires a transcendental status.

It is on the basis of such unity that the law read in nature must also be the just law (*i.e.* that knowledge must correspond to truth). In *The Lectures on the Will to Know*, Foucault links the *nomoi* (the laws written by men in opposition to the esoteric divine truth) to the possibility of justice: the practice of knowledge through inquiry aims at the retrieval of the right and just laws decipherable in the order of nature. Not only are the laws which govern nature made positive knowledge, they must also correspond to the just expression of truth. It is in the space of the disjunction between sovereign power and sovereign knowledge that Foucault locates the need for a link between the knowledge leading to the positive expression of the law and cosmological justice. During the 10 February 1971 lecture from the *Lectures on the Will to Know*, Foucault identifies a mutation of the judicial practice associated to *krinein* (the sovereign power, described by

Détienne, which realizes truth and justice) in Hesiod's *Works and Days*. This practice moves away from the esoteric efficacy of the oracle or of the poet and starts to correspond to the idea of adequate knowledge of nature. Foucault tells us that the practice of *krinein* needs to be connected to *dikaion* which "rest[s] on a justice which is [...] linked to the very order of the world (and not just to the anger of the Gods)" (Foucault: 2013, 107), Foucault writes:

We have a relation to it [*dikaion*] in the form of knowledge. Justice is no longer ordered so much by reference to an asserted and risky truth; rather it is linked to a truth we know. Being just is no longer merely applying the rules and risking the truth. It is not forgetting to know the truth; it is not forgetting the truth we know. This is why Hesiod himself can also deliver a discourse of justice. Certainly, he does not deliver a sentence, but he gives advice. Advice to kings of justice, advice to a peasant like Perses. He can tell of the justness of justice, he can pronounce sentences on sentences, opinions on decisions. He can judge the judges. *Krinein*, suddenly, no doubt at the very moment of its birth, acquires a breadth in which sententious poetry, statement of nature, and political demand are not yet distinguished from each other. It is a discourse which has two sides throughout its development: that of justice and that of truth. Right at the start of the poem, Hesiod says to Zeus: "May justice rule your decrees! For myself, I shall tell Perses some truths" (*Works and Days*, 9–10). [...] But a problem arises. What is this truth in the form of knowledge that *krinein* needs, on what is it based? Following Hesiod, but also his successors, it is the truth of days and dates; of favourable times; of the movements and conjunctions of stars; of climates, winds, and seasons: that is to say, it is a whole body of cosmological knowledge. It is also the truth of the genesis of the gods and the world, of their order of succession and precedence, of their organization as system of the world. Theogony. Knowledge of the calendar and of the origin; knowledge of cycles and of the beginning. (Foucault: 2013, 110–111)

Diverging from Détienne's interpretation of the practice of *krinein* as effectuation of the cosmological order, Foucault chooses to link it to the question of knowledge: he is concerned, in *The Lectures on the Will to Know*, with the historical shift from the paradigm of sovereign truth and justice to that of the knowledge of nature sustained by an already existing truth. According to

Foucault, the mutation which occurs with the emergence of Classical Greece and philosophical discourse is, beyond the disjunction of sovereign power and sovereign knowledge he explicitly refers to in "Truth and Juridical Forms", a concern for the ways in which men have strived to make the esoteric and fateful divine *logos* the words of an intelligible description of nature. In this respect, I agree with Arianna Sforzini who defines the mutation of truth as a "wrenching of the power of truth-telling from the divine in order to construct and found procedures of truth detached from any relationship to the transcendence of gods" (Sforzini: 2012, 8).<sup>65</sup> Even though the divine truth is told by men to men, the question of its translation into the positive discourse of knowledge persists: on what basis can the laws of men translate the just and right order of things?

It is D tienne who, in *The Masters of Truth in Archaic Greece*, takes care to distinguish two kinds of relationships to truth which describe two ways of accessing the same knowledge. D tienne works on the meaning of *aletheia* as a negation of *lethe* (which he translates as "forgetfulness") to contrast the way in which gods, the oracle or the seer perform truth in opposition to the peasant who accesses it through the negation of forgetfulness (*aletheia*), *i.e.* through the use of memory. D tienne writes:

In *Works and Days*, we thus find a double instantiation of *Aletheia*. [...] "truth" is explicitly defined as a "nonforgetfulness" of the poet's precepts. But no fundamental difference exists between these two cases of *Aletheia*. They are simply *Aletheia* considered from two different perspectives – in one case in its relation to the poet, in the other in

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<sup>65</sup> "arrachement au divin du pouvoir de v ridiction afin de construire et fonder des proc dures de v rit  qui se d tachent de tout rapport   la transcendance des dieux.". Sforzini gave this definition in a talk given at the Rencontres doctorales du centre Michel Foucault at the IMEC in Caen on 3<sup>rd</sup> May 2012. This reference is an unpublished document.

relation to the farmer who listens. The former possesses *Aletheia* purely through the privilege of his poetic functions; the latter can only acquire *Aletheia* by exerting his memory. (Détienne: 1999, 50–51)

It is on the basis of these “two cases of *Aletheia* [...] considered from two perspectives” that the difference between truth and knowledge which is introduced in the *Lectures on the Will to Know* can be understood. Whereas the sovereign realises and expresses truth through a *logos* which is an immediate expression of power, men access truth through the knowledge gathered through the inquiry. Therefore, “the development of a new type of knowledge” (Foucault: 2000c, 34) which Foucault describes in “Truth and Juridical Forms” and reads in Sophocles’ *Oedipus Rex* is first of all a new way of accessing the truth whose direct manifestation has been lost when the possibility of the synthesis between truth and power disappeared at the same time as the paradigm of Archaic political sovereignty. But what Foucault insists upon in the *Lectures on the Will to Know* is the emergence with Hesiod of an equivalence between divine and human truth.

He writes:

[...] it [the law] supposes an equivalence between the justice of Zeus and the truth of men, for if the justice of men consists in following, in its vein, the truth of things – the exact order of the stars, of days and seasons, this order is nothing else than the decree of Zeus and of its sovereign law. (Foucault: 2013, 112)

The lectures of the 27<sup>th</sup> January, 3<sup>rd</sup> and 10<sup>th</sup> February 1971 are concerned with the way in which truth, instead of belonging to the realm of the esoteric divine rule, historically becomes what the use of knowledge can find in nature. The fact that the emergence of the positive justice of men (the *nomos*) represents an attempt to adjust to “the whole body of cosmological knowledge” (Foucault:

2013, 111) further explains what Foucault has in mind when he mentions “the dismantling of the great unity of a political power that was, at the same time, a knowledge” (Foucault: 2000c, 31). It is in the 17<sup>th</sup> February 1971 lecture from the *Lectures on the Will to Know* that we find an explication of this transformation. Foucault insists on the fact that the emergence of positive law coincides with the just order of truth and nature. By “positive law” I mean the expression of a knowable and transmissible law which, at the same time as it gains accessibility and correspondence to the truth of *phusis*, loses its strict connection to the materiality of its act of expression. In the second part of “Truth and Juridical Forms”, it is the same kind of correspondence Foucault identifies when he reads *Oedipus Rex*:

So we can say that the entire *Oedipus* play is a way of shifting the enunciation of the truth from a prophetic and prescriptive type of discourse to a retrospective one that is no longer characterized by prophecy but, rather, by evidence. This was also a way of shifting the luminescence or, rather, the light of the truth of the prophetic and divine luminescence to the more empirical and everyday gaze of the shepherds. There is a correspondence between the shepherds and the gods. They say the same thing, they see the same thing, but not with the same language or with the same eyes. All through the tragedy, we see that same truth presented and formulated in two different ways, with different words in a different discourse, with another gaze. [...] Here we have one of the basic features of the *Oedipus* tragedy: the communication between the shepherds and the gods, between the recollection of men and the divine prophecies. The correspondence defines the tragedy and establishes a symbolic world in which the memory and the discourse of men are like an empirical margin around the great prophecy of gods. (Foucault: 2000c, 23–24)

The shift Foucault stresses between the enunciation of truth from a prospective discourse based on the magical gaze of the prophet and a retrospective discourse based on evidence underlines the emergence of a historical configuration between power and knowledge. Knowledge is no longer linked to the sovereign

performance of an act of justice which puts the world in order (as D  tienne demonstrates it in *The Masters of Truth in Archaic Greece*) but to a true *logos* which is no longer an identifiable act of enunciation.

What matters is the way in which the production of truth as an act of enunciation shifts from an immediate manifestation to a discourse conveying a truth that remains after its expression and which can be appropriated through the use of knowledge. The "symbolic world" is described by Foucault as the "empirical margin" around the prophecy of gods since it reaches the same truth not through an immediate gaze that performs but through the technique of enquiry based upon the evidence which changes the nature of memory. It is no longer the "non-forgetfulness" described by D  tienne as a divine prerogative but the memory of men which links the signification of what is said to the return of a founding origin and to the endless possibility of retrospection. This shift defines a new relationship between knowledge and power that is, according to Foucault, the "complex" epitomized by *Oedipus Rex* which illustrates the morphology of our Western mode of thinking: it is a mode of thinking which always already links power (the immanence of an act) to the possibility of it being always already appropriated by knowledge and linked to truth. During the second lecture from "Truth and Juridical Forms", Foucault says:

I want to show how the tragedy of Oedipus [...] is representative and in a sense the founding instance of a definite type of relation between power and knowledge [*savoir*], between political power and knowledge [*connaissance*], from which our civilization is not yet emancipated. It seems to me that there really is an Oedipus complex in our civilization. But it does not involve our unconscious and our desire, nor the relations between desire and the unconscious. If there is an Oedipus complex, it

operates not at the individual level but at the collective level; not in connection with desire and the unconscious but in connection with power and knowledge. That is the “complex” I want to analyze. (Foucault: 2000c, 17)

This is the reason why Foucault’s genealogy of our “Western” concept of truth is first of all an attempt at retrieving the power relationships through which *the* truth gets historically produced: a truth which both marks and is marked by a metaphysical evidence whose origin and expression has been historically masked: a production which proceeds from the evidence and primacy of knowledge as natural and spontaneous human activity.

As soon as truth conceals the power (as soon as the expression of power gets replaced by the concept of preexisting truth in and of nature), it becomes also the expression of a preexisting justice which replaces the sovereign justice conveyed through a ritualized act of power. The epistemological mutation linked to the birth of the inquiry is also a juridical one: it is now the truth of nature that will also dictate the right order of justice no longer through an act of sovereign power but through the knowledge of truth decipherable by men in nature. In the *Lectures on the Will to Know*, Foucault clearly insists upon the relationship between *dikaion* (the order of justice) and *alethes* which emerges with Archaic Greece. He writes:

Now this is where the Greek transformation comes into play. Knowledge will be separated from the State apparatus and from the direct exercise of power; it will be detached from political sovereignty in its immediate application to become the correlative of the just, of the *dikaion* as natural, divine, and human order. The knowledge that was the secret of effective power will become the order of the manifest, measured world, effectuated daily and for all men in its truth. And the truth that was memory of ancestral rule, challenge, and accepted risk, will take the

form of knowledge revealing and conforming to the order of things. There were two correlative transformations therefore: one revealing the truth as knowledge of things, time, and order, and the other shifting knowledge from the domain of power to the region of justice. [...] In its foundation, in its first word, justice will have to be law, *nomos*, the law of men, which will truly be their insuperable law only if it is in conformity with the order of the world. The decision will have to be right (*juste*), the sentence will have to express *dikaion* and *alethes*, the just and the true, that which is fitted to the order of the world and things, and which restores this very order when it has been disturbed. (Foucault: 2013, 119–120)

Oedipus' tragedy corresponds to the two transformations Foucault describes: the epistemological and juridical meaning of the Greek *zetein*. It is not only the case that Oedipus' investigation leads him to consider the knowledge of things rather than the words of gods, but also that he, when reaching the conclusion of this investigation, also restores the just order of things and discloses himself as illegitimate ruler. The eviction of the tyrant from power corresponds to the eviction of a form of power which enforces its own rule regardless of the true and just order of things. The central aspect of Oedipus' tragedy is that it is his own tyrannical posture that will lead him to move away from the words of gods and see in *tukhe* the possibility of a *tekhne*. As Foucault notes in *Truth and Juridical*

*Form*:

[...] Oedipus is the one who attaches no importance to the laws and who replaces them with his whims and his orders. He says this in so many words. When Creon reproaches him for wanting to banish him, saying that this decision was not just, Oedipus answers, "No matter if it's just or not, it will have to be obeyed all the same." His will be the law of the city. It's for this reason that, when his fall begins, the Chorus of the people will reproach Oedipus with having shown contempt for *dike*, for justice. So in Oedipus we have no trouble recognizing a figure that is clearly defined, highlighted, catalogued, characterized by Greek thought of the fifth century – the tyrant. (Foucault: 2000c, 28)

What Foucault describes is the fact that Oedipus, as illegitimate sovereign, enforces a law which shows no care for *dike* (the order of justice). Oedipus is called tyrant because he speaks a law which disrupts the intrinsic correspondence between laws, truth and justice: his *logos* does not match the esoteric truth of gods which is supposed to make justice possible. Chevallier, in his *Michel Foucault et le Christianisme*, argues that the figure of the tyrant is the one which will be opposed by the emergence of philosophy and more precisely Plato's *Republic* through the establishment of the need for an ontological adequacy between experience and the truth that the soul has seen but forgotten.

The adequacy between discourse and truth produces an adequacy between the said and the seen (between philosophical discourse) and the eternal truth that the soul seeks to remember.<sup>66</sup> It is also an adequacy between the said and the

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<sup>66</sup> Heidegger, in his essay *Plato's Doctrine of Truth*, establishes the trace of the transformation of truth from unconcealment to correspondence in Plato's Allegory of the Cave (Heidegger: 1998, 182). However, unlike Heidegger, Foucault does not locate the mutation of truth in a move from the "hiddenness" to the "unhiddenness" of Being. Rather, he locates this mutation in the move from the strict immanence of an act which produces truth to an act which is merely symbolically linked to this truth by the possibility of knowledge. In other words, Foucault is not interested in retrieving a more authentic ontology but in stressing the fact that truth is nothing but a strictly immanent act to which no *a priori* epistemological determination can correspond. Heidegger's and Foucault's point seem similar, but Foucault clearly rejects the idea that Being's unconcealment should be preserved or that Being offers itself merely through *Lichtung*. On the contrary, Foucault refuses to fall back upon the primacy of Being. For Foucault, there is no authenticity of truth as such, it is always the effectuation of a will and a strict act of power. As he puts it: "[i]n the philosophical tradition, what we find at the heart of the will-truth relation is freedom. Truth is free with regard to the will; it does not receive any of its determinations from the will. The will must be free to give access to the truth. [...] This fundamental freedom, which connects will and truth to each other, is formulated: [...] in the Heideggerian opening" (Foucault: 2013, 215). Foucault's point, either in the *Lectures on the Will to Know* or in the *History of Sexuality: The Will to Knowledge* is to make will and truth coincide. Consequently, there is neither pure will nor pure truth. Quite the contrary, in his conversation with Farès Sassine, Foucault defines the will as "the pure act of the subject" ["*l'acte pur du sujet*"] (see reference p.170): the act which receives no other determination than its own actuality. Foucault's point is in direct relation with D tienne's definition of *aletheia* in *The Masters of Truth in Archaic Greece*. According to him, *aletheia* is not the negation of Being's concealment but the negation of oblivion.

seen that Oedipus will perform throughout the play through a displacement of the power of the gods who see, say and perform all at once to the truth conveyed by the testimony of the messenger once joined to the memory of Oedipus and Jocasta. But from “Truth and Juridical Forms” in 1973 to *Du Gouvernement des Vivants*, the lecture course given at the Collège de France in 1979–1980, Foucault takes care to further distinguish the two distinct relationships to truth and knowledge which lead Oedipus to his discovery. As Chevallier notes in *Michel Foucault et le christianisme*:

[...] Foucault firstly distinguishes Oedipus’ *τέχνη* from the ways of Creon and Tiresias, for the latter obey other semantic fields. He links the former to the verb *εὐρίσκειν*, which means “to find out, to discover”. The commentary then makes a second distinction, this time within Oedipus’ own ways. This distinction is made on the basis of a lexical nuance: the resolution of the Sphinx’s riddle is designated by the substantive *γνώμη*, without any mention of the verb *εὐρίσκειν*.<sup>67</sup> (Chevallier: 2011, 166–167)

In contrary to *gnome* which designates opinion, Chevallier rightly stresses Foucault’s specification of Oedipus’ *tekhne* once the latter endeavours to discover the truth by himself: it is not a truth proceeding from common belief nor from the privileged art of the seer, it is a truth derived from the discovery of facts. Oedipus’ activity, linked to the semantic field of *zetein* and *euriskein* (“to check” and “to discover”), designates a truth which is accessible to men’s *praxis*.<sup>68</sup> It no longer consists in a sovereign synthesis, where nothing is left to be checked or

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This negation, which corresponds to the privilege of political sovereigns in Archaic Greece, means the strict realization of truth in an act of power (Détienne: 1999, 26-28, 43, 71).

<sup>67</sup> “[...] Foucault distinguee tout d’abord la *τέχνη* d’Oedipe des manières de faire de Créon et de Tirésias, car celles-ci obéissent à d’autres champs sémantiques. Il rattache alors cette *τέχνη* au verbe *εὐρίσκειν*, qui signifie ‘trouver, découvrir’. Le commentaire pose alors une deuxième distinction, à l’intérieur cette fois des propres manières de faire d’Oedipe. Il appuie cette distinction sur une nuance lexicale: la resolution de l’énigme du Sphinx est designee par le substantif *εὐρίσκειν*.”

discovered, but a discovery that depends upon an inquiring subject and an object to be enquired about. Truth has left political power but has joined “the order of the world and things” which the retrospective words of the messenger recount.

This is this morphology of truth that emerges with Classical Greece that Foucault wants to stress – a truth that lasts beyond the performance of sovereignty. Such an analysis is not limited to Foucault’s reading of *Oedipus Rex* in *Du Gouvernement des Vivants*. Already in the *Lectures on the Will to Know* and in “Truth and Juridical Forms”, Foucault insisted upon the convergence and the juridical and epistemological mutation that marked the emergence of Classical Greek thought. It is on this very basis that the concept of nature as the law of gods accessible to men is characterized in the 1970–1971 text. During the 3<sup>rd</sup> March 1971 lecture, Foucault tells us that “[*nomos*] speaks as if by itself, in its own name”, is “present in the midst of everyone without having to formulate it” but is at the same time “activated in *logos* [...] and legible in nature”. Foucault writes:

Inscribed in stone, present in the midst of everyone without anyone having to formulate it, *nomos* is no longer uttered by anyone in particular, it speaks as if by itself, in its own name, the only name it has, the historico–mythical one of its founder. Coming from the attack of game of *logos*, of public discourse, of discussion, here too, it no longer belongs to anyone; all may publicly appropriate it, submit to it, or modify it. Passed on by pedagogy, imposed by examples lost in the mists of time, here too, it does not belong to anyone. Adapted to nature, it comes under its authority. [...] [*N*]omos is detached from the singular exercise of power and particular event to which *thesmos* was linked. *Nomos* is, as it were, always there, inscribed in stone, activated in *logos*, conveyed by the zeal of habits, and legible in nature. (Foucault: 2013, 153)

What Foucault describes is a new configuration of the paradigm of sovereign power which emerges with Classical Greek thought and the *nomos* (the law written by men) opposed to *thesmos* (the law of gods and kings expressed through rituals). The law of men (*nomos*) corresponds to the law of nature, it always already exists but is at the same time only activated when spoken. The expression of *nomos* in discourse therefore corresponds to a positive manifestation of a natural truth which always already preexists the moment of enunciation. Whereas the masters of truth were producing and expressing the sovereign law at the same time, the discourse of knowledge effectuates a natural truth which precedes it. This analysis is very close to the one of Oedipus discovering his own identity: the fact that Oedipus is able to discover it through investigation reveals that this truth, heralded by and confirmed by the messenger, both preexists its discovery but is yet activated only when it can be fully spoken (*i.e.* only when the peasant can designate Oedipus as the person he saw).

#### **4. Forms of justice as forms of truth: Foucault's "counter-positivism"**

The fact that the production of truth is linked to juridical forms brings back epistemological truth and the postulate of its transcendental status, to a strictly immanent act of power. For Foucault, "the history of the birth of the inquiry" constitutes the emergence of a specific way of defining and experiencing truth as the production of the use of knowledge: in this case, truth is neither a metaphysical nor a natural given but is the immanent use of a specific *tekhne*. My

claim is that Foucault's reflection upon truth as a consequence of knowledge is contrasted with the form of truth that the power of the sovereign manifests – a truth which is produced and appears in strict coincidence with an act of power.<sup>69</sup>

In the same way, when Foucault contrasts the truth emerging from the knowledge gathered through inquiry with the way judicial conflicts were settled within the paradigm of old Germanic law,<sup>70</sup> he insists on the fact that disputes were settled through a test or an ordeal (very much as they were in Archaic Greece) which proves truth without severing it from its performance:

The old law that settled disputes between individuals in Germanic societies, at the time when these came into contact with the Roman Empire, was in a sense very close in some of its forms to archaic Greek law. It was a law in which the system of inquiry did not exist; disputes between individuals were settled by the testing game. (Foucault: 2000c, 34)

This test, which was, in the case of Archaic Greece, a test of truth in the face of the divine,<sup>71</sup> is completely alien to the idea of truth as the object of the pursuit of knowledge. There was nothing to be known or discovered since the law remained

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<sup>69</sup> This means that there is no distinction in kind between truth and the immanent power which produces it. The affirmation according to which power is truth and truth is power runs through Foucault's critique of modern politics. During 7<sup>th</sup> January 1976 lecture, he claims that "[p]ower cannot be exercised unless a certain economy of discourses of truth functions in, on the basis of, and thanks to, that power." (Foucault: 2003a, 24). However, my claim is that Foucault's work of historicization of the morphology of truth introduces a further nuance: the essential correspondence between truth and power does not merely stress the fact that knowledge and truth are coercive, but that the expression of truth is an immanent act. This specification permits the withdrawal of truth from the metaphysical and transcendental status it acquires in Classical Greece and links its production to a strictly immanent and historically identifiable event.

<sup>70</sup> In "Truth and Juridical Forms", Foucault compares the paradigm of Germanic law (between the fifth and the thirteenth century AD) to the way justice was made in Archaic Greece. The wrongdoer had to accept the need to confront sovereign justice through a test or a battle. It is the outcome of this battle which would trigger the sovereign decision and not the knowledge of the truth related to the wrong committed. (Foucault: 2000c, 34-38)

<sup>71</sup> For an extensive development of this aspect of Archaic Greek jurisdiction, see the 3<sup>rd</sup> March 1971 lecture from the *Lectures on the Will to Know* (Foucault: 2013, 149-166).

esoteric. The truth, however, was performed through an act that opposed God's order through a concrete struggle between the wrong-doer and the divine. This manifestation of truth as a struggle – *i.e.* the idea according to which truth, justice and war belong to the same fabric – is also found in the structure of old Germanic law. In this case, justice and truth are performed through the pursuit of the battle initiated by the offender. Foucault describes its logic as follows:

[...] once the penal action was introduced – once any individual declared himself to be a victim and called for reparation from the other party – the judicial settlement would ensue as a kind of continuation of the clash between the individuals. A kind of private, individual war developed, and the penal procedure was merely the ritualization of that conflict between individuals. Germanic law did not assume an opposition between war and justice, or an identity between justice and peace; on the contrary, it assumed that law was a special, regulated way of conducting war between individuals and controlling acts of revenge. Law was thus a regulated way of making war. For example, when someone was killed, one of his close relatives could make use of the judicial practice of revenge, which meant not renouncing the possibility of killing someone, normally the murderer. Entering the domain of law meant killing the killer, but killing him according to certain rules, certain forms. If the killer had committed the crime in such-and-such manner, it would be necessary to kill him by cutting him into pieces or by cutting his head off and placing it on a stake at the entrance to his house. These acts would ritualize the gesture of revenge and characterize it as a judicial revenge. Law, then, was the ritual form of war. (Foucault: 2000c, 35)

The settlement of conflicts under the Germanic law recalls the ritualized and codified struggle between the King and the supplicied Foucault describes in the first chapter of *Discipline and Punish*. In both cases, the establishment of justice and truth has nothing to do with the search for knowledge. Truth and justice belong to the same act aiming at restoring, through a “ritual form of war” a balance which has been disrupted: it does not proceed from the neutralization of a conflict through the attempt to discover what has happened but rather from the pursuit of this conflict until its conclusion.

Foucault studies a variant of this agonistic mode of manifesting truth in two texts: in 1973 in "Truth and Juridical Forms" and in 1981 in *Wrong Doing. Truth-Telling: The Function of Avowal in Justice*. In "Truth and Juridical Forms", Foucault depicts the confrontation between Antilochus and Menelaus that is found in Homer's *Song XXIII* from the *Iliad*. It constitutes, according to Foucault, the first historical evidence of a link between the manifestation of truth and a judicial procedure. Foucault chooses this specific example in order to retrieve a historical form of judicial practice that did not rely on the manifestation of truth through testimony and the recollection of what happened. The witness did not fulfill the task of joining the visible to the expressible (by testifying that an act has been committed by someone) but that of making sure that the rules attributed to the ritual of the race are correctly followed. In this respect, the judicial practice found in Homer's *Song XXIII* is not of the same kind as the one found in Sophocles' *Oedipus Rex*. The story unfolds as follows: a conflict emerges between two characters after a chariot race during the games organized after the death of Patroclus.<sup>72</sup> In "Truth and Juridical Forms", Foucault describes the function of the race thus:

The games' organizers have placed a man there to make sure the rules of the race are followed; Homer, without naming him personally, says this man is a witness, *histor*, one who is there to see. [...] An infringement occurs and, when Antilochus arrives first, Menelaus lodges a protest and

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<sup>72</sup> In the original text, Antilochus' infringement of the ritual reads as follows as follows:  
"Suddenly brave Antilochus saw up ahead  
a place where the road was hollowed out and narrow,  
with a channel in the ground where winter rains  
had backed the water up, washing out some of the road  
and making all the ground subside. Menelaus was coming to the spot, leaving no space at all  
for a second chariot to move along beside him.  
[...] Menelaus shouted but Antilochus kept going,  
moving even faster and laying on the whip,  
as if he hadn't heard [...]." (Homer: 2006, 516-517)

says to the judge, or to the jury who must award the prize, that Antilochus committed a foul. [...] Curiously, in this text by Homer the parties involved do not call upon the person who saw, the famous witness who was near the turning post and who should attest to what happened. He is not called to testify, not asked a single question. (Foucault: 2000c, 17-18)

What matters is not the object of knowledge for its own sake; it is not knowledge in its positivity that will determine truth. It is not, as with *Oedipus Rex*, the visual witness who will settle the case by bringing forward what the others have not seen. On the contrary, Foucault tells us that the case will be settled by an oath which constitutes a confrontation with Zeus:

After Menelaus' accusation "You committed a foul," and Antilochus' defence "I didn't commit any foul", Menelaus delivers a challenge: "Come, lay your right hand and swear by Zeus that you didn't commit any foul." At that moment, Antilochus, faced with this challenge, which is a test, declines to swear an oath and thereby acknowledges that he committed the foul. (Foucault: 2000c, 18)

The simple fact that Antilochus refuses to take up the challenge means that he refuses the confrontation with Zeus because he knows he has cheated. It is not that truth does not exist in Archaic Greece, but truth does not need to be established through the positivity of knowledge. Antilochus knows it (hence his refusal to take up the challenge), Zeus knows it and the judicial procedure takes place in the very space of this confrontation between man and God. The possibility of truth is determined by the act of swearing, not by the postulate that knowledge can lead to its discovery. In the same passage, Foucault adds:

This is a peculiar way to produce truth, to establish juridical truth – not through the testimony of a witness but through a sort of testing game, a challenge hurled by one adversary at another. If by chance he had accepted the risk, if he had actually sworn, the responsibility for what would happen, the final uncovering of the truth would immediately devolve upon the gods. And it would be Zeus who, by punishing the one

who uttered the false oath if that were the case, would have manifested the truth with his thunderbolt. (Foucault: 2000c, 18)

If we limit ourselves to the reading of this analysis in “Truth and Juridical Forms”, we do understand why this specific example corresponds to the practice used in Archaic Greece to solve conflicts between opposed parties through a form of agonistic practice, but it is not exactly apparent why it constitutes the first case of a judicial practice. This difficulty resides in the fact that this example provides a case where a certain type of jurisdiction meets another one. If we refer to a later lecture published in *Wrong Doing. Truth-Telling: The Function of Avowal in Justice* where Foucault takes again the example of the confrontation between Antilochus and Menelaus, we see that he completes his reading of it by analyzing the liturgical character of the race. This race is not like any other race where opponents with diverse but unknown abilities are confront one another in order to let a winner emerge. On the contrary, this race appears as the display of a liturgy: like a ritual, it is organized to let a truth, which corresponds to a pre-existing order of things, appear.

Therefore, the role of the witness is not to know and remember what is going to happen in order to provide a testimony, but to be sure that the race happens in accordance with the correct rules, to check that no one cheats and that the correct order of things, according to which the stronger is the stronger and the first, remains the same. In short, this race is a form of display of measure. In *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, Foucault notes:

The order is already predetermined, so what is the function of the race, exactly? The function of the race is nothing more than to develop, in one

sense, and dramatize an order of truth that is given from the beginning. And if the race is so dramatic, it is precisely because there are people who interfere. How do they interfere? By making it such that the truth does not come to light. This is what happens when Apollo on the one side and Athena on the other intervene by taking the whip from one and throwing the other to the ground. They prevent the race from fulfilling its true function, which is to be the visible ceremony of a truth that is already visible. [...] Consequently, far from being a test in which equal individuals can distinguish themselves so that an unpredictable winner emerges, the race is nothing more than a liturgy of truth. Or, if you will, to forge a term – or not exactly forge a term, because one finds it already in the vocabulary of late Greek – one might employ the word *alethurgy*. That is, it is a ritual procedure for bringing forth *alethes*: that which is true. And in the case of this race, understood as an alethurgy – a liturgy of truth – all of the various adventures will appear to be tricks, ploys, and ruses. (Foucault: 2014b, 38-39)

The element which Foucault adds in the Leuven lecture, and which does not clearly appear in “Truth and Juridical Forms” in 1973, is the concept of alethurgy he coins in order to establish a relation between the idea of truth as *alêthes* coming to the fore through a liturgy, hence a celebrative and ritual practice. In this context, the role of the witness is to make sure the ritual gets correctly unfolded according to the correct rules.

There is a sense in which Foucault alters or corrects his reading of this scene since his initial uses of it in the 1970s: this episode from Homer is not so much an unpredictable truth that emerges through the struggle of the *agôn* but an already settled picture where this truth gets displayed. In this case, the truth is known without being formulated or made positive in discourse: it is known by the participants of the race who are already ordered according to their skills before the race starts, it is known by Antilochus who tricks Menelaus. Foucault uses Louis Gernet's *Droit et Société dans la Grèce ancienne* (Gernet: 1999, 17-18) to stress

the judicial practice to which the ritualized setting of the race corresponds.

Foucault says:

It is clear then that we are dealing with a scene that is typically and precisely judicial and, at the same time, that has entirely the texture of a conflict, an *agôn*. And I will quote for you, in this respect, a passage by Gernet on this altercation between Menelaus and Antilochus, from a very interesting and important work, *Droit et Société en Grèce*, which explains: "The law that begins to appear in the scene between Menelaus and Antilochus, the law that begins to appear in this scene does not appear to be a specialized or professional technique. The law itself emanates from the life of the games. There is a continuity between the agonistic customs and the judicial customs. The question of competence is settled by itself; the *agôn*, the combat, the milieu that is pre-established for reaching a decision through competition, is also a milieu favorable to reaching a decision by means of a sentence." The first point to keep in mind in analyzing this scene is therefore the continuity between the *agôn* and the judicial, between the confrontation through competition and the judicial confrontation. They have the same texture. (Foucault: 2014b, 37)

If the texture between the *agôn* and the judicial practice is the same, it is because there is a strict continuity between the confrontation staged by the games and the display of a predetermined and immutable order of truth. The skills of the competitors are known in advance and it is through a regulated and ritual *agôn* (which Foucault calls *alethurgy*), that truth is made apparent. Truth does not correspond to the positivity of a knowledge that needs to be gathered through investigation in order to allow the manifestation of truth but rather the strict manifestation of the truth that the *histor* is supposed to guarantee.

When Foucault uses Gernet to specify that the judicial practice is not a professional technique, he means that no specific *tekhne* is required to make justice appear: it does not require the fulfillment of an investigation through the search for a knowledge that is lacking in order to settle the case. In this respect,

the judicial case related in Homer's *Song XXIII* is clearly different from Sophocles' *Oedipus Rex*: it is precisely because Oedipus uses a *tekhne* to discover the truth against what the oracle and the seer manifest in an esoteric manner that he is a hubristic tyrant. Chevallier clearly identifies a novelty in the analysis of *Oedipus Rex* Foucault provides in the 1979-1980 lecture course at the Collège de France (*Du Gouvernement des Vivants*):

The only novelty introduced by the 1980 lecture in relation to the Rio conferences precisely concerns what strictly belongs to Oedipus and appears nowhere else in Sophocles' text. Yet, the question asked is the same as in 1973: "what is this thing called Oedipal knowledge?". But the Brazilian answer was hasty on this point or at least incomplete: at the University of Rio, Foucault does not first distinguish the *γνώμη* – the knowledge that allowed Oedipus to solve the riddle of the Sphinx's – from the act of finding out *εὐρίσκειν* – which leads Oedipus to the slave who has witness the murder through a certain *τέχνη*. About the verb *εὐρίσκειν*, Foucault only mentions that it is an activity which is pursued one one's own, which allows him to link at once the use of the term by Sophocles to a procedure of "knowledge-power" having appeared at a moment of the Greek political history.<sup>73</sup> (Chevallier: 2011, 164-165)

In the 1973 text, Foucault tells us that Oedipus uses a certain *tekhne* in order to find out (*euriskein*) what actually happened. In contrast with the expression of truth that characterizes Homer's *Song XXIII*, it is not an alethurgy whereby a predetermined yet esoteric truth is staged and performed through the liturgy of the ritual: the manifestation of truth is not performed either through the ritual or through the confrontation with Zeus. However, at the beginning of the 23<sup>rd</sup>

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<sup>73</sup> "La seule nouveauté introduite par le cours de 1980 par rapport aux conférences de Rio concerne justement ce qui appartient en propre à Oedipe et n'apparaît nulle part ailleurs dans le texte de Sophocle. La question posée est pourtant la même qu'en 1973: "qu'est-ce que c'est que ce savoir oedipien?". Mais la réponse brésilienne était sur ce point hâtive, tout du moins incomplète: à l'université de Rio, Foucault ne distingue pas tout d'abord la *γνώμη* - la connaissance qui a permis à Oedipe de résoudre l'énigme du Sphinx - de l'acte de trouver *εὐρίσκειν* - qui mène Oedipe à l'esclave ayant assisté au meurtre, à travers une certaine *τεχνη*. Au sujet du verbe *εὐρίσκειν*, Foucault se contente de préciser qu'il s'agit d'une activité qui se fait seul ; caractéristique qui lui permet aussitôt de relier l'usage du terme chez Sophocle à une certaine procédure de "savoir-pouvoir" apparue à un moment de l'histoire politique grecque."

January 1980 lecture from *Du Gouvernement des Vivants*, Foucault still argues that Oedipus' quest for knowledge leads to a form of alethurgy. Not the divine alethurgy but the manifestation of truth through the words of the peasant, the visual witness who tells what he has seen. From "Truth and Juridical Forms" in 1973 to *Du Gouvernement des Vivants* in 1980, Foucault nuances and complexifies the "ultra-aggressive positivist reading [*l'interprétation ultra agressivement positiviste*]" of Sophocles' *Oedipus Rex* he has provided. He now links the term alethurgy to the notion of "veridiction [*véridiction*]" and writes:

Last time, I tried to show you how [...] one could see develop in Sophocles' play, in a very coherent and systematic manner, two modes of truth, two modes of veridiction, two ways of truth-telling, what I would call two kinds of alethurgy which answer one another, finally adjust to one another and fall back upon Oedipus. These are two forms of alethurgy which, both – precisely because they fit together, adjust to one another – constitute the good word, the right word, the "ὀρθὸν ἔπος", which finally conveys the truth, truth itself as well as the whole truth. One of those alethurgies, one of those forms of veridiction, is the veridiction from which nothing escapes, the veridiction that dominates time, which speak from afar the eternal decrees; it is oracular and religious alethurgy. And then there is another truth-telling, that will appear and develop at the end of the play, providing it with a closure – it is the truth-telling which gets pulled out little by little, piece by piece, element by element. It is a truth-telling that obeys the form, the law and the constraints of memory, and it is a truth-telling which is only declared of [what the subject] has himself seen with his own eyes. Religious alethurgy on one side which legitimates itself by its own name: "it is because I am Loxias' servant, says Tiresias, that I can say what I say" – [...]. On the other side, a judicial alethurgy which legitimates itself from the fact that one can say "I", "myself", "I was there myself", "I have seen with my own eyes" [...]. I think we have here an important element, [...] the element of the "I", the element of the "αὐτός", of the "myself" in what one could call alethurgy, veridiction or the rites and proceedings of veridiction.<sup>74</sup> (Foucault: 2012a, 47-48)

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<sup>74</sup> "La dernière fois, j'avais essayé de vous montrer comment [...] on voyait dans la pièce de Sophocle se développer, d'une façon très cohérente et systématique, deux modes de vérité, deux modes de véridiction, deux façons de dire vrai, ce que j'appellerai deux types d'aléthurgie qui se répondent, s'ajustent, finalement l'un à l'autre et se referment sur Oedipe. Ce sont ces deux formes d'aléthurgie qui, à elles deux - et à la condition précisément qu'elles s'emboîtent, qu'elles s'ajustent [l'une à] l'autre -, constituent la bonne parole, la parole droite, l'"ὀρθὸν ἔπος", qui est

The specification Foucault's reading from 1980 adds allows us to understand more precisely the recurrence of the notions of alethurgy, veridiction and truth-telling in *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. Those three notions are terms Foucault coins following the same principle: it is enough to decompose those three terms to reveal the idea Foucault is trying to convey. Alethurgy mixes *aletheia* with liturgy to express the idea of a ritualized manifestation of truth, veridiction (a term Foucault coins from the French prefix "véri" found in "véridique" (true, truthful) and "diction" (diction, elocution) means the fact of telling what is true or putting truth into words. In the exact same way, "truth-telling" refers to the act that consists in telling the truth or manifesting it through discourse. In short, Foucault reveals that whether the way in which truth appears in the play comes from the esoteric divine truth or from Oedipus' quest for knowledge, it is always concluded by and falls back upon a mode of truth-telling, a form of alethurgy, or a way through which truth is and only is its immanent manifestation through an act.

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finalement porteur de vérité, la vérité elle-même et toute la vérité. L'une de ces aléthurgies, l'une de ces formes de véridiction, c'est la véridiction à qui rien n'échappe, la véridiction qui domine le temps, qui prononce de loin les décrets éternels; c'est l'aléthurgie oraculaire et religieuse. Et puis, il y a un autre dire-vrai, qui va apparaître et se développer à la fin de la pièce, la bouclant, c'est celui qui s'arrache petit à petit, morceau par morceau, élément par élément. C'est un dire-vrai qui obéit à la forme, à la loi, et aux contraintes de la mémoire, et c'est un dire-vrai qui ne se prononce que sur ce [que le sujet] a vu lui-même de ses yeux. Aléthurgie religieuse, donc d'un côté, et interprétative, qui s'autorise de la force d'un nom: "C'est parce que que suis le serviteur de Loxias, dit Tirésias, que je peux dire ce que je dis" - [...] Et, de l'autre côté, une aléthurgie judiciaire qui ne s'autorise que du fait de pouvoir dire "je", "moi-même", "j'étais là moi-même", j'ai vu moi-même" [...]. Je crois qu'on a là un élément important, [...] l'élément du "je", l'élément du "αυτος", du "moi-même" dans ce qu'on pourrait appeler l'aléthurgie ou la véridiction ou les rites et procédures de véridiction."

In the same way, when Foucault comments again on Homer's *Song XXIII* in the 1981 Leuven lectures after having already studied it in 1973, he shows that the confrontation between Menelaus and Antilochus is the first written instance in Archaic Greek literature where the place and the emphasis of the *agôn* shifts. It is the very fact that Antilochus attempts to disrupt the order of the ritualized truth which displaces the *agôn*, moving it onto the scene of a judicial practice. This scene does not merely rely on a single *agôn* but on two different struggles. The race corresponds to the first *agôn* which is a codified and predetermined one. Then, after the disruption of the normal order of the race, Antilochus' boldness leads him to the second *agôn*, as a consequence of which he will have to swear he did not disrupt the display of the ritualized truth.<sup>75</sup> In *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, Foucault writes:

So how is the truth restored? It is restored through the particular episode of the oath, or rather the proposition to take an oath in the ritual position. Antilochus must swear that he did not hinder Menelaus's horses, either voluntarily or by ruse. [...] The oath enters at this point and is presented as a judicial procedure, inasmuch as, from that moment on, from the moment the oath is demanded, there are only two possible outcomes. Either Antilochus takes the oath, and in that case Menelaus is forced to concede. But this would mean that the conflict between Antilochus and Menelaus would be transferred from the human to the divine realm. It would be in some way Zeus that Antilochus would be forced to confront

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<sup>75</sup> In the original text, the passage telling Antilochus' obligation to swear an oath reads thus:

"[...] Antilochus,  
come here, my lord, and, as our customs state,  
stand there before your chariot and horses,  
holding that thin whip you used before.  
with your hand on your horses, swear an oath,  
by the god who surrounds and shakes the earth,  
that you didn't mean to block my chariot  
with some trick." (Homer: 2006, 523)

It is interesting to notice that it is the oath which determines the nature of the dispute between Antilochus and Menelaus. What matters is not to know whether Antilochus did or did not mean to block Menelaus' chariot but that he accepts to swear this oath so that the dispute is transferred from the conflict between Antilochus and Menelaus to the conflict between Antilochus and Zeus. This is the reason why Foucault claims that this judicial structure, because it revolves around the acceptance or the refusal of the oath, remains an agonistic one.

[...]. The challenge to take the oath transfers the *agôn* from the race to the dispute between the two partners and from the dispute to a settlement by oath. If the oath were taken, the *agôn* would remain a dispute, but would be transferred from the clash between Menelaus and Antilochus to the clash between Antilochus and Zeus. And Antilochus does not want to take this risk: the transfer of the agonistic structure from man to the gods, that is precisely what Antilochus is going to run up against (Foucault: 2014b, 39-40)

What Foucault chooses to study is the shift from the *agôn* opposing Antilochus to Menelaus to the one opposing Antilochus to Zeus and argues that the judicial settlement of the case remains an *agôn* through and through. In the same fashion, when he claims in "Truth and Juridical Forms" that, if Menelaus had sworn, "it would be Zeus who, by punishing the one who uttered the false oath [...], would have manifested the truth with his thunderbolt" (Foucault: 2000c, 18), it clearly appears that the center of the battle shifts. The shift from the first *agôn* to the second happens through the emergence of what Foucault studies in the 1981 Leuwen's lecture: the emergence of the avowal. However, the avowal which appears in Homer's text remains connected to the manifestation of truth and justice as an act. Foucault shows that Antilochus' refusal to confront Zeus constitutes a form of avowal since Antilochus' choice means that he acknowledges he has breached the ritualized manifestation of truth corresponding to the alethurgy of the race:

The role of the race was to ritualize this situation and this relationship; and what Antilochus did – and is now renouncing – was to try to extinguish, suffocate, weaken Menelaus's brilliance. This would have meant casting a shadow upon him – doing him wrong, as Menelaus says – and, as a result, surpassing him in this order of reality, which was also the order of brilliance and the order of glory. The quasi-avowal does not consist, then, of admitting a fault before a judicial body that demands to know what actually happened. Antilochus's quasi-avowal consists, in renouncing the struggle, in refusing to take up the new form of *agôn* proposed by the challenge of the oath, in declaring himself beaten in the

new episode of the struggle. The avowal consists of allowing the truth to manifest itself – a truth that he had obstructed by his attitude during the race. The avowal consists of restoring, within the agonistic structure, the forms in which the truth of their strengths was supposed to ritually appear. (Foucault: 2014b, 42)

If we compare Foucault's reading of *Oedipus Rex* to his reading of the *Song XXIII* from the *Iliad*, we see that the avowal plays a completely different role regarding the manifestation of truth than does the testimony of the witness in *Oedipus Rex*: both texts illustrate a different kind of alethurgy, veridiction or truth-telling. In this respect, Foucault's analysis develops Gernet's comment according to which the *agôn* and the judicial practice share the same texture. What shifts is the manifestation of truth as a ritual; what remains is the manifestation of truth through a struggle which is not concerned with gathering the knowledge necessary to decide upon the wrong-doer's guiltiness but with the restoration of the right order of justice. We are still confronted with a mode of veridiction which excludes the knowledge proceeding from man's investigation and prevents the disjunction between the visible and the expressible at the basis of the recollection supposed by the quest for knowledge – the kind of veridiction which “gets pulled out little by little, piece by piece, element by element”, “obeys the form, the law and the constraints of memory” and “which is only declared of [what the subject] has himself seen with his own eyes” (Foucault: 2012a, 48). It is possible to identify two main historical forms within Foucault's more global analysis of the relationship between knowledge, justice and truth.

On the one hand, when justice appears through the manifestation of an agonistic struggle, it corresponds to a form of truth which proceeds from sovereign power.

This manifestation of truth, which remains in its fabric an immanent manifestation of power, excludes the possibility of knowledge and the disjunction between the visible and the expressible. On the other hand, when truth appears with the testimony, which works on the basis of inquiry and recollection, a link between the act and the discourse which relates to its occurrence is established. Once truth becomes the object of a possible knowledge, it relies upon a judicial procedure that sees the disjunction of the visible and the expressible: it refers to a fact severed from the act, a fact whose truth is established through inquiry, investigation or memory. The fact acquires a positive value only once the disjunction between the visible and the expressible is compensated by the completion of truth through the testimony, hence by a settlement of the relationship between a discourse and its object. In "Truth and Juridical Forms", Foucault tells us that the settlement of the relationship between the said and the seen is an act of power in itself. Consequently, truth conceals the immanent struggle at its origin as well as the fact that it remains a production which is not metaphysically fixed but is the result of historical conflicts. Foucault writes:

And when classical Greece appeared – Sophocles represents its starting date, its sunrise – what had to disappear for this society to exist was the union of power and knowledge. From this time onward, the man of power would be the man of ignorance. In the end, what befell Oedipus was that, knowing too much, he didn't know anything. [...] Thus, beyond a power that had become monumentally blind like Oedipus, there were the shepherds who remembered and the prophets who spoke the truth. [...] With Plato there began a great Western myth: that there is an antinomy between knowledge and power. If there is knowledge, it must renounce power. Where knowledge and science are found in their pure truth, there can no longer be any political power. This great myth needs to be dispelled. It is this myth which Nietzsche began to demolish by showing, in the numerous texts already cited, that, behind all knowledge [*savoir*], behind all attainment of knowledge [*connaissance*], what is

involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it. (Foucault: 2000c, 32)

The constitution of this knowledge, which functions “through witnessing, through recollection, through inquiry” reveals an interesting choice of words: Foucault reminds the reader both of his analysis of Sophocles’ *Oedipus Rex* where the visual witness plays a crucial role since he performs the junction between what the seer sees and the partial testimonies spoken by the other characters. He also refers to the structure of Platonic metaphysics: it is through recollection that the soul sees the ideal forms it once knew. On the whole, what Foucault describes, more than the historical emergence of the mutual exclusion between power and knowledge, is an alteration of the concept of truth itself. Once the coincidence between power and truth gets undone, truth becomes a form of power which conceals its effective and constricting character: the ontological status it acquires with the emergence of philosophy in the Greece of the fifth century BC establishes a relationship between words and things whose historical production gets concealed because truth becomes the positivity one discovers.

Against this ontological understanding of the truth that can be reached through knowledge, Foucault chooses to historicize knowledge and truth as production of positivities in order to prove that the production of truth through knowledge is intrinsically an act of power. In this respect, Foucault’s choice to compare and contrast different judicial practices (according to an agonistic and ritualistic structure for Archaic Greek and Germanic law or requiring the production of knowledge during Classical Greece and the Classical Age) also constitutes a way

of linking knowledge and truth to specific historical forms. This is the reason why, during the 2<sup>nd</sup> April 1981 lecture, he characterizes his enterprise as a “counter-positivism”:

It is in this general framework that I would situate – by ways of essays, fragments, or other more or less aborted attempts – what I have tried to develop in different domains. I have not tried to know whether the discourse of psychiatrists or that of doctors was true, even though this is an entirely legitimate problem. I did not try to determine which ideology the criminologists’ discourse obeyed – even if this too would be an interesting problem. The problem that I wanted to pose was different: it was the task of investigating the reasons for and the forms of the enterprise of truth-telling about things such as madness, illness, or crime. We often speak of the recent domination of science or of the technical uniformity of the modern world. Let’s say that this is the question of “positivism” in the Comtian sense, or perhaps it would be better to associate the name of Saint-Simon to this theme. In order to situate my analysis, I would like to evoke here a *counter-positivism* that is not the opposite of positivism but rather its counterpoint. It would be characterized by astonishment before the very ancient multiplication and proliferation of truth-telling, and the dispersal of regimes of veridiction in societies such as ours. (Foucault: 2014b, 21)

It is exactly this mode of production of truth (this truth-telling, this alethurgy, this veridiction) which Foucault wants to study when he comes back to Sophocles’ *Oedipus Rex* during the 23<sup>rd</sup> January 1980 lecture from *Du Gouvernement des Vivants*. The first thing to note is that in the 1980 lecture, Foucault takes great care in underlining the fact that Oedipus is actually the only character of the play to really use a specific *tekhne*. He writes:

In fact, what characterizes the practice of Tiresias, which it does seem that Oedipus and Jocasta refuse to call *τέχνη*, are two things that we hinted at last time. On the one hand, if Tiresias tells the truth, this is not exactly a *τέχνη* for the very good reason that he has a natural bond with truth. He is born with truth, truth is born within him, truth grows like a plant in his body or like another body in his own. [...] Hence, no technique, since there is co-naturalness – or this pretension, in any case, to co-naturalness, between Tiresias and truth. [...] Hence, you have Creon, who is a man of *σωφρονεῖν*, of measure, the one who knows his bounds and knows how to respect them, and then there is the *φρονεῖν*

of Tiresias, which is a way of diving within oneself, in one's thoughts, to find the truth with which he is co-natural. In relation to these, which will be Oedipus' τέχνη? If it was absolutely out of the question to talk about Creon's τέχνη, if Tiresias' τέχνη is probably not a τέχνη, conversely, Oedipus does call himself a man of τέχνη. And the word that recurs the most in the text to characterize Oedipus' τέχνη is εύρίσκειν, that is to say "to find out, to discover".<sup>76</sup> (Foucault: 2012a, 54)

This *tekhne*, this knowledge collected through investigation, is a specific technique Oedipus uses. In the same lecture at the Collège de France, Foucault adds – and this is a novelty in comparison with "Truth and Juridical Forms" – that this technique of knowledge is not of the same kind as the one who allowed him to solve the Sphinx's riddle. Facing the Sphinx, Foucault tells us that Oedipus used "γνώμη" which is "an opinion, a way of thinking, [...] a judgment" (Foucault: 2012a, 66) whereas the knowledge collected through investigation is a "τεκμαίρεται" which involves "these elements, these signs and these marks [...] designated by the word τεκμήριον, that is to say mark, clue" [*ces éléments, ces signes et ses marques [...] désignés par le mot τεκμήριον, c'est-à-dire marque, indice*]. Foucault's analysis develops here the analysis given in the 1970-1971 *Lectures on the Will to Know* and the one he repeats in the 1973 "Truth and Juridical Forms" but the difference is that the *symbolon* Foucault used to express

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<sup>76</sup> "En fait, ce qui caractérise la pratique de Tiresias, et dont il semble bien que Oedipe et Jocaste n'admettent pas qu'on puisse l'appeler τέχνη, ce sont deux choses qu'on a évoquées d'ailleurs la dernière fois. D'une part, si Tirésias dit la vérité, ce n'est pas exactement une τέχνη pour l'excellente raison qu'il a à la vérité, lui Tirésias, un lien de nature. Il naît avec la vérité, la vérité naît en lui, la vérité croît comme une plante à l'intérieur de son corps ou comme un autre corps dans son corps. [...] Donc, pas de technique, puisqu'il y a cette connaturalité - ou cette prétention, en tout cas, à la connaturalité - entre Tirésias et la vérité. [...] Donc, vous avez Créon, qui est un homme du σωφρονεῖν, de la mesure, celui qui connaît ses liens et sait les respecter, et puis il y a le φρονεῖν de Tirésias, qui est une façon de se plonger à l'intérieur de soi, dans ses pensées, pour y trouver la vérité avec laquelle il est connaturel. Par rapport à cela, quelle va être la τέχνη d'Oedipe? S'il n'était absolument pas question de parler de la τέχνη de Créon, si la τέχνη de Tirésias n'est sans doute pas une τέχνη, en revanche, là, Oedipe se dit bien homme de la τέχνη. Et le mot qui revient le plus fréquemment dans le texte pour caractériser la τέχνη d'Oedipe, c'est εύρίσκειν, c'est-à-dire 'trouver, découvrir'."

the sign, the piece of knowledge which is lacking and needs to be reconstructed, becomes the intrinsic part of *tekhne* which is also the practice of investigation through which knowledge is constituted. The specifications as well as the lexical connections Foucault provides in *Du Gouvernement des Vivants* fulfill at least two tasks: the first one consists in insisting on the fact that the use of knowledge, being a specific *tekhne*, is also a practice, a use, an act which cannot be covered by the ontological truth of metaphysical discourse: the *tekhne*, the practice, the act remain immanently first. On this very point, Revel has provided a very convincing account of the status of truth as immanent act of power.<sup>77</sup> She claimed that Foucault dismisses the pertinence of the opposition between writing and speech. On this point, the specifications added by Foucault in a lecture given at the University of California in Berkeley in 1983 clearly corroborate this point.

Foucault says:

as you know [in the *Phaedrus*], the main problem is not about the nature of the opposition between speech and writing, but concerns the difference between the logos which speaks the truth and the logos which is not capable of such truth-telling. (Foucault: 2001c, 21)

The advent of logocentrism is not marked by the transition from speech to writing but by the divorce of truth from the strict practice which corresponds to its

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<sup>77</sup> Revel made this point during a roundtable discussion organized on 13<sup>th</sup> January 2012 at Goldsmiths University in London for the publication of the English translation of Foucault's last lecture course at the Collège de France. This resource is available at <http://www.materialifoucaultiani.org/en/materiali/materiali/63-roundtable-qfoucault-and-the-courage-of-truthq/195-roundtable-qfoucault-and-the-courage-of-truthq.html> (accessed on 30<sup>th</sup> July 2015). As I will develop it in the first section of chapter 3, I claim that the immediate manifestation of truth as immanent act in the world is power. My interpretation does not differ from Foucault's according to which "power is relation": the immanent act of veridiction through which the self manifests power is the establishment of a relation towards the self and the world and the self and others. This point is clearly corroborated by Foucault in his last lecture course at the Collège de France, where the Cynic is "restored in true sovereignty" (Foucault: 2011b, 303) as he constantly redefines his ethical attitude towards the world by keeping on looking for stricter immediacy: he does not subject his attitude to theoretical knowledge and truth.

manifestation. The point does not concern the way discourse is spread (by spoken or written words) but its inclination towards a theoretical concept of truth which gets divorced from the strict actuality of its immanent production. What Foucault wants to stress is that the act by which truth is manifested, even when it seems to be the product of knowledge, remains first of all an act of veridiction. This act of veridiction corresponds first of all to a specific attitude towards the world which enacts truth without relying upon the signification of discourse or upon the object knowledge and truth target: it provides the possibility of an ethical attitude which is not mediated by the postulate of a transcendental rationality which establishes an *a priori* correspondence between words and things.

## Conclusion

In this chapter, I have examined how both Agamben and Foucault, who offer a specific account of biopolitical jurisdiction, reach opposite conclusions. For Agamben, the specificity of modern biopolitical power relies upon the sovereign's ability to immediately enforce his law (and therefore exerts its deadly power on bare life) through the coincidence of the will of the sovereign with the expression of his law (which Agamben calls *quaestio iuris* and *quaestio facti*). For Foucault, biopolitical power can also be characterized by a coincidence. However, it is not the coincidence between the will of the sovereign and the law it enforces but between the norm (the natural rule) and the lives which conform to it. The point of this chapter has been to show that the coincidence between the natural rule and the immanence which corresponds to it is not an essential determination: the coincidence between the natural rule and the lives it describes proceeds from the epistemic configuration which characterizes modern anthropological knowledge.

In order to grasp the logic through which the rationality expressed by norms appears to ontologically coincide with the immanence they describe, this chapter claims that it is necessary to examine the point where the question of the emergence of epistemological truth is treated in Foucault's work. It appears that this question is problematized by Foucault when he studies the disappearance of the political power which characterized Archaic Greece: the esoteric rule of

emperors, oracles and gods is progressively replaced by the knowledge of the *Phusikoi*.

As the third section claims, the emergence of this knowledge relies upon an epistemological relationship to the world which implies the disjunction between the seen and the said. A close examination of the sources which inspired Foucault's account of the mutation of the concept of truth at the end of Archaic Greece (Marcel Détienne and Jean-Pierre Vernant), reveals that the disjunction between the seen and the said also corresponds to the dismantling of a form of political sovereign power: the word of the sovereign, which is also the expression of his *logos*, no longer coincides with his act of power. My claim is that this dismantlement of political sovereign power has direct epistemological consequences: the disjunction of the seen and the said postulates the transcendental status of a concept of truth which determines the rationality through which immanence is understood. Truth is no longer a non-mediated (and therefore sovereign) act which does not necessitate the foundation of a rationality, it becomes that which grants the validity of what exists naturally.

It is the ethical implications of this epistemological mutation which will allow us to better understand how the concept of life becomes an object of bio-power and biopolitics. It is the postulate of a knowable rationality which guarantees the coincidence between the immanent conducts of individuals and the discourses of knowledge which found them in truth. Therefore, it is easy to understand why Foucault needs to historicize the forms justice and truth take: he aims at stressing

that at the bottom of any rationality which claims to offer a positive representation of immanent existence, there is but strict power. The move from positivity to its formal and immanent condition of possibility will allow us to study, in the following chapter, the similarity of the philosophical gesture which leads Foucault to study the “will to know” in his first lecture course at the Collège de France and “the will to knowledge” in the first volume of the *History of Sexuality*. Whilst the historical emergence of the epistemological truth of nature conceals the immediate primacy of a will, it is also the immediate primacy of a will which guides the knowledge of anthropological nature when bio-power and biopolitics emerge historically.

## Chapter Three: From epistemology to ethics: thinking the concept of sovereignty in relation to life defined as *bios*

### Introduction

In the last section of chapter 2, I demonstrated how Foucault's insistence on modes of veridiction allows him to bring back the concept of epistemological truth to a historical mutation of the relationship between the self and the world. According to his account of the mutation of political power at the end of Archaic Greece, the disappearance of the coincidence between sovereign power and sovereign knowledge corresponds to the emergence of epistemological knowledge and truth. Knowledge and truth no longer coincide with the performance of a sovereign act of power but correspond to the symbolic relationship between the said and the seen. The historical emergence of the epistemological concept of truth introduces a cleavage between the act which performs truth and the strict immanence which corresponds to it.

Foucault's first lecture course at the Collège de France directly addresses this mutation of the concept of truth. Foucault questions the definition of the desire for knowledge as a natural inclination, which appears, according to him, in Aristotle's *Metaphysics Book A*. In Aristotle's text, Foucault discovers the emergence of a co-naturalness between the self and the world taken as an object of knowledge. Against Aristotle's positing of a natural disposition of man to know the world, Foucault wants to stress the fact that knowledge does not correspond

to an intrinsic disposition but rather to the expression of a violence. The movement which leads the self to epistemological truth through the use of knowledge does not fulfill a natural inclination but rather displays the performance of an act of power.

My argument is that Foucault's identification of a strict act of power at the root of the so-called natural disposition towards epistemological knowledge and truth is a historical shift which can be transposed to the historical emergence of anthropological knowledge at the beginning of the nineteenth century. The postulate of a natural truth discoverable by the knowledge of man applies this time to the anthropological knowledge of the modern subject which enquires about the truth of its own nature. In each case, Foucault describes a historical mutation of sovereign power. Whereas divine sovereignty used to perform a cosmological truth in a strict act of power, the power of the King during the Classical Age also produced a truth which coincided with its power. The historical emergence of anthropological knowledge associated with bio-power and biopolitics works on the basis of a concept of truth which grounds the representation of existence within the positivity of knowledge.

This chapter argues that a symmetry exists in the way Foucault problematizes the "will to know" and the "will to knowledge" in 1970 and 1976 (Foucault: 2013, Foucault: 1998d). In both cases, he diagnoses a historical mutation of the relationship between truth and the world. Whilst, at the end of Archaic Greece, the truth was the esoteric privilege of the gods or the Masters of Truth, the

knowledge of the *phusikoi* that emerges in Classical Greece introduces a shift in the relationship between power and truth. As Foucault claims in the *Lectures on the Will to Know*, the act of the one in power, which performed justice and truth at the same time, is replaced by the knowledge of men who seek epistemological truth.<sup>78</sup> Similarly, the postulate of the epistemological truth of anthropological nature works on the basis of a divorce between the immanent acts of the modern subject and the rationality which grounds them within the positivity of knowledge. Therefore, I argue that the dismantling of the coincidence between power and knowledge which allows the emergence of the concept of epistemological truth at the end of Archaic Greece, should be transposed to the divorce Foucault identifies between the act or speech of the modern subject and the postulate of the truth of his desires. In both cases, it is the divorce between an immanent act of power (an act which establishes a relationship towards the world or others) and the truth corresponding to it which allows the truth of nature to acquire a transcendental status.

The first section of this chapter studies how this mutation masks the strict immanence and violence which characterizes the historical production of epistemological truth and how Foucault's account of the "will to know" or "will to truth" provides a way to challenge the natural disposition men seem to show for epistemological knowledge and truth.

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<sup>78</sup> This aspect is developed during the 3<sup>rd</sup>, 10<sup>th</sup> and 17<sup>th</sup> February 1971 lectures from the *Lectures on the Will to Know* (Foucault: 2013, 83-132).

The second section applies this analysis to Foucault's account of the divorce between the modern subject's speech and the truth of his desires in order to prove that the epistemological paradigm of modern anthropology corresponds to an alienation of the subject's sovereignty.<sup>79</sup> I claim that the shift from political sovereignty to the epistemological truth of nature which Foucault identifies at both the end of Archaic Greece and the end of the Classical Age introduces the problem of the modern subject's own sovereignty. Just as the cosmological truth of the world is no longer actualized by the act of power of the sovereign, the truth of the modern subject is irreducibly severed from the actuality of its acts.

Consequently, the third section of this chapter examines the relevance of this divorce in the way bio-power and biopolitics should be understood. Apprehending the relationship between power and knowledge as a matter of subjective alienation is paramount if we are to grasp properly Foucault's account of the question of modern governmentality as a determination of conduct (Foucault: 2014b, 240). Indeed, the possibility of determining someone else's conduct presupposes the question of ethical sovereignty: a sovereignty no longer understood as the political ability of the sovereign to actualize the order of things through his or her power but as the ethical ability of the self to determine and criticize the rationality of its own conduct.

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<sup>79</sup> The concept of alienation is one that Foucault explicitly uses in chapter 9 of *The Order of Things* (Foucault: 2001e, 356). It refers to the movement through which the existence of man as strictly immanent reality is incorporated into the field of positive knowledge. Man's own knowledge of himself becomes a movement of estrangement which presupposes an "obscure space" or "an abyssal region in man's nature" which is "both exterior to him and indispensable to him" (Foucault: 2001e, 356).

Finally, the last section of this chapter proves that understanding the question of governmentality as a relationship between one's power and one's knowledge, which derives from Foucault's account of the mutation of political sovereignty, provides a way to clearly grasp Foucault's understanding of life as aesthetics of existence after the first volume of the *History of Sexuality*. I examine how such an aesthetics of existence corresponds to the ethics of self-formation which sees this time the question of sovereignty (the question of the relationship between power and knowledge) being applied to the self's own ethical formation. I explain how the concept of life associated with the ongoing critique of its form is strictly opposed to the concept of biological life commonly understood as the natural or animal life of the individual or of the species.

### **1. From the naturalness of knowledge to the violence of truth**

The modification of the morphology of truth based on the historical emergence of the use of knowledge as *tekhne* is for Foucault what not only marks the mutation of power at the turn from Archaic to Classical Greece, but is what more broadly defines the historical emergence of a will to truth and a will to know. The gesture which consists in identifying a will at the origin of both knowledge and truth corresponds to Foucault's attempt to rid truth of its transcendental character, and instead tie it to a specific historical technique. Foucault's interest in the identification of the will to knowledge and truth appears and reappears at

moments in his work which present the diagnosis of the historical dismantlement of political sovereignty, that is, those points when the coincidence of knowledge and power as the expression of the will of the sovereign (either in the form of oracular divine truth or the sovereign power of the King) disappears. As Graham Burchell reminds us: “*The Will to Know*” (*La volonté de savoir*) will in fact be the title of the first volume of the *Histoire de la sexualité*” (Foucault: 2013, 1).<sup>80</sup> Thus, when Foucault examines the historical covering-over of the will to knowledge and truth by a concept of truth which posits a symbolic connection between the visible and the expressible (*i.e.* the pre-existence of a symbolic link uniting the said to the seen that can be retrieved through the use of knowledge as *tekhne*), he addresses the disappearance of the speaking individual as the initiator of an immanent act of power as well as the covering up of the irreducible materiality of discourse.

As Mathieu Potte-Bonneville has remarked<sup>81</sup>, the “will to know” corresponds in 1970-1971 to the manifestation of a desire for truth. However, in 1976 the “will to knowledge” corresponds to the search for the truth of desire. Such an inversion, which both complements and specifies Burchell’s remark, allows us to stress the similarity between the two historical moments Foucault chooses to describe as the replacement of a form of political sovereign power by the concept

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<sup>80</sup> This is a footnote opening the first lecture from the *Lectures on the Will to Know*.

<sup>81</sup> This is a remark made during a roundtable discussion organised on 23<sup>rd</sup> May 2011 at the Paris 1 Panthéon-Sorbonne University after the publication of the *Leçons sur la Volonté de Savoir*. This resource is available at <http://www.materialifoucaultiani.org/en/materiali/materiali/61-tavola-rotonda-lecons-sur-la-volonte-de-savoir/161-tavola-rotonda-lecons-sur-la-volonte-de-savoir.html>. It was accessed on 20<sup>th</sup> July 2015.

of the truth of nature. Whereas, in 1970-1971, Foucault describes the historical replacement of the exoteric and powerful truth of gods by the truth of nature accessible through knowledge, the 1976 text focuses on the covering up of the subject's act of speech by the natural truth his desires reveal.

Foucault focuses on two pivotal historical moments (the turn from Archaic to Classical Greece and the turn from the Classical Age to modernity) characterized by a mutation of paradigms of political sovereign power which showed a coincidence between sovereign knowledge and sovereign discourse. The divine sovereignty spoken by oracles, the seer or the poets (the Masters of Truth) in Archaic Greece corresponds to a form of knowledge actualized as power<sup>82</sup>. Similarly, the King, during the Classical Age, still expresses a knowledge of a divine, timeless and cosmological dimension. In this respect, power and knowledge were united through ritualized sovereign justice. This recurrence is of crucial importance. In both cases, it is the temporization introduced by the will to truth and the will to knowledge (where knowledge and power or the visible and

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<sup>82</sup> As I have developed in section 3 of chapter 2, D tienne and Vernant defined Archaic Greek political sovereignty as the coincidence between the sovereign act which expresses the law and the performance of truth which coincides with it. When Foucault studies the mutation of the relationship between knowledge and truth at the end of Archaic Greece in "Truth and Juridical Forms", the Assyrian king is a man of power and knowledge at the same time. He is a political tyrant (Foucault: 2000c, 31). It is the mutation of this form of sovereignty (studied by Foucault in his readings of *Oedipus Rex*), which characterizes the shift from a form of truth which was power to a form of truth which loses its violent or powerful character. Foucault links the dismantling of the paradigm of political sovereignty to the emergence of an epistemological mutation. This is the reason why the character of the sophist constitutes another example of the coincidence between truth and power. The discourse of the sophist, bypassing the postulate of an overarching transcendental truth, shows that it is the materiality of discourse itself, as act of power, which produces immanent truth. In this respect, the mutation of political sovereign power at the end of the Classical Age produces the same kind of epistemological mutation: it is no longer the coincidence between the sovereign law and the immediate truth it produces which has an effect on the world. It is the rationality of anthropology, founded upon the postulate of the transcendental truth of nature, which defines the way the world is experienced.

the expressible no longer coincide but instead get brought back together) which necessitates that nature (the nature of things in the case of Classical Greece, the nature of man in the case of modernity) be determined by a transcendental concept of truth that replaces the ephemeral character of truth which strictly corresponds to an immanent act of power. It is therefore not by accident that in *The Order of Discourse* Foucault mentions a possible analogy between the will to truth that emerges in Classical Greece and the will to truth that emerges in the nineteenth century. He says:

There is doubtless a will to truth in the nineteenth century which differs from the will to know characteristic of Classical culture in the forms it deploys, in the domains of objects to which it addresses itself, and in the techniques on which it is based. To go back a little further: at the turn of the sixteenth century (and particularly in England), there appeared a will to know which, anticipating its actual contents, sketched out schemas of possible, observable, measurable classifiable objects; a will to know which imposed on the knowing subject, and in some sense prior to all experience, a certain position, a certain gaze and a certain function (to see rather than to read, to verify rather than to make commentaries on); a will to know which was prescribed (but in a more general manner than by any specific instrument) by the technical level where knowledges had to be invested in order to be verifiable and useful. It was just as if, starting from the great Platonic division, the will to truth had its own history, which is not that of constraining truths: the history of the range of objects to be known, of the functions and positions of the knowing subject, of the material, technical, and instrumental investments of knowledge. (Foucault: 1981, 54-55)

Foucault uses the specificity of the nineteenth century will to know in order to underline the fact that it is not the object that this knowledge targets which characterizes its importance. Instead, it is its strict existence as immanent attitude towards the world that characterizes the theoretical basis on which Foucault builds up a critique of epistemological knowledge and truth that traverses most of his historical investigations.

In this respect, Foucault opens the first lecture, in the *Lectures on the Will to Know* by mentioning that the research he will conduct for the following decade at the Collège de France constitutes “fragments for a morphology of the will to know”. It is this morphology (*i.e.* the identification of a will to knowledge at the basis of our attitude towards the world<sup>83</sup> since the emergence of Greek philosophical thought), that allows Foucault to shift from truth as object of knowledge towards truth as a relationship with the world. This is the reason why Foucault opens up the first lecture from the *Lectures on the Will to Know* in the following manner:

THE WILL TO KNOW is the title I would like to give to this year’s lectures. To tell the truth, I think I could have given this title to most of the historical analyses I have carried out up until now. It could also describe those I would now like to undertake. I think all these analyses – past or still to come – could be seen as something like so many “fragments for a morphology to the will to know.” In any case, in one form or another, this is the theme that I will try to deal with in the years to come. Sometimes it will be taken up in specific historical investigations: how was knowledge of economic processes established from the sixteenth to the eighteenth century; or how was the knowledge of sexuality organized and deployed from the seventeenth to the nineteenth century. Sometimes, and no doubt less often, it will be examined directly, as such, and I will try to see to what extent it is possible to establish a theory of the will to know that could serve as the basis for the historical analyses I have just referred to. (Foucault: 2013, 1-2)

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<sup>83</sup> This immanent attitude towards the world, which is at once epistemological, political and ethical, is the way in which Foucault defines the concept of life as *bios* in the lecture concluding *The Hermeneutics of the Subject*. During this lecture, Foucault defines life (*bios*) as “the way in which the world immediately appears to us” (Foucault: 2006, 486). The shift from the mediation of epistemological knowledge which determines the truth of the subject in the world towards the definition of life as ethical conduct (which bypasses the mediation of epistemological truth), corresponds to Foucault’s interest in forms of counter-philosophical practices when he comes back to the Greeks after 1976 (considering the original books) or after 1978 (considering the lectures at the Collège de France). It is therefore easy to see how the work of historicization of the concept of truth he starts in the 1970-1971 *Lectures on the Will to Know* constitutes the epistemological critique of the relationship between truth, knowledge and the world. This critique will recur and acquire a political and ethical inflexion from *Du Gouvernement des Vivants* to *The Courage of Truth*.

Foucault's "fragments for a morphology of the will to know" gives us a sense of the cohesion of the trajectory of his philosophical enterprise: retrieving the morphology (*i.e.* insisting on the strict form as a way to stress the de-ontologization of truth) of what he calls a "will to know" at work at the basis of the belief in a metaphysical concept of truth, allows Foucault to perform the dis-implication of knowledge and truth and to insist on the fact that power (defined as an immanent act in the world<sup>84</sup>) constitutes the only foundation there is to the world within which individuals live and constitute themselves as subjects. Even though it is true that Foucault never clearly defines this will for its own sake, a reference to it yet appears in a conversation about the Iranian revolution with Farès Sassine in August 1979.<sup>85</sup> During this conversation, Foucault is led by Sassine to define this "will", and part of the conversation develops this concept as follows:

MF: The will is the one who says: "I would rather die". The will is what says: "I would rather be a slave". The will is what says: "I want to know", etc. ...

FS: But what is the difference here between will and subjectivity?

MF: Oh, I would say that, hum, the will is the pure act of the subject. And that the subject is what is fixed and determined by an act of will.<sup>86</sup>

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<sup>84</sup> When I use the expression "immanent act in the world", I also refer to a concept of power defined as a relation. It corresponds to an immanent act of power which has epistemological, political and ethical dimensions. It changes the way the world appears to the self and to others. In this respect, the philosophical attitude of the Cynic, studied by Foucault in 1983-1984, really corresponds to these three dimensions. The Cynic is the one who "change[s] the value of the currency" [*parakharaxon to nomisma*] (Foucault: 2011b, 240). Changing the value of the currency which, according to Foucault, should be understood in relation to *nomos*, means that the Cynic is the one who changes the value of the laws amongst men. This attitude corresponds to an epistemological, political, and ethical re-evaluation: by changing the value of the laws (and not merely the laws themselves), the Cynic reveals that what is commonly considered as important or valuable can be radically overturned through a change of ethical attitude. Refusing the epistemological value of theoretical truth, the Cynic reveals that truth is first of all a condition of a change towards the way the world appears to us.

<sup>85</sup> This resource available at <http://fares-sassine.blogspot.fr/2014/08/entretien-inedit-avec-michel-foucault.html> (accessed on 20<sup>th</sup> July 2015).

<sup>86</sup> "MF : La volonté c'est celui qui dit: "je préfère mourir." La volonté, c'est ce qui dit "je préfère être esclave." La volonté, c'est ce qui dit: "je veux savoir", etc...

FS : *Mais quelle est la différence ici entre volonté et subjectivité?*

Foucault's definition of the will as "the pure act of the subject" corroborates my point according to which the individual's strict immanent act of power is what defines the possibility of his sovereignty: his act is "pure" because it is not determined by the rationality of an *a priori* truth or knowledge which accounts for his actions. In the same fashion, Foucault's attempts to identify the covering over of a will to truth and a will to know at certain historical periods where the coincidence between act and truth disappears (either through a sovereign speech no longer sufficient to reveal the truth of the world, or through the subject's speech which gets linked to the ontological truth of his nature) demonstrates his attempt to stress the strict immanence at the basis of historically varying metaphysical constructions.

In this respect, Foucault's debt to Nietzsche is probably the clearest. It is indeed around 1970-1971 that Foucault most frequently focuses on Nietzsche's disimplication of knowledge and truth. In both his essay "Nietzsche, Genealogy, History" which appeared for the first time in *Hommage à Jean-Hippolyte* in 1971 and his lecture on Nietzsche given at Montreal McGill University in April 1971, Foucault wants to challenge the idea according to which the truth acquired through knowledge is a founding origin. In both texts, the idea of the invention of knowledge is substituted for a metaphysical concept of truth that would determine the nature of things. In the *Lectures on the Will to Know*, he specifically insists on the "invention" of knowledge mentioned by Nietzsche in the essay "On

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MF : Oh je dirai que, euh, la volonté c'est l'acte pur du sujet. Et que le sujet c'est ce qui est fixé et déterminé par un acte de volonté."

Truth and Lies in an Extra-Moral Sense” (Nietzsche: 1976, 42). Foucault says that *Erfindung* is “everywhere [...] opposed to origin. But it is not a synonym of beginning (*commencement*)” (Foucault: 2013, 203). It is the kind of invention that the fable told by Nietzsche illustrates: it is a fictional “making-up”, an appearance which masks the reality of things and not a beginning which grounds their order. The endnote on page 220 in *The Lectures on the Will to Know* tells us a bit more about the nature of this fable by referring to the original German expression which is not exactly *Erfindung* but *das Erkennen erfinden*: a verbal expression that could be translated as “the making-up of understanding.” In “Nietzsche, Genealogy, History”, Foucault is even more explicit about the fictional nature of this invention: referring to *The Twilight of the Idols*, he compares it to “a secret formula, in the rituals of black magic, in the work of the *Schwarzkünstler*” (Foucault: 1980, 141). The invention of understanding is therefore a mask, an artifice that conceals the very nature of knowledge, which in Foucault’s own words, “is not made for understanding [but] is made for cutting” (Foucault: 1980, 154). Foucault’s point is that the invention of knowledge is an artifice that masks the immanent violence and efficiency of its power: the primacy of knowledge leading to truth and nature is precisely that which replaces the violence of the sovereign who realised truth through an act of power.

The non-metaphysical status of truth as form of power which conceals its violent character is a theme which recurs several times in Foucault’s writings of the time. This theme is already at stake in the *Order of Discourse*, where Foucault insists on

the will to truth that the apparent evidence of truth and knowledge conceals. He writes:

Thus all that appears to our eyes is a truth conceived as a richness, a fecundity, a gentle and insidiously universal force, and in contrast we are unaware of the will to truth, that prodigious machinery designed to exclude. (Foucault: 1980, 56)

The idea of a gentle and universal concept of truth covering the will (*i.e.* the violent power that corresponds to it) reappears soon after in the *Lectures on the Will to Know*. During the 9<sup>th</sup> December 1970 lecture, Foucault insists on his attempt to un-root truth from its ontological evidence in order to stress the violence of the will which determines its search. He writes:

we will have put the game of truth back in the network of constraints and dominations. Truth, I should say rather, the system of truth and falsity, will have revealed the face it turned away from us for so long and which is that of its violence. (Foucault: 2013, 4)

The will to know appears therefore as the manifestation of a historical human activity corresponding to a way of producing truth that is a manifestation of power, a power that conceals its strict immanence and that acquires the status of a transcendental foundation. In this respect, it is not surprising that Foucault chooses to call the object of his historical investigations a “morphology”: he wants to inscribe the forms taken by the will to truth in our Western tradition in a strict exteriority which dismantles the metaphysical implication between truth and knowledge, or truth as transcendental *logos* which precedes the meaning and validity of experience. If the truth targeted by the will to know becomes a strict historical formation, it loses its metaphysical ground and escapes the symbolic correspondence between discourse and its object.

Foucault's reading of the historical emergence of a rationality determined by truth both at the origin and as a result of the use of knowledge is what, at two distinct historical moments where political sovereign power disappears, characterizes an ontological ordering according to the concept of nature. In the case of the emergence of the written law of men at the end of Archaic Greece, the *nomos* "speaks as if by itself, in its own name", is "always there" and "legible in nature" (Foucault: 2013, 153). In the same fashion, after the eighteenth century, the law "operates more and more as a norm" (Foucault: 1998d, 144). It is no longer the expression of "the will of the sovereign", but "a discourse about the natural rule" whose theoretical horizon is not "the edifice of the law, but the field of human sciences" and whose "jurisprudence [...] that of clinical knowledge" (Foucault: 2003b, 38), and the truth (of things in the former case and of man in the latter case) stands both at the origin of knowledge as well as being its target. In both cases, the pervasive *logos* of truth establishes a symbolic union between the visible and the expressible which produces a co-naturalness between knowledge and things, a co-naturalness which leads to the impossibility of both thinking and speaking about the exteriority of discourse as well as the exteriority of truth as the product of acts of power. It is in the *Lectures on the Will to Know* that Foucault explicitly formulates the historical emergence of an ontological concept of truth whose reality as a strictly immanent act of power disappears. During the 3<sup>rd</sup> March 1971 lecture from the *Lectures on the Will to Know*, Foucault stipulates that, since the emergence of philosophy, *logos* and truth start to constitute the same fabric. Truth is no longer an effect or production of the exteriority of discourse (as was the case with the structure of sovereign

power sustaining Archaic Greek jurisdiction). Instead, it becomes an expression of the conformity with nature in which *logos* intrinsically partakes.

This mutation entails two shifts affecting the production of truth. First, truth is spoken through a *logos* that corresponds to the truth of nature. Second, this truth of nature overtakes the boundaries of the act of speech itself: truth becomes its own condition of possibility as well as the condition of just *logos*. Truth is no longer the effect of an act through which an order of things is produced, but becomes the *a priori* condition to the order of things itself. Foucault writes:

- when *logos* speaks the truth it is in accord with the being of nature
  - when words participate in being in some way the truth is taught.
- [...] In sixth century thought, truth was the general effect of that arrangement. From the fifth century it will be the condition. It is because one possesses the truth that one has good laws, that pedagogy agrees with nature, that the laws one [has] written are in accordance with *logos*, and that *logos* is in accordance with nature. (Foucault: 2013, 154-155)

The identification of the truth of nature as origin and universal is an aspect that Foucault develops as early as the 1970-1971 *Lectures on the Will to Know* and finds its roots in the divorce of the sovereign speaker from the actuality of its speech towards the transcendental concept of truth as condition of possibility of knowledge. This divorce is explicitly problematized slightly earlier in *The Order of Discourse*. In this talk, the reference to Nietzsche's text *On Truth and Lies in an Extra-Moral Sense* (which will be reused again in the "Lecture on Nietzsche" found in the *Lectures on the Will to Know*), shows how the Western concept of truth corresponds to a historical production which masks an effective act. In *The Order of Discourse*, Foucault writes:

[...] a day came when truth was displaced from the ritualized, efficacious and just act of enunciation, towards the utterance itself, its meaning, its form, its object, its relation to its reference. (Foucault: 1981, 54)

As Foucault's analysis of *Oedipus Rex* proves, it is precisely when the validity of sovereign truth as efficacious utterance disappears that the intrinsic and reciprocal relationship between discourse and its object (the said and the seen) becomes a founding origin and the criterion of truth and justice. Behind this diagnosis lies the Nietzschean critique of the concept of truth which Foucault uses in his "Lecture on Nietzsche" given at Montreal McGill University in April 1971.

Foucault writes:

[knowledge] is not joined to the structure of the world as a reading, a decipherment, a perception, or a self-evidence. Things are not made to be seen or known. They do not turn towards us an intelligible face which looks at us and waits for our gaze to meet them. Things do not have: – a hidden meaning to be deciphered [...]. (Foucault: 2013, 203)

Here, we see that Foucault's Nietzschean problematization of the primacy of knowledge and truth challenges the symbolic structure of interdependence between the said and the seen that *Oedipus Rex* dramatizes. The mutation of truth which marks Classical Greek thought replaces the sovereign utterance of truth by an intrinsic correspondence between the act by which Oedipus killed his father and the fixation of Oedipus' identity. The witness who has seen Oedipus the murderer and actualizes his testimony through speech becomes the new sovereign: he produces an ontological equivalence between the seen and the said, between Oedipus the character and Oedipus the murderer. But this act of sovereign speech depends itself on the preexistence of truth: it is this truth that Oedipus endeavoured to seek at the beginning of the play and it preexists the peasant's final speech. It is according to the same symbolic logic or the same logic

of interdependence between discourse and its object that the laws of men replace the truth of gods when the *nomos* emerges. In “Oedipal knowledge”, Foucault indeed tells us that:

[...] This system of constraints shown by the Oedipus fable could be characterized very schematically in the following way: [...] the political, juridical, and religious requirement to transform the event, its recurrences and figurations over time, into established and definitely preserved facts in the *observation* of witnesses. Subjecting the event to the form of the observed fact is the first aspect of Oedipal truth. [...] the other aspect of this Oedipal system of truth will be to found the *nomos* on a knowledge-virtue which is quite simply in itself respect for the *nomos*. Truth will be given only to someone who respects the *nomos* and will arrive at the truth of the *nomos* only on condition of being pure. (Foucault: 2013, 196)

The interdependence between the just law (the *nomos*) and the morphology of truth appearing in *Oedipus Rex* (the dependence of truth upon the correlation between the discourse of knowledge and the veracity of the fact) establishes a primacy of truth which negates its own exteriority as immanent act of power. It is indeed when one follows the *nomos* that one both expresses and reaches truth. Similarly, it is by following the investigation which leads him to truth that Oedipus respects and uncovers his true identity. When sovereign power disappears, it is its extrinsic and esoteric position that disappears at the same time. It is because the divine law remained external and inaccessible to the knowledge of men that it could constrain the world under its justice through an act of power. The ritual repeats the origin: this repetition is needed in order to restore the right order of justice. But as soon as the respect of the just law becomes the condition of possibility of its knowledge, nothing can exist outside the scope of knowledge and what can be known (*i.e.* what can appear positively) cannot not be true (*i.e.* it cannot be an expression of the true nature of things). This is the reason why

Foucault quotes Nietzsche's *Gay Science* and its denunciation of what the latter calls the "deification" of nature:

It [the world] does not observe any law. Let us keep from saying that law exists in nature... When will all these shadows of God cease to confuse us? When will we have completely de-deified nature?<sup>87</sup> (Foucault: 2013, 204)

This "deification" of nature, which, in Foucault's terms, corresponds to the substitution of the sovereign power of gods by the human knowledge, leads to establish truth as a metaphysical foundation that negates the historical dimension of truth as the object of immanent practices and techniques. It is this very idea that Revel points out when she calls the concept of nature both "the basis of Western metaphysics" and "the idea of a foundation or of an origin" (Revel: 2014, 119). But what Revel does not stress sufficiently is that the historical emergence of the concept of nature as an epistemological object is, in Foucault, clearly inscribed within the problematization of jurisdiction brought forward by the dissolution of sovereign power. As she points out, the concept of nature is subjected to a double critique. She writes:

Foucault began by associating nature to the origin and to the universal; later, he associates nature to the political strategy of biologizing life that will be interpreted as one of the characteristics of biopolitics from the nineteenth century on. In the first two cases, nature is denounced as the basis of Western metaphysics, which is embodied first in the idea of a foundation or of an origin, and then in the idea of a transcendent and unquestionable universal. Nature is what must be dissolved so as to escape from the metaphysical illusion. (Revel: 2014, 119)

On the one hand, it is the concept of the truth of nature as origin that is attacked, and this is a critique which Foucault starts in the 1970-1971 *Lectures on the Will*

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<sup>87</sup> Foucault quotes Nietzsche's *Gay Science*, Book III, §109 from Pierre Klossowski's translation as mentioned in *The Lectures on the Will to Know* (Foucault, 2013, 220).

to *Know* and repeats in his essay "Nietzsche, Genealogy, History." This first critique of the concept of nature endeavours to substitute to the foundation provided by metaphysical truth a historicity that questions the meaning of origin as foundation and replaces it by the idea of historical event. This first aspect of the critique of the concept of nature is then completed by a second one: the concept of human nature as transcendental universal that grounds the rationality at the basis of human sciences. Even though Revel's point is exact, one could add that the second aspect of the Foucauldian critique of nature finds its root in the first one: it is the critique of the metaphysical concept of truth Foucault formulates in 1970-1971 that allows the rethinking of the emergence of anthropological truth. It corresponds once again to a historical change of jurisdiction: it is no longer the discourse of the sovereign who, in a ritualistic act of power, produces the truth of the world, but the possibility of a transcendental truth of nature that posits a rationality according to which man becomes but one knowable and finite object amongst others.

This is the reason why, in the course of the 9<sup>th</sup> December 1970 lecture from the *Lectures on the Will to Know*, Foucault establishes a lexical distinction between two types of knowledge. He wants to differentiate between a knowledge [*connaissance*] that defines a specific technique towards the world and a knowledge [*savoir*] which concerns the domain of objects which emerge through the practice of this technique. During the 9<sup>th</sup> December 1970 lecture from the *Lectures on the will to know*, Foucault establishes this distinction as such:

In order to fix the vocabulary, let us say that we will call knowledge-*connaissance* the system that allows desire and knowledge-*savoir* to be given a prior unity, reciprocal belonging, and co-naturalness. And we will call knowledge-*savoir* that which we have to drag from the interiority of knowledge-*connaissance* in order to rediscover in it the object of a willing, the end of a desire, the instrument of a domination, the stake of a struggle. (Foucault: 2013, 17)

It is, according to Foucault and his reading of Aristotle's *Metaphysics Book A*, the historical co-implication of desire and knowledge which establishes "a prior unity, reciprocal belonging, and co-naturalness" between truth, desire and knowledge and obliterates the strict reality of the will as a strife for knowledge [*savoir*]. Foucault's point is not to claim that *savoir* does not exist but that the desire of the self for it is not a transcendental determination that characterizes a natural attitude towards the world. The retrieval of the will from the interiority of *connaissance* corresponds to the same gesture that consists in reducing the belief of metaphysical truth to the strict immanence of a practice.

We see that Foucault's historicization of the emergence of knowledge as a technique which links facticity to an *a priori* true discourse belongs to the same philosophical project: retrieving the strict materiality of power at the bottom of what it historically produces. Even though it is in the *Lectures on the will to know* that the definitions of *connaissance* and *savoir* appear the most clearly, the difference between these two concepts had already been thematized in 1969 in *The Archaeology of Knowledge*. A footnote in the English edition mentions a comment by Foucault himself who distinguishes the two concepts in those terms:

By *connaissance* I mean the relation of the subject to the object and the formal rules that govern it. *Savoir* refers to the conditions that are necessary in a particular period for this or that type of object to be given

to *connaissance* and for this or that or that enunciation to be formulated.  
(Foucault: 2002, 16-17)

Even though Foucault does not seem at this point to have carried out the genealogical work which allows him to define *connaissance* as precisely as he does a year later in his first lecture course at the Collège de France, the definition provided in *The Archaeology of Knowledge* still distinguishes *connaissance* as the type of relationship between the knowing subject and the object of his knowledge [*savoir*], and *savoir* as the knowledge which historically becomes objects of *connaissance*. Therefore, archaeology also belongs to the project of historicization and dismantlement of a strict continuity between the knowing subject, the knowledge that subject acquires and the scientific truth it establishes. Instead, the archaeological analysis allows us to see truth and knowledge emerging from a “discursive practice” (Foucault: 2002, 202). Identifying a discursive practice at the origin of knowledge and truth already corresponds to an attempt at retrieving the acting subject from the alienation of its own positivity: it is neither a transcendental disposition towards knowledge and truth which allows the development of sciences but the emergence of historical “ways of speaking” (Foucault: 2002, 213) which are historically determined. If they are historically determined, they are not linked to a scientificity that would reveal their intrinsic truth, but to historical events that are heterogeneous from the field of knowledge defined by science. Foucault writes:

Instead of exploring the consciousness/knowledge (*connaissance*)/science axis (which cannot escape subjectivity), archaeology explores the discursive practice/knowledge (*savoir*)/science axis. And whereas the history of ideas finds the point of balance of its analysis in the element of *connaissance* (and is thus forced, against its will, to encounter the transcendental interrogation), archaeology finds

the point of balance of its analysis in *savoir* – that is, in a domain in which the subject is necessarily situated and dependent, and can never figure as titular (either as a transcendental activity, or as empirical consciousness). (Foucault: 2002, 201-202)

We see that Foucault's attempt to shift the traditional axis of analysis from the line that links scientific truth, knowledge and the knowing subject to one which grounds the truth of science and *savoir* in discursive practices prefigures the critique of the transcendental position of truth Foucault describes in the *Lectures on the will to know*: if *connaissance* is the element which unites the traditional axis (which goes from the knowing subject to the discovery of scientific truth through the use of knowledge), then it is *connaissance* as its own condition of possibility which becomes problematic within a strict historical perspective. In this respect, we clearly see how the dis-implication of the subject, knowledge and truth from the unity of *connaissance* performed during the first two lectures from the *Lectures on the will to know* continues the project of *The Archaeology of Knowledge*. This shift, which consists in concluding that the knowing subject naturally prone to discover the truth of the world does not exist, ultimately indicates that knowledge, as power which modifies the world, corresponds to a specific practice which produces a certain violence and coercion towards the world. This is the reason why Foucault's historicization of truth and knowledge, which starts in 1970 with the *Lectures on the will to know*, can be linked to his last two lecture courses from 1982 to 1984: *The Government of the Self and Others I* and *The Government of the Self and Others II. The Courage of Truth*. In these final two lecture courses, Foucault examines a different kind of relationship between the self, others and the world than the one defined by the concept of truth which

starts to take over with the emergence of knowledge as a technique which fixes the relationship one establishes with the world.

The testimony, which links the visible truth of facticity to the truth of discourse, replaces the agonistic structure of truth affirmed through an act of power. The concept of epistemological truth produces an inversion through which the affirmation of truth as an act of power gets replaced by a transcendental rationality. This is the reason why one finds, as early as *The Archaeology of Knowledge*, an attempt to disrupt the apparent continuity between the overarching rationality connecting the knowing subject to the practice of knowledge and to the discovery of truth. Thus, when Foucault addresses the possibility of an archaeology of sexuality in the last chapter of *The Archaeology of Knowledge*, he clearly mentions the need for an ethical analysis which, instead of merely identifying epistemic mutations, would show how knowledge and truth operate on an immanent level which effectively modifies the relationship between the individual and the world. Such an analysis would show how the truths derived from the subject are not the natural expression of his nature which would show that scientific discoveries correspond to a natural unfolding, but are rather the product of concrete relations of power that have a politically coercive or provocative effect on the subject's life. This corresponds to a concept of life defined, as Foucault puts it in *The Hermeneutics of the Subject*, as "the way the world immediately appears to us" (Foucault: 2006, 486). In order to be made possible, this "immediate appearance" needs to reveal that the transcendental

character of truth masks the immediacy of its power, violence and coercion. In

*The Archeology of Knowledge*, Foucault writes:

Such an archaeology would show, if it succeeded in its task, how the prohibitions, exclusions, limitations, values, freedoms and transgressions of sexuality, all its manifestations, verbal or otherwise, are linked to a particular discursive practice. It would reveal, not of course as the ultimate truth of sexuality, but as one of the dimensions in accordance with which one can describe it, a certain 'way of speaking'; and one would show how this way of speaking is invested not in scientific discourses, but in a system of prohibitions and values. An analysis that would be carried out not in the direction of the episteme, but in that of the ethical. (Foucault: 2002, 213)

The ethical archaeology Foucault mentions here, would have to show how a "way of speaking", which defines a space within which certain truths are historically made acceptable, does not find its root in the *a priori* rationality of truth but in the net of strictly immanent power relations. The "system of prohibitions and values" Foucault describes is always the strict manifestation of power which establishes and modifies relationships between individuals and the world.

It is therefore to stress that truth and knowledge are instances of power that Foucault attempts to associate them with the concept of will both in 1970-1971 and in 1976: it means that the foundation provided by truth only emerges historically and does not possess a metaphysical value. In this respect, it is not surprising to see that Foucault's last lecture course (from 1982 to 1984) also stress the importance of a concept of truth linked to strict action: it is this time not the "will to truth" which Foucault describes but the one of "courage of truth". When in 1983-1984 he insists on the attitude of the Cynics and uses the Greek notion of *parrhesia* in order to contrast it with the concept of metaphysical truth, he

attempts to identify the possibility of an attitude which entails a concept of truth strictly linked to the performance of an act of speech which conveys its own truth without relying upon an *a priori* founding rationality. In a series of lectures given at the University of California in Berkeley in 1983, Foucault defines *parrhesia* as such:

*Parrhesiastesthai* means “to tell the truth”. But does the *parrhesiastes* say what he *thinks* is true, or does he say what *is* really true? To my mind; the *parrhesiastes* says what is true because he *knows* that it is true; and he *knows* that it is true because it is really true. The *parrhesiastes* is not only sincere and says what is his opinion, but his opinion is also the truth. He says what he knows to be true. The second characteristic of *parrhesia*, then, is that there is always an exact coincidence between belief and truth. (Foucault: 2001c, 14)

We see here that the Greek *parrhesia* Foucault describes is a mode of truth-telling which defines a specific relationship between act, knowledge and truth. In this case, truth is not the validity of facticity which is reached through the reunion of the visible and of the expressible (as it starts to be the case when Foucault studies either Sophocles’ *Oedipus Rex*), but is a mode of veridiction through which the power of the act and the affirmation of truth strictly coincide. If the *parrhesiastes* tells the truth, it is not in relation to a *logos* which precedes his existence and will survive it, but in a strict correspondence with what he believes to be true. In other words, one could say that the *parrhesiastes* stands for truth and enacts it through his power to speak and act. Therefore, the structure of truth-telling linked to *parrhesia* disrupts the logic of the *sumbolon* Foucault describes when he studies the morphology of truth in *Oedipus Rex*: there is no possible distance between the subject who speaks and the truth targeted by this speech and he is, in this

sense, the true sovereign<sup>88</sup>. The subject who speaks is both the subject and object of enunciation, he performs a correspondence between power and knowledge that recalls the one Foucault describes in “Truth and Juridical Forms” when he mentions the structure of Archaic Greek sovereignty. During the same lecture in Berkeley, Foucault adds:

If we distinguish between the speaking subject (the subject of enunciation) and the grammatical subject of the enounced, we could say that there is also the subject of the enunciandum - which refers to the held belief or opinion of the speaker. In *parrhesia*, the speaker emphasizes the fact that he is both the subject of the enunciation and the subject of the enunciandum - that he himself is the subject of the opinion to which he refers. The specific “speech activity” of the parrhesiastic enunciation thus takes the form: “I am the one who thinks this and that.” I use the phrase “speech activity” rather than John Searle’s “speech act” (or Austin’s “performative utterance”) in order to distinguish the parrhesiastic utterance and its commitments from the usual sorts of commitment which obtain between someone and what he or she says. For, as we shall see, the commitment involved in *parrhesia* is linked to a certain social situation, to a difference of status between the speaker and his audience, to the fact that the *parrhesiastes* says something which is dangerous to himself and thus involves a risk, and so on. (Foucault: 2001c, 12-13)

On top of a strict coincidence between one’s act of speech and the affirmation of one’s truth, the parrhesiastic attitude introduces an element of risk: the truth-telling it designates is not a strict performative act whereby the words of the one who speaks relate to a world whose order is settled through the logic of the ritual: *parrhesia* is an ethical engagement which aims at risking the existing relationship

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<sup>88</sup> As Foucault claims it in *The Government of the Self and Others II: The Courage of Truth*, the theme of the sovereign life is formulated in Seneca’s *Letters to Lucilius* and *On the Shortness of Life* as “having possession to oneself” or “being one’s own law” (Foucault: 2011b, 271). It is the concept of sovereignty as self-determination, which the Cynic pushes to the extreme. The Cynic not merely attempts to self-determine his own actions but performs a “polemical reversal of the straight life, of the life which obeys the law (the *nomos*)” (Foucault: 2011b, 244). This entails that there is no positive law or principle which determines the life of the Cynic prior to his actions: they are determined by the continuous attempt to change the custom or the ways in which one’s lives. The concept of sovereignty related to the Cynic life is therefore one which puts all its actions on a level of strict immanence. It is not determined by a prior truth or knowledge.

either between the self and himself, the self and others or the self and the world in order to modify it and produce a new truth. In this respect, the Cynical attitude corresponds to a philosophical attitude which is a strict *poiesis*. This is the reason why, in *The Government of the Self and Others II: The Courage of Truth*, Foucault once again uses the concept of will, but this time not in relation to a knowledge and truth whose power gets concealed by a transcendental foundation, but in relation to a risk through which one accepts to affirm one's truth as a way of engaging with the world. Foucault writes:

There is another aspect which is that of the courage of truth: what type of resolution, what type of will, what type of not only sacrifice but battle is one able to face in order to arrive at the truth? This struggle for the truth is different from the purification by which one can arrive at the truth. It is no longer the analysis of purification for the truth, but the analysis of the will to truth in its different forms, which may be those of curiosity, battle, courage, resolution and endurance. (Foucault: 2011b, 125)

We see that Foucault deploys a morphology of the will to truth in order to show that truth becomes the product of a varying attitude towards the world, hence the consequence of an ethics. Truth no longer corresponds to the validation of an objective knowledge one can seek through investigation, nor does it correspond to the "pure" knowledge of Forms sought by Platonic philosophy. Rather, it corresponds to a concrete attitude that dismisses the disjunction between act and knowledge: it produces a truth in the world through the risk of an act which instantiates this very truth.

The fact that Foucault chooses to present cynicism as the philosophical attitude which produces a radically different truth than the one of Platonic philosophy is therefore not surprising. Not only were the Cynics seeking to act more truthfully

towards simple vital needs through ongoing deprivation of useless goods, but they also affirmed the truth of their lifestyle by taking the risk to perform it in public. Such an attitude defines a way of life which both target others and the world (through the immediate display of radical difference). Their truth did not rely on a constituted body of knowledge but rather on an ongoing reevaluation of practice. It therefore remained at the level of strict action or strict power. As a conclusion to the course context of this lecture course, Frédéric Gros stresses that Foucault attempted to bring forward a concept of truth defined as a relation to and affirmation of otherness. Gros writes:

[...] in 1984, he [Foucault] wants to emphasize that the hallmark of the true is otherness: that which makes a difference in the world and in people's opinions, that which forces one to transform one's mode of being, that whose difference opens up the perspective of an other world to be constructed, to be imagined. The philosopher thus becomes someone who, through the courage of his truth-telling, makes the lightning flash of an otherness vibrate through his life and speech. Foucault can thus write these words, which he will not have time to utter, but which are the last he wrote on the last page of the manuscript of his final lecture: *"What I would like to stress in conclusion is this: there is no establishment of the truth without an essential position of otherness; the truth is never the same; there can be truth only in the form of the other world and the other life (l'autre monde et la vie autre)"*. (Foucault: 2011b, 356)

We see that the concept of truth Foucault associates with will and courage strictly coincides with an ethical practice which aims at transforming the relationship oneself entertains with himself, others and the world. It is a concept of truth in strict relation to a concept of life which is not defined as the expression of a truthful nature (as is the concept of life which emerges with the nineteenth century) but as an active ethical and political practice which puts the concepts of life and world at the same level, in the same way as Foucault already defined it at

the end of *The Hermeneutics of the Subject*.<sup>89</sup> This concept of life understood as *bios*, “the way in which the world immediately appears to us” (Foucault: 2006, 486), entails that the kind of truth associated with courage is an immanent attitude which has an immediate power of transformation both upon the self and the world. It cannot therefore be reduced to the truth of a nature.

The fact that the concepts of truth and nature are reduced to strict and immanent practices at the two ends of the Foucauldian critique (either regarding the critique of the metaphysical status of truth at the origin of knowledge or regarding the critique of the concept of truth at the basis of the rationality of the understanding of human life) shows that each time Foucault describes the dismantling of a form of sovereignty (the political sovereignty of gods, the tyrant or of the King). It is the possibility of the knowledge of the truth of nature which emerges (either the knowledge of the *Phusikoi* which contrasts with the fateful power of gods or the knowledge of anthropological nature which contrasts with the deadly power of the King at the end of the Classical Age). If, in *The Lectures on the Will to Know*, he focuses on the natural determination of the self as subject of knowledge, the first volume to the *History of Sexuality* makes the critique of the concept of nature the foundation on which the modern subject becomes an object of anthropological knowledge. In both cases, Foucault puts into question the

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<sup>89</sup> It is important to note that “the other life” translates the French phrase “*la vie autre*” which is not synonymous with the phrase “*l’autre vie*”. Even though “*l’autre vie*” would also be translated “the other life” in English, it would designate in French a life beyond immanence (and either refer to a transcendent concept of life or to life after death), whereas the specific use by Foucault of “*la vie autre*” shows that he clearly refers to an immanent way of living which gets transformed through immanent practice.

mutation of the relationship between knowledge, the self and the world. It is when the nature of the world emerges as an object of knowledge that the life of the self becomes no longer the matter of a reflexive *tekhne* and self-transformation but the occasion of the experience of both the truth of the self and the truth of the world. As Foucault puts it in the last lecture from *The Hermeneutics of the Subject*:

It seems to me that we have here the root of the question that has been posed to philosophy in the West, or, if you like, the root of the challenge of Western thought to philosophy as discourse and tradition. The challenge is this: How can what is given to us as the object of knowledge (*savoir*) connected to the mastery of *tekhne*, at the same time be the site where the truth of the subject we are appears or is experienced and fulfilled with difficulty? How can the world, which is given as the object of knowledge (*connaissance*) on the basis of the mastery of *tekhne*, at the same time be the site where the "self" as ethical subject of truth appears and is experienced? If this really is the problem of Western philosophy - how can the world be the object of knowledge (*connaissance*) and at the same time the place of the subject's test; how can there be a subject of knowledge (*connaissance*) which takes the world as object through a *tekhne*, and a subject of self-experience which takes this same world, but in the radically different form of the place of its test? [...] (Foucault: 2006, 487)

The paradox, which Foucault formulates at the very end of *The Hermeneutics of the Subject*, corresponds to the difficulty *The Order of Things* already stressed: the status of the modern subject as empirico-transcendental doublet presupposes that knowledge about the nature of man can be abstracted as a transcendental foundation that would ground the rationality of his existence as living, speaking and working subject. This means that it would grant the possibility for the subject to know its existence as a finite positivity amongst the other positivities which characterize the knowledge of the world. My claim is this characterization of the world as the occasion of the manifestation of both the

truth of the self and the world reappears clearly when Foucault starts to study the reciprocal implications between the concepts of norm and nature from 1976 onwards: the norms correspond to the positive fixation of cases (defined by the field of human sciences) where the lives of men and the world coincide as both objects of knowledge and test. It is indeed when deviant behaviours get mapped out by apparatuses of power and knowledge and become identified as variations around the norms (*i.e.* as types of abnormalities) that they become positive forms of existence (and knowledge) and can therefore be integrated into specific power strategies. In this respect, the reality these abnormalities actualize become objects of the world amongst others that manifest the truth of their nature as they take place. It is paradoxically when the positivity of knowledge is intrinsically linked to these existences that a distancing from this identification in favour of another becomes impossible: the coincidence between power and knowledge (understood here as the integration of behaviours into the positivism of sciences) illustrate in this case an alienation of sovereignty whereby the possibility of the self-determination of one's conduct becomes impossible.

## **2. From the nature of things to the nature of man: a transfer of sovereignty**

The concept of nature appearing as a consequence of the dismantlement of sovereign power is problematized a second time in Foucault's work. When he introduces the shift from the Classical power of the King to bio-power and biopolitics in the first volume to the *History of Sexuality*, the truth spoken by the

subject who puts his sexual desires into words through the mechanism of confession coincides with a nature whose manifestation is fragmented and which needs to be completed and acknowledged in order to be true. In the chapter entitled "*Scientia Sexualis*", Foucault describes how the 19<sup>th</sup> century produces a hermeneutics of sexual desires whose acknowledgement rests on a relationship between the one who speaks and the one who listens and who validates the utterance of the speaker. Foucault writes:

If one had to confess, this was not merely because the person to whom one confessed had the power to forgive, console, and direct, but because the work of producing the truth was obliged to pass through this relationship if it was to be scientifically validated. The truth did not reside solely in the subject who, by confessing, would reveal it wholly formed. It was constituted in two stages: present but incomplete, blind to itself, in the one who spoke, it could only reach completion in the one who assimilated and recorded it. It was the latter's function to verify this obscure truth: the revelation of confession had to be coupled with the decipherment of what it said. The one who listened was not simply the forgiving master, the judge who condemned or acquitted; he was the master of truth. His was a hermeneutic function. With regard to the confession, his power was not only to demand it before it was made, or decide what was to follow after it, but also to constitute a discourse of truth on the basis of its decipherment. By no longer making the confession a test, but rather a sign, and by making sexuality something to be interpreted, the nineteenth century gave itself the possibility of causing the procedures of confession to operate within the regular formation of a scientific discourse. (Foucault: 1998d, 67)

The resemblance between the morphology of truth and knowledge whose emergence Foucault describes at the turn of Archaic and Classical Greece and the one which appears in the nineteenth century is striking. In both cases, the production of truth depends upon an alienation of the act of speech: the validation of the discourse of the speaker depends upon its acknowledgement by the one who listens. The production of truth no longer lies in the act of confession alone but in the encounter of the speaker's discourse with a more profound truth

disconnected from the act of speech: the *logos* which corresponds to the rationality of scientific discourse; a *logos* which, by collecting the words of the one who confesses his desires, integrates the spoken words within the symbolism of truth. The words of the speaker no longer suffice on their own to constitute a truthful gesture, they need to be coupled with the truth of a nature which speaks truly only when complete.<sup>90</sup>

I have shown how, in the case of *Oedipus Rex*, the completion of truth depends on the conjunction of the said and the seen (when the part of truth told by the kings is completed by the spoken truth of the peasant who has seen the murderer) in order to manifest a truth which acquires a temporal dimension: Oedipus' identity is no longer identified according to his presence alone but in relation to a story which encompasses the entirety of his life. The logic Foucault sees in the confession of desires in the Victorian era also corresponds to a manifestation of truth which exists beyond the strict presence of the speaker and targets the nature of the subject. In the same chapter of the first volume of *The History of Sexuality*, Foucault indeed mentions "the principle of latency essential

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<sup>90</sup> The question of the replacement of the truth of the act by the relationship between the speaker's discourse and a primordial *logos* which grounds its truth-value is a theme Foucault comes back to in his essay "A Preface to Transgression". Foucault writes that: "A rigorous language, as it arises from sexuality, will not reveal the secret of man's natural being, nor will it express the serenity of anthropological truths, but rather, it will say that he exists without God; the speech given to sexuality is contemporaneous, both in time and in structure, with that through which we announced to ourselves that God is dead." (Foucault: 1998a, 70). The concept of anthropological truth acquires the transcendental status the figure of God occupied prior to the advent of modernity: whereas the sovereign law used to ground and realize a cosmological order, the truth of the modern subject, split between his discourse and the more fundamental rationality which validates it, is what both grounds its concrete existence, legitimates the form it takes and determines the forms to come.

to sexuality” which hides a confession whose truth is not concealed by the speaker but “hidden from himself”. Foucault tells us that the confession links “the forcing of a difficult confession to a scientific practice” (Foucault: 1998d, 66). In other words, the scientific rationality which motivates the confession of sexual desires transforms the power which violently demands the words of the speaker into the necessary manifestation of an essence. Thus it is not by accident that Foucault calls the confessor a “Master of Truth” (Foucault: 1998d, 67): he implicitly refers to D  tienne’s work on truth in Archaic Greece according to which the Masters of Truth are the ones able to actualize truth through their act of speech. Foucault already referred to the “Master of Truth” in *The Birth of the Clinic* when he described the totalization and registration of knowledge derived from the plurality of events taking place within the space of the clinic under the scientificity of modern medical rationality. Foucault writes:

Over all these endeavors on the part of clinical thought to define its methods and scientific norms hovers the great myth of a pure Gaze that would be pure Language: a speaking eye. It would scan the entire hospital field, taking in and gathering together each of the singular events that occurred within it; and as it saw, as it saw ever more and more clearly, it would be turned into speech that states and teaches; the truth, which events, in their repetitions and convergence, would outline under its gaze, would, by this same gaze and in the same order, be reserved, in the form of teaching, to those who do not know and have not yet seen. The speaking eye would be the servant of things and the master of truth. (Foucault: 2003a, 140-141)

The first two lines state the point very clearly: what the *logos* of scientific rationality makes possible is the stabilization of a truth that grounds and validates the events which occur within the clinical space in order to secure their manifestation under the timeless truth of a foundation which explains and justifies them. The “pure Gaze” which is “pure Language” and “speaking eye”

corresponds to a metaphysical rationality which attempts to fix positively immanent events and to turn them into a sign or symptom of its essence, nature and origin. That myth or dream of the “pure Language” characterizes the type of rationality which emerges with the advent of the human sciences: a rationality whose purity overcomes the impermanent character of immanent materiality and is transmitted as such through the teaching of medical knowledge. The *logos* of nature becomes a metaphysical foundation which replaces the truth expressed by a transitory act of power (an act of speech) or materiality not yet reduced to truthful facticity.

In the case of the shift from Archaic to Classical Greece, I have shown how the replacement of divine power by the knowledge of men determines the possibility of a factual truth of nature once the ordering of the world according to sovereign power disappears. In the case of the human sciences, modernity defines an order of things whose rationality is no longer granted by the knowledge of the King which was, at the same time, an ordering power. In *The Order of Things*, Foucault tells us that modern empiricities are no longer organized in relation to the taxonomy of representation set up in accordance to a fixed *mathesis*. They no longer correspond to a knowledge expressing an infinite number of things whose coexistence is made possible by the order of a nature but to “quasi-transcendental fields” which are the concepts of Life, Labour and Language. These “quasi-transcendental fields” find themselves ultimately united by the “transcendental field of subjectivity”: it is around the life, labour and language of the modern subject that knowledge and truth are now organized. Foucault writes:

We have now advanced a long way beyond the historical event we were concerned with situating – a long way beyond the chronological edges of the rift that divides in depth the *episteme* of the Western world, and isolates for us the beginning of a certain *modern* manner of knowing empiricities. This is because the thought that is contemporaneous with us, and with which, willy-nilly, we think, is still largely dominated by the impossibility, brought to light towards the end of the eighteenth century, of basing syntheses in the space of representation, and by the correlative obligation – simultaneous but immediately divided against itself – to open up the transcendental field of subjectivity, and to constitute inversely, beyond the object, what are for us the ‘quasi-transcendentals’ of Life, Labour and Language. (Foucault: 2001e, 272)

The morphology of the modern *episteme* appears to us, according to Foucault, because of the impossibility of performing the synthesis that would both constitute the “transcendental field of subjectivity” and define for modern man the possibility of becoming the exhausted object of its own knowledge. Foucault tells us that the quasi-transcendentals are “beyond the object”: the horizon of the life, labour and language of the modern subject, understood as temporal fields of human activity in an attempt to fix the forms of its finitude, cannot be fully represented. The living, working, and speaking man cannot be expressed by knowledge since this living, working and speaking man is an object which is changed by its own temporality.

The fixed form of the living man, grasped by the knowledge of human sciences, cannot but always already be challenged by the concrete forms that the ways he lives, works and speaks take in time. Balibar has insisted upon the fact that the

quasi-transcendentals introduced in *The Order of Things* should be understood as different ways to name man's finitude after Kant. He has said<sup>91</sup>:

In *The Order of Things*, Foucault was primarily interested in epistemological conditions of possibility. Ultimately, Foucault said: there is an anthropological discourse in late modernity, in the nineteenth and even the twentieth century, because there are disciplines that consider man as an object of knowledge and because these disciplines transpose onto the plane of empirical knowledge the question formulated by Kantian criticism, which is the question of finitude. What happened, quite simply, was that each discipline came up with a new name for finitude. They called it "language" or "life" or "work."

This imbalance between the concrete existence of man and the fixation of his truth by modern knowledge (what Balibar calls "the plane of empirical knowledge") amounts to fixing finitude into concepts which acquire a new meaning after the eighteenth century. Life is one of those concepts: it designates a horizon against which human sciences attempt to positively define and provide an ontological basis for the concrete existence of men. As a consequence, it is impossible to claim, as Agamben does, that what biopower and biopolitics target with modernity is bare life. Rather, biopower and biopolitics imply a natural understanding of the truth intrinsic to the essence of man. It is a truth which corresponds to the "empirico-transcendental doublet" Foucault mentions in *The Order of Things*:

Because he is an empirico-transcendental doublet, man is also the locus of misunderstanding – of misunderstanding that constantly exposes his thought to the risk of being swamped by his own being, and also enables him to recover his integrity on the basis of what eludes him. This is why transcendental reflection in its modern form does not, as in Kant, find its fundamental necessity in the existence of a science of nature (opposed by the perpetual conflicts and uncertainties of philosophers), but in the existence – mute, yet ready to speak, and secretly impregnated with a

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<sup>91</sup> This is an interview given on 26<sup>th</sup> November 2012 for the website "Books & Ideas" after the publication of his 2011 book *Citoyen Sujet et autres essais d'anthropologie philosophique*, available at <http://www.booksandideas.net/Citizen-Balibar.html> (accessed on 3<sup>rd</sup> June 2015).

potential discourse – of that *not-known* from which man is perpetually summoned towards self-knowledge. The question is no longer: How can experience of nature give rise to necessary judgements? But rather: How can man think what he does not think, inhabit as though by a mute occupation something that eludes him, animate with a kind of frozen movement that figure of himself that takes the form of a stubborn exteriority? How can man *be* that life whose web, pulsations, and buried energy constantly exceed the experience that he is immediately given of them? (Foucault: 2001e, 351-352)

Here, Foucault clearly formulates the unavoidable alienation to which the empirico-transcendental status man acquires with modernity leads. It is not only the case that the modern subject defines his own nature by deciphering what may be available to his own self-enquiry (as does Oedipus, who, seeking the truth of the facts that have led him to the throne, is led to discover his true identity), but that this self-enquiry rests on a fundamental void, a fundamental negativity which the acting and speaking subject can never inhabit without the postulate of a true nature which both precedes and survives him. The concept of life which emerges in the nineteenth century necessarily projects a non-existent figure of exteriority in which the modern subject attempts to recognize his own truth. This “stubborn exteriority” is the basis which allows man to represent himself to his own knowledge and constitute his own objectivity. But Foucault tells us that the existence of men is rather a “a web”, “pulsations” and “buried energy” which remain in excess of possible knowledge and representation. This is the reason why the modern concept of “life” cannot be understood as a “bare” metaphysical concept but proceeds from several historical changes of jurisdiction (*i.e.* from changes which affect the relationship between power, truth and knowledge).

The scope of Foucault's work published to date allows us to identify the diagnosis of two historical changes of jurisdiction which obey the same logic: the one which affects the dissolution of Archaic Greek political sovereignty and the one which characterizes the emergence of biopower and biopolitics. The emergence of man's knowledge of nature at the end of Archaic Greece corresponds to the dissolution of the sovereign unity between immanent acts of power and the immediate performance of the truth of the world. This first shift corresponds to the definition of what Foucault calls "the will to know" in 1970-1971. In the same fashion, the 1976 "will to knowledge" (the subtitle of the first volume of the *History of Sexuality*) corresponds to the dissolution of the sovereign power of the King. In each case, the concept of nature and the truth corresponding to it locates the rationality of things in a timeless metaphysical *logos*. Such a proximity has been stressed but not clearly identified by Revel who writes:

Foucault began by associating nature to the origin and to the universal; later he associates nature to the political strategy of biologizing life that will be interpreted as one of the characteristics of biopolitics from the nineteenth century on. In the first two cases, nature is denounced as the basis of Western metaphysics, which is embodied first in the idea of a foundation or of an origin, and then in the idea of a transcendent and unquestionable universal. Nature is what must be dissolved so as to escape from the metaphysical illusion. (Revel: 2014, 119)

It is under the light of both the recurrence and variation of the role played by the concept of nature at these two moments of Foucault's thought that it becomes possible to really apprehend the proximity between life and death that Agamben interpreted as a mark of the presence of bare life at the basis of ancient and modern politics. Instead of linking biopower and biopolitics to the metaphysical power of the sovereign over bare life, the politics which endeavours to manage

life cannot but fix the lives it takes as their object in a positive form of finitude which limits the potential of variation proper to concrete existence. Just as the truth of nature discovered by the first rationalists in Archaic Greece constituted a positive formulation of the esoteric power of gods, the truth about the nature of man which becomes the object of investigation targeted by modern medicine and the human sciences attempts to fix positively the rationality of an existence which is yet to come.<sup>92</sup> Revel clearly points out, but fails to fully explicate, the proximity between the idea of foundation and origin at the basis of Western metaphysics and the unquestionable universal which grounds the rationality of modern politics of life. In both cases, I claim that the philosophical gesture remains the same but its object differs: whereas the critique of nature found in Foucault around 1970 concerns the critique of the possibility of knowing the nature of things objectively since the conditions of our epistemological understanding change historically, the concept of human nature which lies at the bottom of the first volume of the *History of Sexuality* targets the impossibility of superimposing the essence of man with the content of his discourse because anthropological thought also constitutes a historical epistemic determination.

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<sup>92</sup> As Michel de Certeau puts it in his essay "The Black Sun of Language": "Death only appears within the cohesive web of reason as the position of man in language, or as the evolution of languages. It is not a historical phenomenon, not an individual fact, and is therefore not localizable. Neither is the wild claim of an author who would like to burst through the doors of reflexive philosophy, smash the languid furnishings of consciousness, and plant his black flag there. It is not the end of man that Foucault proclaims, but of the conception of man that believed it had solved, by means of the positivism of the 'human sciences' [...]." (De Certeau: 1986, 182). In those terms, the status of death within the modern *episteme* does not correspond to the persistence of the power to kill but to the alienation of man's concrete existence by the positivism of a rationality which always already precedes and succeeds it.

However, what is common to both mutations is the interdependence between the immanence of things and the discourse which manifests their truth. At the dawn of Classical Greece, when the political sovereignty of gods and kings disappears, it is the symbolic link between what is said and seen which allows truth to be completed and validated. Similarly, at the end of the Classical Age, the possibility of representation (*i.e.* of the correspondence between words and things) no longer lies in the exteriority of the sovereign (the knowledge and power of God and the King), for it is the modern subject who occupies “the place of the King”. In *The Order of Things*, Foucault writes:

For Classical thought, man does not occupy a place in nature through the intermediary of the regional, limited, specific “nature” that is granted to him, as to all other beings, as a birthright. If human nature is interwoven with nature, it is by the mechanisms of knowledge and by their functioning; or rather, in the general arrangement of the Classical *episteme*, nature, human nature, and their relations, are definite and predictable functional moments. And man, as a primary reality with his own density, as the difficult object and sovereign subject of all possible knowledge, has no place in it. The modern themes of an individual who lives, speaks, and works in accordance with the laws of an economics, a philology, and a biology, but who also, by a sort of internal torsion and overlapping, has acquired the right, through an interplay of those very laws, to know them and to subject them to total clarification - all these themes so familiar to us today and linked to the existence of the “human sciences” are excluded by Classical thought: it was not possible at that time that there should arise, on the boundary of the world, the strange stature of a being whose nature (that which determines it, contains it, and has traversed it from the beginning of time) is to know nature, and itself, in consequence, as a natural being. (Foucault: 2001e, 338)

Understanding the role played by the concept of nature at the basis of bio-power and biopolitics with *The Order of Things* in mind lets us better understand the relationship at stake between the concept of sovereignty and the status of life in modern politics: it is because sovereignty gets transferred from the divine to the

concept of man that man corresponds to a metaphysical entity whose truth, like the order of nature for the Greek rationalists, must function as an originary founding *logos* which repeats with it the possibility of knowledge and representation.

It is because the modern subject becomes, “the difficult object and sovereign subject of all possible knowledge” that the truth of his nature replaces the sovereign who, either in Archaic Greece or during the Classical Age, made the correspondence between words and things possible. If nineteenth-century anthropology defines “a discourse on man’s natural finitude” (Foucault: 2001e, 280), it is because the truth of his nature provides the foundation the law of the sovereign used to occupy. In the conclusion of the *Birth of the Clinic*, Foucault even formulates an implicit analogy between the possibility of the truth of the modern man legible at the cost of his disappearance and the return of the law which characterized the cosmological structure of political sovereignty. He writes:

It will no doubt remain a decisive fact about our culture that its first scientific discourse concerning the individual had to pass through this stage of death. Western man could constitute himself in his own eyes as an object of science, he grasped himself within this language, and gave himself, in himself and by himself, a discursive existence, only in the opening created by his own elimination: from the experience of Unreason was born psychology, the very possibility of psychology; from the integration of death into medical thought is born a medicine that is given as a science of the individual. And, generally speaking, the experience of individuality in modern culture is bound up with that of death: from Holderlin’s Empedocles to Nietzsche’s Zarathustra, and on to Freudian man, an obstinate relation to death prescribes to the universal its singular face, and lends to each individual the power of being heard forever; the individual owes to death a meaning that does not cease with him. The division that it traces and the finitude whose mark it imposes link, paradoxically, the universality of language and the precarious, irreplaceable form of the individual. The sense-perceptible,

which cannot be exhausted by description, and which so many centuries have wished to dissipate, finds at least in death the law of its discourse; it is death that fixes the stone that we can touch, the return of time, the fine, innocent earth beneath the grass of words. In a space articulated by language, it reveals the profusion of bodies and their simple order. (Foucault: 2003a, 244)

It is the possibility of a positive knowledge of life through the fixation of modern man's finitude which confronts the modern subject to the positivity of its truth. The historical shift from sovereign power to bio-power places the modern subject in an ambiguous position whereby the inscription of his life within the order of knowledge both prevents and forces his disappearance: it is the fixity of the representation of man's life through man's knowledge, in which *bios* as a temporal experience between the self and the world disappears, which acts as the sovereign return of the origin and "the law of its discourse".<sup>93</sup>

The precariousness of individual life and its finitude as living being is counterbalanced by the "universality of language" which survives it but also precedes and inscribes it in a posture of unavoidable alienation. It is the fixation of the lives of men in the order of possible description that dismantles the unity of the figure of the sovereign as the origin and the foundation of the order of the world. Whereas, within the paradigm of Medieval sovereignty, the return of time was the return of order expressed by the sovereign's law and the individual put

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<sup>93</sup> As Frédéric Gros explains in his essay "Folie et finitude: les leçons de la psychoanalyse": "[t]he destiny of thought is no longer to discover itself as universal logical substance, but to question mute positivities in which it must recognize itself." [*Le destin de la pensée n'est plus de se découvrir comme substance logique universelle, mais d'interroger des positivities muettes dans lesquelles il lui faut se reconnaître*] (Gros: 1997, 116). In this respect, the knowledge which emerges with human sciences constitutes an attempt at providing a positive content to men's existence. However, the concept of Life as positive form of finitude is a mute positivity. It refers to an abstraction which cannot be superimposed with the existence of men understood as concrete and lived experience.

to death an affirmation of the sovereign's law through its power on the condemned body, death has now come to occupy the condition of possibility of man's finitude and representation. Michael Dillon, in his article "Specters of Biopolitics: Finitude, *Eschaton*, and *Katechon*", has had the correct intuition to link the question of biopolitical security to that of modern finitude. However, he too fails to recognize the specificity of the finitude which characterizes the modern *espisteme*. He writes:

The *eschaton* remains a source of civil as well as religious strife today, always a theologico-political field of sacrilizing formation, though one that functions differently now because the modern finitudinal immanentization of the *eschaton*, as an open horizon of possibility rather than the threshold of everlasting life, transforms the nature of the *eschaton* and the mode of (political) being instituted by it. Modern time, in short, is no less eschatological than Christian time. But it is different, and the difference accounts for the aporetic mode of being of the modern factually finitudinal order of things, and its sacralizing quality, not least that of the cultic security politics of the limit of modern political orders and the war that such politics wages in the holy name of life of the modern finitudinal *eschaton*. [...] For biopolitics is also a regime speaking truth about the nature of times through the truth of the end of times, and the mode of being required to live in, live out, and live up to the eschatological security imperative to resist, at whatever self-sacrificial cost, the end of the temporal order of things. (Dillon: 2011, 783)

Instead of articulating the question of finitude not only with death but with the positivity of the essence of man, he fails to see that the concept of death which concerns us here is not so much linked to the question of the end of times but to the question of positivity and negativity, appearance and disappearance of the modern subject.

The relationship between positivity and negativity does not strictly mean the possibility of the concrete death of individuals but rather the alienation of their

concrete existence in the fixed forms of knowledge. This is where the heritage of Foucault's work on the mutation of jurisdiction in Archaic Greece allows us to understand the interplay between positivity, negativity and the possibility of man's finitude in modernity. Whereas the divine law is fundamentally negative (both exoteric and limiting), the law of nature is what appears and remains through the use of knowledge and the emergence of the *nomos* in Classical Greece. In the same fashion, whereas the law of the King limits or annihilates the life of his subjects up to the Classical Age, the truth of man's nature which constitutes his modern finitude lets the possibility of his essence appear whilst his lived individual and concrete existence disappears. This is the reason why Foucault, in *The Order of Things*, qualifies the anthropological structure of knowledge as fundamentally "hollow". He writes:

[H]e [man], as soon as he thinks, merely unveils himself to his own eyes in the form of a being who is already, in a necessarily subjacent density, in an irreducible anteriority, a living being, an instrument of production, a vehicle for words which exist before him. All these contents that his knowledge reveals to him as exterior to himself, and older than his own birth, anticipate him, overhang him with all their solidity, and traverse him as though he were merely an object of nature, a face doomed to be erased in the course of history. Man's finitude is heralded – and imperiously so – in the positivity of knowledge; we know that man is finite, as we know the anatomy of the brain, the mechanics of production costs, or the system of Indo-European conjugation; or rather, like a watermark running through all these solid, positive, and full forms, we perceive the finitude and limits they impose, we sense, as though on their blank reverse sides, all that they make impossible. (Foucault: 2001e, 342)

The "irreducible anteriority" which determines the individual and characterises the finitude of man is paradoxically the condition of its positivity. It is on the basis of the same paradox that the politics which claim to foster life also carry the threat of death. Either in the case of totalitarian racism (which relies upon the

idea of the true nature of man) or that of the idea of the normal man, it is the rationality read in men's immanent existence which will *a posteriori* determine the "irreducible anteriority" which grants his nature and anticipates the lives to come. It is the securing of the temporal existence of men in a knowledge which survives them that a sense of what "is made impossible", to use Foucault's own terminology, appears.

The irreducible difference between the Classical and the modern *episteme* is that the transcendence of the sovereign is transferred to the space of subjective interiority. It is because the sovereign transcendence which limited transgression becomes an introversion which limits difference that the foundation of biopolitics cannot be an eschatological framework (which aims at the repetition of the same order of things) but a framework of normalization (which seeks to make difference coincide with the forms of what is already defined positively). If biopolitics remain both theologico-political and eschatological, as Dillon claims, it is not because the order of things determined by the transcendence of God has simply been secularized. Rather, it is because the possibility of this order of things is now determined by the opening of the interiority of the subject of knowledge who knows his nature amongst other objects of experience. As Foucault clearly puts in "A Preface to Transgression", the density our interiority acquires with modernity carries the weight of the death of God. He writes:

On the day that sexuality began to speak and to be spoken, language no longer served as a veil for the infinite; and in the density it acquired on that day, we now experience finitude and being. In its dark domain, we now encounter the absence of God, our death, limits, and their transgression. (Foucault: 1998a, 85)

If the anthropological *episteme* retains a theologico-political dimension, it is not in relation to a Christian understanding of the end of times but in relation to the place of the sovereign which, making justice and truth altogether possible, used to ground and limit the order of things.

Gilles Deleuze clearly identified Foucault's diagnosis of the replacement of the figure of God by the concept of man. In the appendix to his *Foucault*, Deleuze takes care to distinguish the Classical from the modern *episteme* in relation to God and what he calls "the Outside". If it is true that Deleuze emphasizes a somewhat vitalist coherence that is absent in Foucault (since Foucault does not himself claim that the finite forms of finitude "enter into a relation with certain very special forces from the outside" (Deleuze: 2006, 124)), Deleuze's reading is nonetheless enlightening because it helps us understand why the infinitude of Classical representation cannot be reduced to the finite knowledge of man without introducing an unavoidable mismatch between concrete existence and its fixation as knowledge. Deleuze writes:

[...] in the classical historical formation, the forces within man enter into a relation with forces from the outside in such a way that the compound is a God-form, and not at all a Man-form. This is the world of infinite representation. In the orders derived from it we must find the element that is not infinite in itself, but which nonetheless can be developed to an infinite degree and consequently enters into a scene, or unlimited series, or continuum that can be prolonged. This is the sign of the classical forms of science still prevalent in the eighteenth century: 'character' for living beings, 'root' for languages, money (or land) for wealth. Such sciences are general, the general indicating an order of infinity. Thus there is no biology in the seventeenth century, but there is a natural history that does not form a system without organizing itself in series; there is no political economy, but there is an analysis of wealth; no philology or linguistics, but a general grammar. [...] What is God, if not

the universal explanation and supreme unveiling? The *unfold* appears here as a fundamental concept, or first aspect of an active thought that becomes embodied in the classical formation. (Deleuze: 2006, 125-126)

Deleuze coins the concept “God-form” in order to express the relationship between a knowing subjectivity and an infinite number of things to know determined by God. Thus, the God-form describes an *episteme* which makes representation possible: each existing thing is knowable because its existence, fixed and determined by God, can be acknowledged by the knowing subject. This is the reason why the Classical *episteme* is organized around series: what matters is not the infinite possibility of new things in their difference and variation but their origin and determination by the subsuming *genus*. “Character”, “root”, “money” and “land” are also origins which determine series of things organised according to this primordial origin: it is the characters of living beings which determine their place within the taxonomy of natural history, it is the roots of words that determine their place within the taxonomy of general grammar and finally the amount of wealth a land can provide which determines the logic of the analysis of wealth. In other words, the God-form is, within the Classical *episteme*, the foundation which gives to things their place, meaning, and possible correspondence with words.

Conversely, when Deleuze analyses modernity with what he calls the “Man-form”, the primordial unfolding allowed by the infinity of God becomes a fold: an unavoidable mismatch caused by the impermanence of the object of knowledge that the modern living, working and speaking man is. It is no longer the transcendence of God which can be the cause and origin for the order of things

but the essence of modern man himself or the fixed form of his finitude. However, since the existence of the living man cannot but bring about the difference of new ways of living, the order of knowledge which corresponds to the modern *episteme* cannot but be organised by comparison and no longer by the intrinsic deployment of series: only the comparison can account for the variations which existence introduces. This is the reason why Deleuze writes:

Everywhere comparisons replace the general fact that was so dear to the seventeenth century: comparative anatomy, comparative philology, comparative economy. Everywhere it is the *Fold* which dominates now, to follow Foucault's terminology, and this fold is the second aspect of the active thought that becomes incarnated in the nineteenth-century development. The forces within man fall or fold back on this new dimension of in-depth finitude, which then becomes the finitude of man himself. The fold, as Foucault constantly says, is what constitutes a "thickness" as well as a "hollow". (Deleuze: 1988, 128)

In Deleuze's terminology, "the forces within man" indicate an existence which precedes fixation or formalisation. These forces (*i.e.* the lives of men) then become forms of man's finitude fixated as the "quasi-transcendentals" of Life, Labour and Language. The impossibility of the fold or the impossible reduction of those forces into knowledge is what explains their "quasi" character: they cannot constitute pure transcendentals because they cannot provide the absolute conditions of possibility of human experience. Because the lives of men are first of all a matter of historical existence, its essence cannot be known and determined prior to experience itself.

The conclusions which Foucault develops in the second part of *The Order of Things*, which famously ends with the disappearance of man as an epistemological concept "like a face drawn in sand at the edge of the sea"

(Foucault: 2001, 422) repeat the lessons of the commentary of Velasquez' *Las Meninas* which opened the book: pure representation is only possible once the sovereign (in this case the subject of representation) is himself not represented, exterior to it and in a position of negativity. This is why an exhaustive truth and knowledge of modern man is doomed to failure: the subject of knowledge, in the midst of other empiricities, escapes the possibility of fixed positivity. Foucault writes:

In the depth that traverses the picture, hollowing it into a fictitious recess and projecting it forward in front of itself, it is not possible for the pure felicity of the image ever to present in a full light both the master who is representing and the sovereign who is being represented. Perhaps there exists, in the painting by Velasquez, the representation as it were, of Classical representation, and the definition of the space it opens up to us. And, indeed, representation undertakes to represent itself here in all its elements, with its images, the eyes to which it is offered, the faces it makes visible, the gestures that call it into being. But there, in the midst of this dispersion which it is simultaneously grouping together and spreading out before us, indicated compellingly from every side, is an essential void: the necessary disappearance of that which is its foundation - of the person it resembles and the person in whose eyes it is only a resemblance. This very subject - which is the same - has been elided. And representation, freed finally from the relation that was impeding it, can offer itself as representation in its pure form. (Foucault: 2001e, 18)

It is in the space of the gap opened up by the reciprocal exclusion of "the master who is representing" and "the sovereign who is being represented" that the anthropological structure which characterizes the modern *episteme* emerges. It is when the modern subject (the master who is representing) needs to represent his own finitude (as living, speaking and working being) in order to ground the possibility of objects to know (when "the sovereign who is being represented" coincides with "the master who is representing") that the disjunction Foucault describes takes place.

In relation to this mismatch, my claim is that the lessons of Foucault's analysis regarding the mutation of knowledge, truth and jurisdiction at the turn from Archaic to Classical Greece help us understand the mutation of knowledge, truth and jurisdiction which affects the shift from Classical Age to modernity. I have previously detailed how the withdrawal of truth and knowledge from gods to men at the end of Archaic Greece did not constitute a new truth but repeated, in its exoteric form, the knowledge of gods that only the Masters of Truth were able to decipher and perform. This shift does not strictly erase the exteriority which marked the structure of sovereign truth. Rather, it transferred gods' and kings' power to the primacy of an originary truth which became accessible through the symbolism of knowledge Foucault describes when he reads Sophocles' *Oedipus Rex*. A close analysis of Foucault's description of the structure of knowledge which characterizes the modern *episteme* reveals the same kind of transfer: truth is no longer manifested within the strict limit of an event (the precarious character of existence) but gets displaced to a more fundamental *logos* which the clinical experience of medical knowledge, amongst other modern sciences, attempt to synthesize. But the second part of *The Order of Things* tells us more than the dissolution of the fugacity of experience into the stability of a fundamental rationality: it also tells the impossibility of the synthesis of an anthropological truth: it is not an anthropological positivity which grounds the modern knowledge of man but its fundamental precariousness. As Foucault tells us in *The Order of Things* as well as in the *Birth of the Clinic*, it is death which allows, by contrast, the emergence of anthropological truth. It is when life becomes positive knowledge,

when it loses its temporal power of variation, that it conversely becomes representable. In other words, the finitude of man can only appear as a negation of capacity for change. This is the reason why the possibility of man's finitude and the knowledge which corresponds to it is linked by Foucault, either in *The Order of Things* or in the *Birth of the Clinic*, to the necessity of death. To use Foucault's terminology, "the master who is representing" needs the stillness of "the sovereign who is being represented". In *The Order of Things*, Foucault writes:

*Homo oeconomicus* is not the human being who represents his own needs to himself, and the objects capable of satisfying them; he is the human beings who spends, wears out, and wastes his life in evading the imminence of death. He is a finite being: and just as, since Kant, the question of finitude has become more fundamental than the analysis of representations (the latter now being necessarily a derivation of the former), since Ricardo, economics has rested, in a more or less explicit fashion, upon an anthropology that attempts to assign concrete forms to finitude. Eighteenth-century economics stood in relation to a mathesis as to a general science of all possible orders; nineteenth-century economics will be referred to an anthropology as to a discourse of man's natural finitude. (Foucault: 2001e, 280)

If nineteenth-century economics constitute an aspect of man's natural finitude, it is because the finitude of man is not what opposes the infinitude of God but is the mark of God's absence. As Foucault puts it in the first volume of the *History of Sexuality*, confession ceases to be "a test" and becomes "a sign" (Foucault: 1998d, 67). It ceases to be the act by which one breaches the rule and opposes the divine law and becomes the symptom of a natural truth. Finitude is not what marks the limits of man's actions against *tukhe* (as it was the case in Greek

tragedy) but becomes the ontological ground which fixes, determines and limits the positivity of his existence<sup>94</sup>.

This is why the form of finitude which interests us most (*i.e.* Life as “quasi-transcendental”), fixes the norms according to which the rationality of the living man can be incorporated into the discourse of knowledge: that is when a relationship of signification may be established between the discourse of knowledge and the immanence of facts. If with bio-power, as Foucault puts it in the first volume of the *History of Sexuality*, “the law operates more and more as a norm” (Foucault, 1998d, 144), it is due to the fact that immanent practices tend to be incorporated into positive knowledge according to which what the individual does starts to signify beyond the strict immanence of the act. With Foucault’s reading of *Oedipus Rex* in mind, we now know that it implies an essential correspondence between the immanence of acts and the positivity of a discourse which forms a fixed essential truth. As Stéphane Legrand puts it in *Les normes chez Foucault*:

[...] There is, amongst the various social practices and power relationships to which these concepts are applied, no real common *signified* which corresponds to them; there is on the contrary, circulating throughout the social field and in between institutions, the *signifiers* such as “norm”, “normality”, “anormality”, etc., in relation to which

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<sup>94</sup> The specific use of the terms “sign” and “test” which describe confession in the first volume of the *History of Sexuality* is probably not fortuitous. It was already in those terms that Foucault, in “Truth and Juridical Forms”, compared the structure of Archaic Greek justice to the structure of the modern penal system. In the 1973 series of conferences, Foucault goes through a consecutive analysis of the relationship between justice and truth in Archaic Greece, Germanic law, Middle Ages and modernity. Whereas Archaic Greek and Germanic justice are centered around the test as an act by which the supposed wrong-doer confronts the justice of gods, modernity establishes, through the logic of confession, a correspondence between the words of the speaker and his pathological nature. The confession of the convict becomes the sign of this pathological nature and grounds its positivity. (Foucault: 2000c, 1-89),

individuals are constantly qualified and situated [...].<sup>95</sup> (Legrand: 2007, 148)

The signifiers such as “norm”, “normality” and “abnormality” do not refer to a concrete signified which could be isolated: this is a symptom of the fact that the life of the modern subject, which has become an epistemological object, escapes the fixity imposed by the structure of knowledge. It is because the modern subject finds himself in the position of both the origin and the object of representation that language cannot capture positively a reality whose immanence remains fundamentally historical. As a consequence of this impossible fold, it is not the concept of bare life as metaphysical and political *a priori* which can help us to understand the deadly logic of bio-power of biopolitics but rather the roots of a jurisdiction which reduces the discrepancy between evanescent acts and transcendental rationality: the sovereign subject, with his potential of self-determination, is reduced to a fixed positivity whose *logos* exists without him.

### **3. Foucault’s problematization of life as an object of governmentality**

In the previous chapters, I have explained why a metaphysical understanding of life relying upon the concept of nature is unsuited to grasping the mutation of jurisdiction which, in Foucault’s work, both characterizes the shift from Archaic

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<sup>95</sup> “[...] il n’existe pas, dans les différentes pratiques sociales et relations de pouvoir auxquelles on applique ces concepts, de *signifié* commun réel qui leur correspond; existent par contre, circulant d’un bout à l’autre du champ social, et entre les institutions, les *signifiants* communs “norme”, “normalité”, “anormalité”, etc., par rapport auxquels les individus sont en permanence qualifiés et situés [...]”

to Classical Greece and the shift from the Classical Age to modernity. Unlike Agamben, I do not claim that bio-power and biopolitics correspond to a “zoopolitics”.<sup>96</sup> In the introduction to *Homo Sacer: Sovereign Power and Bare Life*, Agamben claims that *zoe* constitutes the fundamental basis of politics. From then on, the distinction Agamben claims to be able to draw between a political life subjected to sovereign power and a non-political life expelled from it by sovereign power can be reduced to the distinction he makes between “life” and “the good life”, which translate the Greek “*zen*” and “*eu zen*”. It is easy to see that whether political power includes or excludes “life” from its grasp, it always already deals with the fact of being a living being, which Agamben calls “bare life”. *Eu zen* therefore corresponds to “the good life” or the life through which man fulfills his political disposition. Conversely, non-political life corresponds to this same life without added qualification (*i.e.* the simple fact according to which one is a living being). Agamben writes:

Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting power and bare life, thereby reaffirming the bond (derived from a tenacious correspondence between the modern and the archaic which one encounters in the most diverse spheres) between modern power and the most immemorial of the *arcana imperii*. If this is true, it will be necessary to reconsider the sense of the Aristotelian definition of the *polis* as the opposition between life (*zen*) and good life (*eu zen*). The opposition is, in fact, at the same time an implication of the first in the second, of bare life in politically qualified life. (Agamben: 1998, 11)

It is clear that when Agamben chooses to ground his distinction between non-political and political life in the difference between the Aristotelian concepts *zen*

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<sup>96</sup> As Derrida puts it in *The Beast and the Sovereign*: “[...] Agamben would no doubt have preferred “zoopolitics” [to “biopolitics”] (Derrida: 2009, 325).

and *eu zen*, he is sticking to the Aristotelian definition of man Foucault invoked in the first volume of the *History of Sexuality*. Referring to this definition, Foucault claims man remained, until modernity, a living being with a political disposition.

He writes:

For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question (Foucault: 1998d, 143)

Instead of making the extra disposition for politics the natural expression of the essence of man, Agamben claims the origin of such a disposition is made possible by the essence of politics itself (*i.e.* through the ontological determination of sovereign power which, by excluding bare life from the sphere of right, ultimately includes it as the direct object of the unrestrained power of the sovereign). Nevertheless, what Agamben fails to understand is that Foucault's description of modern politics contrasts with this definition: it is not the ontology of political sovereignty which determines modern political power over life but modern man's political activity which takes his own life as a living being as a natural object which can be known as one thing among others.

The historical torsion by virtue of which man becomes the object of his own knowledge corresponds to the specificity of the modern *episteme* I have described in the third section of the previous chapter. It is as the result of an anthropological fold that modern man becomes an empirico-transcendental doublet who takes his own existence as an object of knowledge and political intervention. In other words, the epistemic shift Foucault targets in the first

volume of the *History of Sexuality* corresponds to the historical emergence of a relationship between a subject and his existence which becomes an object of knowledge. This is a relationship which Agamben mentions without being aware of it when he refers to “The Subject and Power”, a seminar given by Foucault in 1982 at the University of Vermont. Agamben claims to identify in Foucault’s work two directions which conceal their common basis: the political techniques that manage what Agamben calls the “natural life” of individuals and the technologies of the self according to which the individual binds himself to his own identity.

Agamben writes:

As shown by a seminar held in 1982 at the University of Vermont, in his final years Foucault seemed to orient this analysis according to two distinct directives for research: on the one hand, the study of the *political techniques* (such as the science of the police) with which the State assumes and integrates the care of the natural life of individuals into its very center; on the other hand, the examination of the *technologies of the self* by which processes of subjectivization bring the individual to bind himself to his own identity and consciousness and, at the same time, to an external power. (Agamben: 1998, 11)

What Agamben fails to understand is that both the “political techniques” which target the natural life of individuals, and the “technologies of the self” which bind the individual to his identity, define the fixation of a relationship between a subject and its objectification (between the subject and his existence taken as the manifestation of his nature and between the subject and his own identity taken as the manifestation of this same nature). In the first case, the subject becomes an object of knowledge which political techniques manage: this objectification is performed on the basis of the relationship between the subject and the presupposition of its objective nature. In the second case, it is the

subject's perception of his own identity which presupposes the postulate of this objective nature<sup>97</sup>.

In both cases, what Foucault describes is the fixation by political power of a relationship which defines the possibility of a natural ontology – an ontology which becomes the focal point from which the historical establishment of such a relationship (which is both a political and ethical gesture) disappears. It is the fixation of an ontology (which defines both the natural identity of the subject and the “natural life” he lives) which provides what Agamben needs in order to coin the concept of bare life. He writes:

If Foucault contests the traditional approach to the problem of power, which is exclusively based on juridical models (“What legitimates power?”) or on institutional models (“What is the State?”), and if he calls for a “liberation from the theoretical privilege of sovereignty” in order to construct an analytic of power that would not take law as its model and code, then where, in the body of power, is the zone of indistinction (or, at least, the point of intersection) at which techniques of individualization and totalizing procedures converge? (Agamben: 1998, 11)

The “zone of indistinction [...] at which techniques of individualization and totalizing procedures converge” is the positing of a natural ontology both at the basis of people's lives and of individual identities. The joint reading of the turn from Archaic to Classical Greece and from the Classical Age to modernity I have undertaken here has revealed that the possibility of an ontology expressing nature (either the possibility of a discourse expressing the nature of things in

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<sup>97</sup> As Muriel Combes claims, there is “a modality of objectivation of the subject by itself, of auto-constitution as subject within auto-subjecting procedures” [*une modalité d'objectivation du sujet par lui-même, d'autoconstitution en sujet au sein de procédures en quelque sorte auto-asujettissantes.*] (Combes: 2011, 59).

Classical Greece or the possibility of a discourse expressing the nature of man in modernity) proceeds from the fixation of the relationship between acts and discourse through the symbolism Foucault describes when he reads Sophocles' *Oedipus Rex*. As Revel explains, the emergence of the concept of nature as an object of men's knowledge is a historical reality which, as such, needs to be analyzed. She writes:

It is not that nature in itself does not exist, but, in his investigation of the nineteenth century, Foucault discovers the emergence of a new political use for this reference to the natural, which is in itself absolutely nonnatural and whose genealogy must be established. (Revel: 2014, 120)

But what Revel does not mention is that "the new political use for this reference to the natural" has its basis in a new mode of jurisdiction. The concept of human nature, which takes a new form in the nineteenth century, produces an overlap between the act of power which determines a specific relationship to an object and an ontological discourse which determines the true discourse about this object: it thus masks the fundamental heterogeneity which makes it a power relationship. This is the reason why political modernity can give rise to both "*political techniques* [...] with which the State assumes and integrates the care of the natural life of individuals" as well as "*technologies of the self* by which processes of subjectivization bring the individual to bind himself to his own identity" (Agamben: 1998, 11).

I claim that what political modernity prevents with the emergence of an ontological bond between the immanent actuality of existence and the discourse which conveys its truth is a distance which determines the possibility of an ethical

and political relationship between the subject and his own existence. Such a claim allows us to see how the second and third volumes of the *History of Sexuality* do not constitute a “return” to the question of subjectivity but rather an expansion of the epistemological and political questions which started to interest Foucault in 1970: it is clear that Foucault's later work on Classical Greece as well as his last series of lectures at the Collège de France attempt to retrieve the possibility of an ethical problematization of the relationship between the self and the world which concerns the problem of governmentality rather than strict subjectivity. As Foucault puts it in a conversation with André Berten at the Catholic University of Leuven on 7<sup>th</sup> May 1981:

[...] when one examines what power is, one sees that it is the exercise of something one could call government, in the broadest sense of the term. Society can be governed, a group can be governed, a community can be governed, a family can be governed, someone can be governed. And when I say “govern someone”, it is simply in the sense of determining their conduct on the basis of strategies, using a certain number of tactics. So, if you will, it is governmentality in the broadest sense, understood as a set of relations of power and techniques that allow these power relations to be exercised – this is what I tried to study. How have we governed the mad? How did we pose the problem of governing the sick? And once again, I put the word “government” in quotation marks, giving it at once a vast and rich meaning – how did we govern the sick; what was done with them; what status did we give them; where did we put them, in what system of treatment, of surveillance as well, of care-taking, of philanthropy, in what economic field was care brought to the sick... I think that all of this should be explored. (Foucault: 2014b, 240)

It is the question of governmentality, studied as early as *Security, Territory, Population* and *The Birth of Biopolitics* that unites Foucault's work from the last period. During the first lecture of *The Birth of Biopolitics*, he provides a definition of governmentality which heralds the one he will give in 1981. He says:

In fact, this year I would like to continue with what I began to talk about last year, that is to say, to retrace the history of what could be called the art of government. You recall the strict sense in which I understood “art of government”, since in using the word “to govern” I left out the thousand and one different modalities and possible ways that exist for guiding men, directing their conduct, constraining their actions and reactions, and so on. Thus I left to one side all that is usually understood, and that for a long time was understood, as the government of children, of families, of a household, of souls, of communities, and so forth. I only considered, and again this year will only consider the government of men insofar as it appears as the exercise of political sovereignty. [...] I wanted to study the art of governing, that is to say, the reasoned way of governing best and, at the same time, reflection on the best possible way of governing. That is to say, I have tried to grasp the level of reflection in the practice of government and on the practice of government. In a sense, I wanted to study government’s consciousness of itself, if you like, although I don’t like the term “self-awareness (*conscience de soi*)” and will not use it, because I would rather say that I have tried, and would like to try again this year to grasp the way in which this practice that consists in governing was conceptualized both within and outside government, and anyway as close as possible to governmental practice. I would like to try to determine the way in which the domain of the practice of government, with its different objects, general rules, and overall objectives, was established so as to govern in the best possible way. In short, we could call this the study of rationalization of governmental practice in the exercise of political sovereignty. (Foucault: 2008b, 2)

Both definitions agree upon the fact that governmentality concerns the determination or direction of the conduct of men. In the definition provided in *The Birth of Biopolitics*, Foucault adds that he did not plan to look at the successive forms that governmentality has taken in history but rather the way in which the “best possible way of governing” has been determined, that is to say the way in which governmentality has been developed as an art and as a rationalized practice. Both definitions also end with a widening of the object of governmental practice. In Leuwen, Foucault says that governing must be given “a vast and rich meaning” and concerns “a set of relations of power and techniques that allow these power relations to be exercised” (Foucault: 2014b, 240). Two

years earlier, he was claiming to try and “grasp the level of reflection in the practice of government and on the practice of government” that “was conceptualized both within and outside government” (Foucault: 2008b, 2). Governmentality therefore corresponds to a rational art, an art conducting the way in which men conduct their lives. Since this constitutes a rational practice, it means that it can be known, formalized, institutionalized and reflected upon. In other words, biopolitics deals with the historical emergence of the rationalization of the art by which men conduct their lives.

It defines a concept of life which does not correspond to an ontological nature but to a practice taken within sets of power relationships defining techniques which take part in directing this practice. What *Security, Territory, Population* and *The Birth of Biopolitics* focus on is the historical formation of the “rationalization of governmental practice in the exercise of political sovereignty” (Foucault: 2008b, 2), that is to say the historical confrontation, from the sixteenth century onwards, of the power of the sovereign with a reality which is without an *a priori* rationale determining its form – namely, the way in which people conduct their lives. The confrontation of these two heterogeneous elements (*i.e.* the law known, performed and actualized by the sovereign and the conduct of the lives of men whose formalization happens *a posteriori*) is another way of expressing the decline of sovereign power Foucault mentions in the first volume of the *History of Sexuality*. If, with bio-power, “the law operates more and more as a norm” (Foucault: 1998d, 144), it is because the norm constitutes an object whose primordial immanence always already precedes its rational formalization. This is

something about which Pierre Macherey has insisted in his essay “La raison et les normes” when he writes:

[...] the reason from which norms receive their legitimacy is not a pure reason, which as such is disengaged from any relation with experience, but a reason affected by the conditions of experience the unfolding of which it only supports inasmuch as it is itself supported by the dynamics of this unfolding from which it gets its effective power: this is not a reason which falls from on high, but a reason which comes from below insofar as it appears to emerge from the course of things with which it tends to confound itself. This is the reason why the sort of obligation that norms require is completely different from the one called for by laws, which modifies entirely the regime of rationality from which the former and the latter proceed<sup>98</sup>. (Macherey: 2011)

Macherey’s thesis, according to which norms proceed from “a reason which comes from below”, refers to Foucault’s point from the first volume of the *History of Sexuality* according to which “power comes from below”:

Power comes from below, that is, there is no binary and all-encompassing opposition between rules and ruled at the root of power relations, and serving as a general matrix – no such duality extending from the top down and reacting on more and more limited groups to the very depths of the social body. One must suppose rather that the manifold relationships of force that take shape and come into play in the machinery of production, in families, limited groups, and institutions, are the basis for wide-ranging effects of cleavage that run through the social body as a whole. (Foucault: 1998d, 94)

If “power comes from below”, it means that the sovereign law which is above all concerned with the defense of a territory and of a people is fundamentally heterogenous to the logic of bio-power and biopolitics: it is no longer concerned

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<sup>98</sup> “[...] la raison dont les normes tirent leur légitimité n’est pas une raison pure, comme telle désengagée de tout rapport avec l’expérience, mais une raison affectée par les conditions de l’expérience dont elle ne prend en charge le déroulement qu’en étant elle-même prise en charge par la dynamique de ce déroulement d’où elle tire sa puissance effective : ce n’est pas une raison qui tombe d’en haut mais une raison qui vient d’en bas, dans la mesure où elle paraît sourdre du cours des choses avec lequel elle tend à se confondre. C’est pourquoi le type d’obligation que requièrent les normes est complètement différent de celui appelé par les lois, ce qui modifie de fond en comble le régime de rationalité dont relèvent les unes et les autres.” This essay is available at: <http://philolarge.hypotheses.org/1183> (accessed on 18th June 2015).

with the return of the same order of things but rather with the knowledge of their nature. Foucault wants to dismantle the political rationality that places sovereign power in the position of a transcendent entity which is able to both prescribe or forbid in accordance to the true and just order of things. Quite the contrary, the logic of bio-power reveals strictly immanent relations of power whose apparent objectives seem to reveal a rationality.

However, as Foucault puts it, “[p]ower relations are both intentional and non-subjective” (Foucault: 1998d, 94): they are the objects of tactics and strategies but do not come from a rationality which would be external to their immanent functioning. Foucault is quite insistent about using the word “function”: he writes that “power functions in a society” but is also what “makes it function” (Foucault: 1998d, 95). The fact that power is a relationship which both functions and makes other power relationships function shows that there is only relationships of power which influence each other. This is the reason why Foucault adds that “one is always ‘inside’ power, there is no ‘escaping’ it” (Foucault: 1998d, 95). But Foucault’s rejection of a conception of power which posits the primacy of a sovereign rationality needs to be linked to its epistemological and ethical consequences: not only is it the case that the concrete existence of men (*i.e.* the immanent existence of individuals understood as relations with others and the world) cannot be fully known, understood or rationalized *a priori*, but it is also the case that the impossible correspondence between an ontological determination of the conduct of individuals and their immanent existence makes life a matter of aesthetics or style whose strict immanence overcomes the

dichotomy and intrinsic relationship between form and meaning, symptom and nature, power and knowledge or discourse and truth.

The epistemological and ethical implications of refusing a metaphysical understanding of life have been clearly identified in Foucault's work by Macherey, who sees in the irreducibility of the immanence of existence to rational knowledge the mark of an unavoidable mismatch between the truth sought and spoken by the discourses of human sciences and the existence of men. This is the reason why in the essays "Pour une histoire naturelle des normes" and "De Canguilhem à Canguilhem en passant par Foucault", Macherey identifies a proximity between the theme of the empirico-transcendental doublet inherited from *The Order of Things*, the meaning of death within the formation of the clinical knowledge derived from anatomo-pathology and the question of aesthetics of existence developed in the second and third volumes of the *History of Sexuality*. Macherey writes:

We thus see how the problem of the norm, in the relationship it maintains with society and the subject, also refers to the distinction between the two possible forms of knowledge stressed in *The Order of Things*: the one of an abstract grid of rationality, hanging over the domain of the objects it is supposed to "represent" by framing them with its own categories; and the one of a knowledge which represents itself as being incorporated within the constitution of its object, which is then no longer its "object", but also its subject, a knowledge whose form *par excellence* is given by human sciences.<sup>99</sup> (Macherey: 2009, 72-73)

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<sup>99</sup> "Nous voyons ainsi comment la problématique de la norme, dans le rapport qu'elle entretient avec la société et avec le sujet, renvoie également à la distinction entre les deux formes possibles de la connaissance mises en évidence dans *Les Mots et les Choses*: celle d'une grille abstraite de rationalité, surplombant le domaine des objets qu'elle est censée "représenter" en les renfermant dans ses propres cadres; et celle d'un savoir qui se présente comme étant au contraire incorporé à la constitution de son objet, qui n'est plus seulement dès lors son "objet", mais aussi son sujet, savoir dont la forme par excellence est donnée par les sciences humaines".

Here, the “two possible forms of knowledge” Macherey refers to correspond to the paradoxical position of the modern subject who finds himself both subject and object of his own knowledge. These two possible forms of knowledge actually refer to one and the same epistemic configuration according to which the rationality of knowledge and truth constitutes a truth which precedes the strict immanence of the subject’s existence and ultimately determines its validity. Rather than “two possible forms of knowledge”, it is one and the same morphology of knowledge which acquires its positivity from the primacy of the immanence of the objects it takes into account: the lives of individuals as existences subject to change. Such a predetermination of experience by an originary *logos* which constitutes its validity and possible recognition is especially pregnant in the development of anatomo-pathology in the nineteenth century. Commenting on the *Birth of the Clinic*, Macherey sees that the rationality of the clinical experience is made possible by the encounter of the “said” and the “seen” which overcomes the immanent experience of the doctor and patient. In this context, what is seen by the doctor and said by the patient partake in a knowledge validated by the precedence of a transcendental truth which constitutes the condition of possibility of the clinical experience. Macherey writes:

One sees that the game of the “said” and the “seen” through which such an “experience” is constituted passes beyond the sick and the doctor himself, in order to realise this *a priori* historical form which anticipates the concrete lived experience of the disease by imposing its own models of recognition.<sup>100</sup> (Macherey: 2009, 104)

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<sup>100</sup> “On voit que le jeu du “dit” et du “vu” à travers lequel se noue une telle “expérience” passe par-dessus le malade et le médecin lui-même, pour réaliser cette forme historique *a priori* qui anticipe sur le vécu concret de la maladie en lui imposant ses propres modèles de reconnaissance.”

The reference to the symbolic complementarity of the “said” and the “seen” resolved in an *a priori logos* constitutes an echo of the morphology of knowledge and truth Foucault sees emerging in Sophocles’ *Oedipus Rex*: the parts of knowledge the characters bring forward partake in a primordial truth once the discourse of knowledge is completed by the visual testimony of the messenger. Both cases reveal the same logic of alienation through which the immanence of acts is dissolved in the precedence of a truth which nobody any longer speaks on his own and by oneself: the sovereignty of the speaker is replaced by the originary position of a truth which enlightens experience *a priori*.

Presence does not suffice to affirm its own truth: it is rather in the replacement of immanent acts by a transcendental *logos* that light is cast upon the meaning of the objects of experience. With modernity, death ceases to be what negatively marks the finitude of the lives of men through the agonistic encounter with the infinitude of God: it becomes the condition of a positive finitude which sheds light upon the immanent existence of men. This is the reason why Macherey adds:

With the conditions which make the clinical experience possible, death, and with it life too, ceases to be an ontological or existential absolute and simultaneously acquires an epistemological dimension. As paradoxical as it seems, it [death] “sheds light” upon life.<sup>101</sup> (Macherey: 2009, 106)

If I agree with Macherey about the diagnosis of a change affecting the meaning of death with modernity, I do not see a strict opposition between the historical

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<sup>101</sup> “Dans les conditions qui rendent possible l’expérience clinique, la mort, et avec elle aussi la vie, cesse d’être un absolu ontologique ou existentiel, et simultanément elle acquiert une dimension épistémologique. Si paradoxal que cela puisse paraître, elle “éclaire” la vie.”

emergence of the epistemological status of death and its position as ontological absolute. Rather, it is when death starts to be thought as man's finitude (and constitutes at the same time an ontological determination), that it becomes the point from which life is positively seen, grasped and understood.

In truth, it is more exact to claim that it is the positive determination of man's finitude which constitutes his own absolute: it becomes a seemingly ahistorical origin from which the meaning of existence is derived. In other words, the modern *episteme* redefines the relationship between negativity and positivity: the sovereign law, fundamentally negative through the deadly expression of the limit of the order of things (what Foucault, in the first volume of the *History of Sexuality*, calls the sovereign "Right of Death"), becomes an ontological relationship between the subject's existence and the positive fixation of its positive knowledge. Death is no longer the point where the sovereign negativity which marks the possibility of the return of the law grounding the order of things, it is the condition thanks to which the positivity of life as epistemological concept appears when the existence of the subject, understood as an immanent relationship towards others and the world, disappears. This is the reason why clinical knowledge, derived from the symbolic encounter of the seen and the said, annihilates the problem of life as immanent existence and yet prevents the disappearance of life as a positive concept: the rationality of life, grounded upon an *a priori* knowledge and truth which survive the individual existence of men, both constitutes and overcomes finitude. In this respect, the penultimate paragraph of the *Birth of the Clinic* cannot express better the specificity of the

modern status of death whereby the subjective experience is both sacrificed and saved by anthropological knowledge. Foucault writes:

This experience, which began in the eighteenth century, and from which we have not yet escaped, is bound up with a return to the forms of finitude in which death is no doubt the most menacing, but also the fullest. Hölderlin's Empedocles, reaching, by voluntary steps, the very edge of Etna, is the death of the last mediator between mortals and Olympus, the end of the infinite on earth, the flame returning to its native fire, leaving as its sole remaining trace that which had precisely to be abolished by this death: the beautiful, enclosed form of individuality; after Empedocles, the world is placed under the sign of finitude, in that irreconcilable, intermediate state in which reigns the Law, the harsh law of the limit; the destiny of individuality will be to appear always in the objectivity that manifests and conceals it, that denies it and yet forms its basis: 'here, too, the subjective and the objective exchange faces'. In what at first sight might seem a very strange way, the movement that sustained lyricism in the nineteenth century was one and the same as that by which man obtained positive knowledge of himself; but it is surprising that the figures of knowledge and those of language should obey the same profound law, and that the irruption of finitude should dominate, in the same way, this relation of man to death, which, in the first case, authorizes a scientific discourse in a rational form, and, in the second, opens up the source of a language that unfold endlessly in the void left by the absence of gods? (Foucault: 2003a, 245)

Foucault uses Hölderlin's *The Death of Empedocles* to refer to a specific type of relationship to finitude which was ultimately tragic: it is when Empedocles attempts to overcome his human condition and prove he is a god that he commits suicide. His death, the mark of a negative finitude, shows the clash between the immanence of men who cannot overcome their mortal condition and the transcendence of gods who determine it. At the very end of the *Birth of the Clinic*, Hölderlin's *Death of Empedocles* tells us that the type of finitude which marks pre-Classical Greek tragedy opposes the life of men to the infinity of the divine. According to Foucault, Hölderlin's text marks the end of mode of thinking which expressed finitude as a tragic attempt to oppose *tukhe* (the move by which the

individual attempts to overcome his mortal fate) and the beginning of a mode of thinking which sees in the forms taken by finitude the attempt to ascribe a positive form to the finite and allow its return as metaphysical and epistemological origin. It is when individual existence ceases that the objectivity of life appears as an object of knowledge and truth which paradoxically legitimates types of existence to come. In this respect, the emergence of the normativity constitutive of bio-power and biopolitics constitutes the *a posteriori* fixation, in the domain of knowledge, of existences which become the objects of political strategies: the scientific normality (hence the identification of normal and abnormal conducts) constitutes an attempt at imposing a positive (hence representable) understanding upon modes of existence escaping *a priori* prediction.

Within this framework, the logic of norms corresponds to a mode of governmentality which deals with the negative and turns it into predictable positivity: it is a matter of making actual, in relation to truth and knowledge, immanent conducts which acquire a “quasi-transcendental” possibility since they are the basis from which the meaning of lives (understood as individual existence) is derived *a posteriori*. The intricate relationship between bio-power and biopolitics (that is between the logic of disciplines and normalization or between anatomo-politics and biopolitics of the population) is never really clear-cut and Foucault interweaves the two concepts. The question of normalization offers a way to extend the problem of disciplinarity thematised in *Discipline and Punish*: from 1976 onwards, Foucault is interested in understanding how, as he puts it

already in the conclusion of the *Birth of the Clinic*, “the subjective and the objective exchange faces” (Foucault: 2003a, 245). Therefore, the concept of norm will serve as a way of naming the alienation of individual lives into the objectivity of knowledge. But the specificity of this objectivity is that it reciprocates a so-called immanent and natural understanding of life (which goes from individuality to more general biological phenomena from the point of view of the population). Therefore, both the singular and the objective find their common rationality in an epistemological concept which presents the peculiarity of always depending upon an immanent manifestation which actualizes the discourse of truth attached to it. This is the reason why Legrand sees in the normalizing power of modern society that which absorbs within the same knowledge very different life experiences and that which at the same time determines and validates potential variations. He writes:

[S]ociety [...] is that which *at the same time* "makes comparable and isomorphic all the forms of deviation from the most heterogeneous norms *and* draws the virtual paths, from institutions to institutions, for the possible deviants."<sup>102</sup> (Legrand: 2007, 144)

Legrand's comparison between the heterogeneity of deviations and their possible integration into "virtual paths" is a mark of the logic of alienation which characterizes the anthropological fold which puts modern man in the position of an empirico-transcendental doublet: from the individual to population, it is the sovereign potentiality for spontaneous deviation which the *a priori* position of truth and knowledge applied to life always already covers. This is the reason why

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<sup>102</sup> “la société [...] est ce qui *à la fois* rend comparables et isomorphes toutes les formes d'écart par rapport aux normes les plus hétérogènes *et* dessine les parcours virtuels, d'institutions en institutions, pour les déviants possibles.”

the specificity of the concept of norm is to perform the junction between the singularity of disciplined bodies and the scheme of the population. As Foucault puts it in his 17<sup>th</sup> March 1976 lecture:

In more general terms still, we can say that there is one element that will circulate between the disciplinary and the regulatory, which will also be applied to body and population alike, which will make it possible to control both the disciplinary order of the body and the aleatory events that occur in the biological multiplicity. The element that circulates between the two is the norm. The norm is something that can be applied to both a body one wishes to discipline and a population one wishes to regularize. The normalizing society is therefore not, under these conditions, a sort of generalized disciplinary society whose disciplinary institutions have swarmed and finally taken over everything – that, I think, is no more than a first and inadequate interpretation of a normalizing society. The normalizing society is a society in which the norm of discipline and the norm of regulation intersect along an orthogonal articulation. To say that power took possession of life in the nineteenth century, is to say that it has, thanks to the play of technologies of discipline on the one hand and technologies of regulation on the other, succeeded in covering the whole surface that lies between the organic and the biological, between body and population. (Foucault: 2003b, 252-253)

The “orthogonal articulation” through which “power took possession of life in the nineteenth century” shows that the concept of norm is another way of describing the *a priori* position of the concept of human nature at the basis of the modern *episteme*. Because it precedes immanent acts which it determines as always latent, this concept makes possible the categorization of behaviours yet to take place whilst seeing in their actualization the confirmation of their epistemological validity. The concept of population refers to an ongoing process rather than a strictly achieved and finite reality. It is the reason why, as Foucault puts it, biopolitics deals with “a population one wishes to regularize”. The concepts of “regularization” and “normalization” refer to an unfinished process whose so-called “natural” manifestation makes it possible to bring it back into the positive

field of truth and knowledge. The orthogonal junction Foucault mentions in *Society Must Be Defended* deals with the verticality of metaphysical determination (whereas immanence corresponds to its ontological truth) and the horizontality proper to the temporality of life (whereby the variation occurring in time is always already ontologically linked to a natural predetermination which constitutes its meaning).

Such a reading makes it difficult to not see a strong proximity between the emergence of a symbolic order of truth in Foucault's reading of Sophocles' *Oedipus Rex* and the logic of normalization which always already permits bringing back strict immanence into the rationality of an *a priori logos*. Both morphologies of truth operate on the divorce and yet reciprocal dependence of the seen and the said. Whereas the final discovery of truth in the play links the truth of Oedipus' identity to the confession of the messenger who links his testimony to what he has seen, the logic of normalization overcomes the strict framework of actuality. With biopolitics, what matters is not so much the truth-value of the event as such but rather all the potentialities the manifestation of a nature signifies and heralds. This is the reason why in *Security, Territory, Population*, Foucault defines the logic of modern governmentality as one which breaks away from the one of law and disciplinarity. Foucault writes:

We could even say that the law works in the imaginary, since the law imagines and can only formulate all the things that could and must not be done by imagining them. It imagines the negative. Discipline works in a sphere that is, as it were, complementary to reality. Man is wicked, bad, and has evil thoughts and inclinations, etcetera. So, within the disciplinary space a complementary sphere of prescriptions and obligations is constituted that is all the more artificial and constraining

as the nature of reality is tenacious and difficult to overcome. Finally security, unlike the law that works in the imaginary and discipline that works in a sphere complementary to reality, tries to work within reality, by getting the components of reality to work in relation to each other, thanks to and through a series of analyses and specific arrangements. So, I think we arrive at this idea that is essential for the thought and organization of modern political societies: that the task of politics is not to see to the establishment within men's behavior of the set of laws imposed by God or necessitated by men's evil nature. Politics has to work in the element of a reality that the physiocrats called, precisely, physics, when they said that economics is a physics. When they say this, they are not aiming so much at materiality in the, if you like, post-Hegelian sense of the word "matter", but are actually aiming at the reality that is the only datum on which politics must act and with which it must act. Only ever situating oneself in this interplay of reality with itself is, I think, what the physiocrats, the economists, and eighteenth century political thought understood when it said that we remain in the domain of physics, and that to act in the political domain is still to act in the domain of nature. (Foucault: 2009c, 69-70)

It is not the fact that immanence needs to be completed by the knowledge of the virtual that matters in the way in which the liberalism of the physiocrats thinks modern political theory. The said (the knowledge of human nature) is not a mere virtuality that the seen (the actuality of a fact) would finally come to confirm and validate. Rather, the interplay between the said and the seen (or between the expressible and the visible) constitutes a reality whose intrinsic compound nature (*i.e.* the heterogeneity between the said and the seen, words and things or knowledge and power) is concealed. The example of the physiocrats clearly reveals that the structure of the anthropological fold (and already the structure of knowledge and truth which emerges with Classical Greece) makes it impossible to grasp the fundamental heterogeneity between words and things. But what bio-power adds to the obliteration of this heterogeneity is the fact that, with the nineteenth century, man becomes an object of knowledge amongst others: if man becomes a knowable things amongst all other knowable things in the world,

his life also becomes a mere object of knowledge whose immanent manifestation carries *at the same time* the manifestation of its positivity and truth.<sup>103</sup> Therefore, if it is true that the logic of security comes after the description of disciplinarity in the course of Foucault's work and that the former seems to excavate the gap between actuality and potentiality, it is not so much the predictability of life as natural phenomenon which characterizes the logic of modern governmentality but rather the simultaneous reconstitution and alienation of the question of sovereignty: the coincidence of the visible and the expressible (*i.e.* the coincidence between sovereign power and sovereign knowledge), which characterized the performative power of the sovereign finds a counterpart in the modern concept of nature whose "interplay with itself" makes the knowable always already achieved and the achieved always already knowable: the coincidence between human nature and its simultaneous intelligibility prevents an ethical reflection or political critique aiming at problematizing life as a *praxis* questioning the relationship between the self and others or the self and the world.

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<sup>103</sup> Contrary to Daniel Zamora's argument in his recent *Foucault, les exclus et le dépérissement néolibéral de l'Etat*, I do not claim that Foucault saw in neoliberal politics the overcoming of normativity and a possible emancipation of the subject. According to Zamora, "*homo economicus* is an agent whose rational calculations are the only object of interest, his choices are not judged from a moral standpoint but merely understood through the scope of its interest." [*"L'homo economicus est un agent dont seuls les calculs rationnels intéressent, ses choix ne sont donc pas jugés d'un point de vue moral mais simplement compris au travers de son intérêt."*] (Zamora: 2014, 110). This claim is a complete misreading of the Foucauldian thesis on neoliberalism. Indeed, normativity does not operate as the application of transcendent moral categories upon the concrete lives of individuals. It is rather from the concrete lives of individuals that behaviours and so-called "moral" tendencies are interpreted as an immediate manifestation of nature.

In this respect, it is no surprise that the *Birth of Biopolitics*, the 1978-1979 lecture course at the Collège de France, seems to focus on the question of liberalism and neo-liberalism rather than on the question of biopolitics itself. As Foucault begins to demonstrate in *Security, Territory, Population*, the question of liberalism and the politics of *laissez-faire* is actually at the very centre of the biopolitical question: what this political framework obliterates is the fact that facticity itself is a historical construct and that the *laissez-faire* as manifestation of a truth which is both immanent and transcendental or “quasi-transcendental” (both an immediate manifestation and a condition of possibility) can only emerge once the transcendence of truth (in the position of the sovereign God or King) has been brought back to the spontaneous meaning of immanence. Therefore, I believe that the political task which corresponds to biopolitical modernity is, as Revel puts it in *Foucault avec Merleau-Ponty: Ontologie, Politique, Présentisme et Histoire*, not to forget that:

[...] meaning [...] is diacritical – that is to say [...] that meaning does not spring from simple elements, but always from the background of complex establishments of relationships between heterogeneous elements –, [...] at the basis of meaning production, one finds a fundamental “negativity”, that consequently does not mean that language is affected by a lack of being or by a finitude that would limit its power [*puissance*]. On the contrary, this negativity takes the form of an oxymoron: since it allows emergence, it is in some way and rather surprisingly a positive negativity which produces something where there was nothing – since before composing, through their arbitrary gathering [*assemblage*], the double “difference” which grounds the sign and, in between the gap between signs, meaning all at the same time, none of terms put together had an intrinsic value.<sup>104</sup> (Revel: 2015, 166)

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<sup>104</sup> “[...] [le] sens [...] est diacritique – c’est-à-dire [...] que le sens surgit non pas à partir d’éléments simples, mais toujours sur fond de mise en rapport complexe d’éléments hétérogènes –, [...] à la base de la production de sens, on peut trouver une ‘négativité’ fondamentale, cela ne signifie pas par conséquent que le langage soit marqué par un manque d’être ou par une finitude qui en limiterait la puissance. Bien au contraire, cette négativité présente la forme d’un oxymore: puisqu’elle permet le surgissement, c’est en quelque sorte, et de manière étonnante, une

The “diacritical” dimension of meaning, applied by Revel to the relationship between signifiers and signified, is in Foucault not merely an epistemological concern. It constitutes, in my view, the fundamental heterogeneity between the self and the world which must remain at the basis of life defined by Foucault as a relationship between the self and the world – a relationship which constitutes the condition of possibility of what he calls *techne tou biou* in 1983 (Dreyfus & Rabinow: 1983, 234-235) or *parrhesia* in his last two lecture courses at the Collège de France between 1982 and 1984 (*The Government of the Self and Others I* and *The Courage of Truth: the Government of the Self and Others II*).

The fundamental heterogeneity between one’s life as a conduct and its meaning is the necessary relationship towards the self, others and the world which allows a position of both sovereign exteriority and immanence towards one’s life as conduct and which provides the possibility of a life’s *ethics*. Once again, it is no surprise to find that the last two volumes of the *History of Sexuality*, which came after Foucault’s introduction of the concepts of bio-power and biopolitics in the books published during his life (excluding the publication of Foucault’s lectures at the Collège de France) problematize life as a *praxis* making possible a “care of the self” and a “use of pleasures”: both problematizations require the position of a self able to reflect upon the direction of one’s actions as immanent and practical ethical work. In this respect, I agree with Macherey who identifies a direct

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négativité positive, qui produit quelque chose là où il n’y avait rien – puisque avant de composer par leur assemblage arbitraire la double ‘différence’ qui fonde tout à la fois le signe, et dans l’écart entre les signes, le sens, aucun des termes mis en rapport n’avait de valeur intrinsèque.”

relationship between the decomposition of clinical experience which reveals the historical contingency of the structure which makes it possible and the necessity of an “art of living” [*art de vivre*] (Macherey: 2009, 106) which allows the deontologization of the correspondence between one’s acts and the manifestation of one’s own nature. Macherey writes:

And one could see here the sketch of what, in his last writings, M. Foucault will call an “aesthetics of existence”, in order to explain how one can defy the norms by playing with them, that is to say by involving and opening up the leeway their mismatch [*jeu*] makes possible. This art of living supposes, from the one who practices it, that he knows himself as mortal and that he learns to die.<sup>105</sup> (Macherey: 2009, 107)

In this text, Macherey draws an interesting link between the meaning that death acquires with modern clinical experience and the meaning of “aesthetics of existence” which Foucault develops in the last volumes of the *History of Sexuality*: “learning to die” corresponds to an ethical attitude which puts oneself in a critical position towards one’s own life (or towards one’s own conduct). If clinical experience finds in the positivity of death the rules that cast meaning upon the life of man taken as object of knowledge, taking the risk to die means taking the risk to question the rules which govern one’s life. Such a perpetual ethical questioning, which Foucault will emphasize very strongly when he studies the case of Cynical *parrhesia* in his last lecture course at the Collège de France), appears as the necessary condition of ethical sovereignty.<sup>106</sup>

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<sup>105</sup> “Et on pourrait voir ici l’esquisse de ce que, dans ses derniers écrits, M. Foucault appellera “esthétique de l’existence”, en vue de faire comprendre comment on se joue des normes en jouant avec elles, c’est-à-dire en les faisant fonctionner, et en ouvrant du même coup la marge d’initiative que libère leur “jeu”. Cet art de vivre suppose, de la part de celui qui l’exerce, qu’il se sache mortel et qu’il apprenne à mourir [...].”

<sup>106</sup> As Gros explains in his essay “La parrhêsia chez Foucault”: “[t]he Cynics structure their existence according to the natural law, in the sense that the life of animals provides them with a model. Finally, the Cynical life is a still and sovereign life: their empire is absolute” [“*les cyniques structurent leur existence selon la loi naturelle, au sens où la vie des bêtes leur sert de modèle.*”

Paradoxically, it is the perpetual questioning of one's identity which holds together both the possibility of the coincidence between one's actions and rules (between one's power and one's "knowledge") and a critical deontologization of such a coincidence: if the relationship of the self to itself is both maintained and questioned, it is the possibility of life as style and aesthetics rather than as natural manifestation which is preserved. Potte-Bonneville reminds us, in his essay "Disparaître", that *aisthesis* means "sensation" in Greek (Potte-Bonneville: 2012, 154), which guarantees a perpetual dialogue within immanence itself as a possibility of ongoing formation. As Potte-Bonneville puts it, it allows:

[a] [s]ensation which can additionally be directly political [...]. To put it differently, if one must work at becoming imperceptible, it is because the imperceptibility of movement is the condition of a perception authentically restored.<sup>107</sup> (Potte-Bonneville: 2012, 154-155)

Potte-Bonneville stresses here the link between Foucault's epistemological, political and ethical concerns: "becoming imperceptible", hence seeing that life understood as ethical formation escapes ontological exegesis, is what restores the possibility of living as both an ethical and political project: this project puts the necessity of questioning practices in order to stress the possibility of deviation which preserves life as work of critique and valuation towards the self and the world. If this allows "a perception authentically restored", it is because the possibility of revaluing ethical and political conducts of the self and others

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*Enfin, la vie cynique est une vie immobile et souveraine: leur empire est absolu.*] (Gros: 2002, 165).

<sup>107</sup> "Sensation qui peut d'ailleurs être directement politique [...] Autrement dit encore, s'il faut travailler à devenir imperceptible, c'est que l'imperceptibilité du mouvement est la condition d'une perception redevenue véritablement telle."

ultimately deontologize power relationships and shows that power and knowledge, if always reciprocally dependent, also maintain a fundamental heterogeneity: as Foucault shows in his first lecture course at the Collège de France, knowledge constitutes a historical relationship between the self and the world which conceals the immediacy of power relationships.

#### **4. Foucault's problematization of *bios* as an aesthetics of existence**

It is in *Subjectivité et Vérité*, the 1980-1981 lecture course at the Collège de France, that the definition of the concept of life as a relationship between the self, others and the world is identified. In the 14<sup>th</sup> January 1981 lecture, Foucault specifically links the Greek *bios* to three Greek concepts which define the economy of the arts of living in Classical Greece: *mathêsis*, *askêsis* and *meletè*. These three concepts problematize in turn the specific relationship the self establishes towards itself, the world and others. Foucault writes:

Relationship to others, teaching: this is what was called *mathêsis* in the Greek vocabulary of the arts of living. Relationship to truth, that is to say, permanent reflection and repetition of what has been taught and what must be considered as true, it is what the Greeks called *meletè* (meditation, reflection upon). And finally, this work of trial, of successive and progressive attempts to see where one stands and whether one progresses well, it is this very dimension that the Greeks called *askêsis* (asceticism). *Mathêsis*, *meletè*, *askêsis*, these are three elements that you will find [in the arts of living]. [...] In fact the Greeks [...] have a word that designates very precisely that with which these arts of conducting oneself must be concerned. It is the word *bios*. You know that, for a Greek, there are two verbs – that we translate by one and the same word: “to live”. You have the verb *zên*, which means: to have the property of living, the quality of being alive. Animals indeed live in this sense of *zen*. And you have the word *bioûn*, which means: to spend one's

life and which refers to the way one lives this life, the way one conducts it, leads it, the way it can be called happy or unhappy. *Bios* is something that can be good or bad, whereas the life that one leads because one is a living being is only given to you by nature. *Bios* is the life that can be qualified, life with its accidents, its necessities, but it is also the life that one can shape by oneself, decide upon it by oneself.<sup>108</sup> (Foucault: 2014a, 35-36)

We see here that life defined as *bios* corresponds to a series of practices which partake in defining a relationship towards the self, others and the world: the life so designated can be shaped and decided upon: it is "qualified". The Foucauldian definition of *bios* corresponds therefore to the conceptual distinction which was, according to Agamben, missing from his work and which the former called *eu zen*: the fact that the individual may live a "qualified" life, either good or bad. Unlike *zoe*, which describes, as Foucault puts it, the life "only given to you by nature", *bios* designates the life over which one can exert an ethical mastery. This mastery finds itself inscribed within a practice towards the world that entails a reflection on the attitude one has towards oneself and others. *Mathêsis* and *Meletê* (the relationship towards others proper to teaching and the relationship towards oneself founded on a practice of reflection upon one's own attitude) both imply

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<sup>108</sup> "Rapport aux autres, enseignement: c'est ce que, dans le vocabulaire grec des arts de vivre, on appelait la *mathêsis*. Rapport à la vérité, c'est-à-dire: réflexion permanente et sans cesse reprise de ce qu'on a enseigné et de ce que l'on doit considérer comme vrai, c'est ce que les Grecs appelaient la *meletê* (la méditation, la réflexion sur). Et enfin ce travail d'épreuve, d'essais successifs, progressifs, pour voir où on en est et si on progresse bien, c'est cette dimension-là que les Grecs appelaient l'*askesis* (l'ascèse). *Mathêsis*, *meletê*, *askesis*, ce sont trois éléments que vous allez trouver [dans les arts de vivre]. [...] En fait les Grecs [...] ont un mot qui désigne très spécifiquement ce sur quoi doivent porter ces arts de se conduire. C'est le mot *bios*. Vous savez que, pour un Grec, il ya deux verbes - que nous traduisons par un seul et même mot: "vivre". Vous avez le verbe *zên*, qui veut dire : avoir la propriété de vivre, la qualité d'être vivant. Les animaux effectivement vivent, en ce sens de *zên*. Puis vous avez le mot *bioûn*, qui veut dire: passer sa vie, et qui se rapporte à la manière de vivre cette vie, la manière de la mener, de la conduire, la façon dont elle peut être qualifiée d'heureuse ou de malheureuse. Le *bios*, c'est quelque chose qui peut être bon ou mauvais, alors que la vie que l'on mène parce que l'on est un être vivant, vous est donnée simplement par la nature. Le *bios*, c'est la vie qualifiable, la vie avec ses accidents, avec ses nécessités, mais c'est aussi la vie telle qu'on peut la faire soi-même, la décider soi-même."

an existence which does not rely upon the positivity and validity of an objective form of knowledge or natural truth but upon a practice which implies a relationship towards alterity – either the alterity of the ethical self upon which one reflects, or the alterity of other individuals. This practice towards oneself and others is completed by the third dimension of the arts of existence (*askêsis*), which requires a retrospective evaluation of one's progress. The concept of *bios* Foucault considers when he studies the arts of living in Ancient Greece corresponds to the ethical and political life one leads in a relationship to oneself and to others and cannot be reduced to the animal life designated by the verb *zên*. *Bios* refers to a relationship to oneself and others which finds itself inscribed within a practice which leads to its own transformation and shapes the way in which the world appears to one: it corresponds to an art of governing oneself.

The ambiguous modern meaning of the prefix “bio” is stressed by Foucault during the same lecture, as he attempts to insist on the proximity between *bios* and these arts of living which make life the occasion of a practice of self-fashioning. This practice of self-fashioning is what he calls, in a 1983 interview with Dreyfus & Rabinow, a “*techne tou biou*” (Dreyfus & Rabinow: 1983, 234-235). He insists on the fact that “biotechnics” could translate these arts of living (*tekhnai peri bion*), except that the term “biotechnics” itself connotes the techniques of modern biology and its scientific understanding of life as object of epistemological positivism. Rather, he suggests the term “biopoetics” which borrows from the Greek *poiesis* the meaning of a craft concerning the critical relationship of oneself towards the way one conducts one’s life. Foucault writes:

One could of course say that these arts of living (*tekhnai peri bion*) are precisely biotechnics. But of course, the word couldn't really be employed, for the meaning given to it nowadays leads us towards something completely different. So much so that instead of the term biotechnics, I would rather use, in order to designate what is in question in these arts of living, the expression: technique of the self – or technology of the self, as what is at stake in all those practices are procedures that are reflected upon, elaborated, systematized and taught to individuals so that they can, through the administration of their own lives, through the control and transformation of the self by the self, attain a certain mode of being<sup>109</sup>. (Foucault: 2014a, 37)

A footnote on the same page tells us that the manuscript of the course contains the following specifications:

“Biopoetics” would be justified as it is indeed about a sort of personal fabrication of one's own life [...] One could pursue the problem of sexual conduct in this way: biopoetics where it is a matter of the aesthetico-moral conduct of individual existence; biopolitics where it is a matter of the normalization of sexual conducts according to what is considered politically to be the needs of a population.<sup>110</sup> (Foucault: 2014a, 37)

In order to avoid misunderstanding, Foucault chooses to abandon the term “life” but keep the concept of technique that one applies to one's existence. The specification he adds in *Subjectivité et Vérité* tells us more about what has often been identified in the secondary literature on Foucault's final published work, as a “return to the self”.<sup>111</sup>

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<sup>109</sup> “On pourrait bien sûr dire que ces arts de vivre (*tekhnai peri bion*) sont très exactement des biotechniques. Mais évidemment le mot ne pourrait guère être employé, car le sens qu'on lui a donné maintenant nous déplace vers tout autre chose. De telle sorte que j'aimerais mieux, pour désigner ce qui est en question dans ces arts de vivre, plutôt que le terme de biotechnique employer l'expression: technique de soi - ou technologie du soi puisqu'il s'agit, dans toutes ces pratiques, de procédures réfléchies, élaborées, systématisées qu'on enseigne aux individus de manière [à ce] qu'ils puissent, par la gestion de leur propre vie, le contrôle et la transformation de soi par soi, atteindre à un certain mode d'être.”

<sup>110</sup> “Biopoétique se justifierait parce qu'il s'agit bien d'une sorte de fabrication personnelle de sa propre vie [...]. On pourrait suivre le problème de la conduite sexuelle : la biopoétique où il s'agit de la conduite esthétique-morale de l'existence individuelle; la biopolitique où il s'agit de la normalisation des conduites sexuelles en fonction de ce qui est considéré politiquement comme exigence d'une population.”

<sup>111</sup> As Paul Veyne puts it in *Foucault: his Thought, his Character*, Foucault's works from the last period of his life had been first understood as a moralizing approach to subjective existence. He writes: “[t]his theory of the self working on the self delighted many people, who thought that

If Foucault's last work on Classical Greek ethics constitutes a "return to the self", it is precisely to avoid the misunderstanding entailed by the common use of the word "life". The "technics of the self" insist on the possibility of an ethical *praxis* that takes self-conduct as an object of *poiesis* and this is where the question of government of the self appears: this conduct is never reduced to a finite and positive object but implies a necessary position of critical exteriority which makes possible the problematization of the relationship of the self to itself, to others and to the world.<sup>112</sup> The maintenance of such a relationship avoids the ontological reductionism of the self to a subject who manifests the truth of his nature. In this sense, the meaning of the expression "aesthetics of the self" should be understood as a designation of the conditions according to which our life (*i.e.* the relationship between the self and the world) appears to the self. By challenging the metaphysical understanding of the subject sought by human sciences, Foucault attempts to disrupt both the intrinsic relationship it establishes between the essence of life (the truth of human nature) and the form it concretely takes: if the conduct of men does not reveal the expression of an intrinsic nature but rather the strict manifestation of power relationships that change historically, life cannot be reduced to the manifestation of a nature

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Foucault was providing us with a morality for our epoch. Of course, as soon as it is a matter of morality, many people do sit up and take notice. But was that really what Foucault originally meant? Was he playing the guru?" (Veyne: 2010, 105). As I explain in this section, Foucault's reflection upon the possibility of an aesthetics of existence has nothing to do with an attempt to moralize the life of the subject. Rather, it concerns the self's ability to problematize its existence as a perpetual formation far from any transcendent or moralizing principle.

<sup>112</sup> As Jorge Dávila claims in his essay "Ethique de la Parole et Jeu de la Vérité": "[t]he practice of truth, truth-telling, as attitude, as philosophical *êthos* which is at the same time the game and the concern of truth, is the ethical foundation of the practice of freedom as an historico-critical experience of *bios*." ["*La pratique de la vérité, le dire vrai, comme attitude, comme êthos philosophique qui est en même temps jeu et enjeu de la vérité, est le fondement éthique de la pratique de la liberté comme expérience historico-critique du bios*"] (Dávila: 2003, 206).

(either of the world or of subjects within this world) but as what constitutes the conditions according to which both the subject and the world determine each other reciprocally.

This is the reason why, if we consider the whole of Foucault's work, the concept of sovereignty, which corresponds to the strict coincidence between power and knowledge (*i.e.* to the immanence of things and their possible representation), should not only be understood in political terms at the end of the Classical Age and the emergence of bio-power. It is already challenged with the mutation of the morphology of truth at the end of Archaic Greece and this challenge is at once epistemological, political and ethical. Not only is it the case that divine sovereign power is replaced by the rationalized knowledge and truth of nature, but the ethical practice through which the self questions its relationship towards the self and others<sup>113</sup> also gets reduced to the philosophical search for the truth of things. At the root of this search for truth, Foucault identifies the historical emergence of knowledge as a technique (which he describes in his various reading of Sophocles' *Oedipus Rex*) but also the emergence, with Aristotle, of the practice of knowledge as men's natural disposition. This natural disposition, defined by Foucault during the 16<sup>th</sup> December 1970 lecture from the *Lectures on the Will to Know* (Foucault: 2013: 22-30), places the knowing subject in a metaphysical and ontological relationship towards the truth of the world: the knowledge which

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<sup>113</sup> This relationship corresponds, as Foucault puts it during the 1981 interview with André Berten, to the political question of government (Foucault: 2014b, 240).

leads to truth becomes the only valid mode of apprehending the world which constitutes a metaphysical reality which precedes the existence of the self.

A way of describing Foucault's philosophical gesture is as an attempt to challenge the *a priori* divorce between ontology and *praxis* or between the immanence of things and the meaning of things conveyed by discourse. This is the reason why, at the end of *The Hermeneutics of the Subject*, Foucault is led to nuance the concept of *bios* introduced in *Subjectivité et Vérité*. As he concludes the 24<sup>th</sup> March 1982 lecture, Foucault calls *bios* "the way in which the world immediately appears to us". He writes:

That *bios*, that life – by which I mean the way in which the world immediately appears to us in the course of our existence – is a test should be understood in two senses. Test in the sense of experience, that is to say the world is recognized as being that through which we experience ourselves, through which we know ourselves, discover ourselves, and reveal ourselves to ourselves. And then, test in the sense that this world, this *bios*, is also an exercise, that is to say that on the basis of which, through which, in spite of or thanks to which we form ourselves, transform ourselves, advance towards an aim or salvation, or head towards our own perfection. (Foucault: 2006, 486)

From then on, the concepts of life and world are superimposed and designate the reality through which one can both know and transform oneself: it is the occasion of a *poiesis* which brings together the notions of *epimeleia heautou* (the care of the self) and *gnothi seauton* (the knowledge of the self by the self). The tension between these two aspects concerns Foucault both in *The Hermeneutics of the Subject* and in *The Government of the Self and Others II: The Courage of Truth*. In both texts, Foucault will attempt to prove that the emergence of philosophical thought corresponds to a covering of the *epimeleia heautou* by the *gnothi*

*seauton* through a reading of Plato's *Alcibiades*. Foucault wants to show that the political initiation of Alcibiades, through which he should transform himself in order to be ready for political life, is turned by Socrates into the ontological search for the truth of the self and the soul. Foucault writes:

[...] we can say that in this text [Plato's *Alcibiades*] [...], as soon as the space of the care of the self is opened up and the self is defined as the soul, the entire space thus opened up is taken over by the principle of "know yourself". We can say that there is a forced takeover by the *gnothi seauton* in the space opened up by the care of the self. [...] Actually, what I would like to say (and we have a superb example of it here) is that the *gnothi seauton* ("know yourself") and the *epimeleia heautou* (care of the self) are entangled. Throughout the text you can see two things entangled: by reminding him that he would do well to take a look at himself, Alcibiades is led to say: "Yes, it is true, I should care about myself"; then, when Socrates has laid down this principle and Alcibiades has accepted it, [the problem] is posed anew: "We must know this self we must take care of"; and then now, a third time, when we consider what caring consist in, we find again the *gnothi seauton*. There is a dynamic entanglement, a reciprocal call for the *gnothi seauton* and for the *epimeleia heautou* (knowledge of the self and care of the self). This tangle, this reciprocal appeal, is, I think, typical of Plato. We find it again throughout the history of Greek, Hellenistic, and Roman thought, obviously with different balances and relations, with different emphases on one or the other, and with a different distribution of the moments of self-knowledge and care of the self in the various systems of thoughts encountered. But it is this tangle that is important, I believe, and neither of the two elements should be neglected to the advantage of the other. (Foucault: 2006, 68-69)

The tension Foucault stresses between *epimeleia heautou* and *gnothi seauton* is a tension which opposes the relationship of the self as subject of his own conduct (which is a question of *poiesis*) and the question of the relationship of the self towards the truth of the world. The movement Foucault's sees in Plato's *Alcibiades* transforms the question of an ethopoietic practice into an ontological one: the question of the way in which the self conducts and transforms itself in the world (which is, as Foucault tells us, the question of life as *bios*) becomes the

question of the true relationship towards the soul which in return allows a true relationship towards truth.

We see that Foucault problematizes once again the question of the relationship between power and knowledge which is first put into question in “Truth and Juridical Forms” when Foucault described the dismantling of political sovereign power at the end of Archaic Greece. It is because the question of the relationship of the self towards his own conduct escapes ontological determination that it can be superimposed to Foucault’s understanding of power: the self does not reflect upon the meaning of his actions, their relation to truth or the nature they reveal, it does not take them as an object of hermeneutic interpretation. In other words, there is no separation between the immanence of the self’s existence (the seen) and a knowledge implying the postulate of a nature accounting for its actions (the said). When Foucault studies the spiritual schools succeeding Platonism and preceding Christianity in Ancient Greece and Rome (mainly Stoicism and Epicureanism), he focuses on the fact that these schools offered a contrasting problematization of the relationship between care and knowledge. According to him, this relationship was not one of the overlapping of *gnothi seauton* by *epimeleia eauthou*, but of the subordination of knowledge in favour of an *ethopoiesis* (*i.e.* in favour of the care of the self). As Foucault puts it:

The Greeks had a very interesting word, which can be found in Plutarch as well as in Denys of Halicarnassus. It exists in the form of a noun, verb, and adjective. It is the expression, or series of expressions, of words: *ethopoiein*, *ethopoiia*, *ethopoiios*. *Ethopoiein* means making *ethos*, producing *ethos*, changing, transforming *ethos*, the individual’s way of being, his mode of existence. *Ethopoiios* is something that possesses the quality of transforming an individual’s mode of being. [...] Knowing,

knowledge of something, is useful when it has a form and functions in such a way that it can produce *ethos*. And a knowledge (*connaissance*) of the world is perfectly useful: it (as well as knowledge of others and knowledge of the gods) can produce *ethos*. And it is this that marks, forms, and characterizes what knowledge useful to man must be. (Foucault: 2006, 237)

We clearly see that for the schools of thought Foucault describes, the knowledge of the truth of the self does not serve the knowledge of the truth of the world through a logic which severs the immanence of acts and the truth that is sought: the knowledge of the world serves the transformation of the self through a logic of coincidence between the *tekhne* through which one knows the world and the *tekhne* through which one knows oneself: in this case, the self attempts to exert sovereignty and mastery towards his *bios* as there is no divorce between his actions and his knowledge: both serve a practice of transformation of both the self and the world and not of revelation or representation of their nature.

Foucault's reflection upon the mutation of jurisdiction introduced in the 1970-1971 *Lectures on the Will to Know* and in "Truth and Juridical Forms" in 1973 finds its ethical counterpart when he problematizes the concept of life as *bios* both in *Subjectivité et Vérité* and in *The Hermeneutics of the Subject*. The disjunction of the coincidence between power and knowledge he describes in "Truth and Juridical Forms", which corresponds to the expression of truth shifting from the sovereign act of its expression to the divorce between the said and the seen described in his reading of Sophocles' *Oedipus Rex*, can be linked to the overtaking of *epimeleia heautou* by *gnothi seauton*: the way one experiences and transforms one's way of life relies on the knowledge one has of oneself, of others

and of the world. However, this knowledge does not define a determination which seeks to establish the nature of the self or its relation to truth, but one which allows the establishment of a relationship between the self and itself. In this case the self, made aware of the way it lives its life, can be led to live differently. What Foucault claims to identify, between Platonic philosophy and Christianity, is an alternative way of thinking and problematizing the relationship between the self, *bios* and the world which occurs in Cynicism, Stoicism and Epicureanism. For example, Foucault describes Stoic philosophy as a way of establishing a “sagittal” relationship to oneself: a vertical relationship which allows to question one’s way of living through a distance which does not separate the self from its representation but allows to put the knowledge inherited from such a perspective back into ethical and political practice.<sup>114</sup> Foucault writes:

Whereas the Platonic movement consisted in turning away from this world in order to look towards another – even if souls, who, through recollection, have rediscovered and savoured the reality they have seen, are led more by force than by their own will back to this world in order to govern it - the Stoic movement defined by Seneca is completely different. It involves a sort of stepping back from the point we occupy. This liberation enables us to reach the highest region of the world without, as it were, ever losing ourselves from sight and without the world to which we belong ever being out of sight. We reach the point from which God himself sees the world and, without our ever actually turning away from this world, we see the world to which we belong and consequently can see ourselves within this world. [...] Reaching this point enables us to dismiss and exclude all the false values and all the false dealings in which we are caught up, to gauge what we really are on the

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<sup>114</sup> Seneca’s *Letter XXVII* is a good example of a philosophical guidance which applies not only to the person the philosopher is talking to (the reader) but equally to the narrator himself. Both characters, belonging to a common world, must apply the Stoic principles to themselves as well as share them with others: “So you’re giving me advice, are you? you say. ‘Have you already given yourself advice, then? Have you already put yourself straight? Is that how you come to have time for reforming other people?’ No, I’m not so shameless as to set about treating people when I’m sick myself. I’m talking to you as if I were lying in the same hospital ward, about the illness we’re both suffering from, and passing on some remedies. So listen to me as if I were speaking to myself. I’m allowing you access to my inmost self, calling you in to advise me as I have things out with myself.” (Seneca: 1969, 72-73)

earth, and to take the measure of our existence – of this existence that is just a point in space and time – and of our smallness. (Foucault: 2006, 276-277)

We see that the Stoics use the knowledge of the world in order to be able to reflect, at the same time, upon the life of the self within this world. As Foucault puts it, this point of view is the perspective “from which God himself sees the world”: it is a sovereign point of view that allows a knowledge that does not target the nature of things but produces a perspective that inscribes the self within the world in which he lives. Such a grasping allows this self to re-evaluate its practices, and the distinction between truth and falsity is not established in relationship to a metaphysical determination but to the possibility of a *poiesis* through which the self takes its *bios* (i.e. its existence within the world) as a matter of ongoing formation.

In his last lecture course at the Collège de France, Foucault draws a similar conclusion when he looks carefully at the case of the Cynics. According to him, Cynicism constitutes another alternative way of problematizing the relationship between the self, others and the world. More specifically, the Cynic is presented as the true sovereign who, because he denounces the intrinsic facticity of the practices men hold for true values everywhere he goes, he also performs that sagittal perspective upon men’s existence and the possibility of a permanent critique. During the 21<sup>st</sup> March 1984 lecture, Foucault writes:

The Cynic, who was only a king of poverty, and a hidden and unrecognized king, now appears as someone who exercises the true function of *politeuestha*, the true function of the *politeai*, understood in the true sense of the term, that *politeia* where it is not just a question of war and peace, of duties, taxes, and revenues in a city, but of happiness

and misfortune, the freedom and slavery of the whole of humankind. As a result the Cynic is associated with the government of the universe. The *politeuesthai* is no longer that of the cities and States, it is that of the whole world. Epictetus evokes the Cynic's hard daily round, which, through all his asceticism, deprivations, and suffering has led him to call out to men and to help them wherever they are. And, in the evening of this heavy day's work, which is the Cynic's life, well, Epictetus says, he may sleep with a pure heart, knowing that "all his thoughts are the thoughts of a friend and servant of the gods, of one who takes part in the government of Zeus." (Foucault: 2011b, 302-303)

Here, Foucault stresses even more strongly the connection between the ethical life of the Cynic, who produces an ongoing self-reflection upon the conduct of his own existence and the definition of politics. What the critical attitude of the Cynic targets is the *politeia* as a whole, which is another way of naming *bios* as "the way the world immediately appears to us" (Foucault: 2006, 486): it is the constant re-evaluation of the Cynic's way of life by himself which produces at the same time an immediate living example. The Cynic displays a life which immanently produces a concrete effect upon the lives of others and the world understood as the common reality which everyone shares.<sup>115</sup> In this respect, the purpose of the Stoics and of the Cynics represents a way of reconstituting the paradigm of

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<sup>115</sup> The examples showing Diogenes of Sinope adopting a shocking behaviour which bypasses theoretical systems are numerous, even though Diogenes of Sinope has never produced any written work. Several of these anecdotes were brought to our knowledge by Diogenes Laertius who, in *The Lives and Opinions of Eminent Philosophers* (Laertius: 1853), provides the greatest number of anecdotes concerning Diogenes of Sinope's lifestyle. His main habit was to behave in a shocking manner in order to show that men had no reason to live in more elaborate ways than animals. This is the reason why he was often witnessed eating and having sex in public. Laertius writes: "He was in the habit of doing everything in public, whether in respect of Venus or Ceres ; and he used to put his conclusions in this way to people: 'If there is nothing absurd in dining, then it is not absurd to dine in the market-place. But it is not absurd to dine, therefore it is not absurd to dine in the market-place.'" But the reduction of Diogenes of Sinope's lifestyle to utmost simplicity did not only concern basic animal needs. It also applied to the refusal of everyday objects without which each and everyone could still survive. On this topic, Laertius tells that Diogenes was once inspired by the simplicity of a child. He writes: "On one occasion he saw a child drinking out of its hands, and so he threw away the cup which belonged to his wallet, saying, 'That child has beaten me in simplicity.' He also threw away his spoon, after seeing a boy, when he had broken his vessel, take up his lentils with a crust of bread." (Laertius: 1853, 230)

political sovereignty Foucault was describing at the end of Archaic Greece. Not only was the word of the sovereign a power which had an immediate effect upon the meaning of the world and the order of things but it also produced truth through the actualization of the past, present and future. This truth is not a relationship to the hidden nature of things but a performance which reduces it to the moment of its expression as immediate ordering of the world. This is the reason why the examples of counter-philosophical practices Foucault chooses to study show the same concern for an immediate and immanent critique of existence. Between the philosophical attitude of the Stoics who attempt to reduce the succession of human endeavours to the “‘punctualizing’ [of] ourselves in the general system of the universe” which constitutes a “liberation really brought about by the gaze we cast over the entire system of natural things” (Foucault: 2006, 278) and the attitude of the Cynic who is “a functionary of humanity in general” and “[...] a functionary of ethical universality” (Foucault: 2011b, 301-302), the same ethico-political concern appears.

Foucault describes the possibility of maintaining a *poietic* relationship to the world (and therefore to life) which does not produce its positive alienation and objectivation (as it happens when the knowledge sought by the subject becomes the object of a *tekhnē* aiming at a truth which symbolically links the expressible and the visible: when the truth of the modern subject’s nature is sought in a hermeneutic relationship to his discourse). When Foucault defines the concept of governmentality in *The Hermeneutics of the Subject*, he refers to the alienation that the emergence of the truth of subjectivity entails: when the *poietic*

relationship the self establishes with itself is replaced by the search for a discourse which establishes a connection to a truth distant from immanent action, it is the active subject which gets replaced by its objectivation within the field of knowledge and representation. This is the reason why, in *The Hermeneutics of the Subject*, Foucault discreetly refers to the structure of anthropological knowledge which constitutes the living subject as a positive and knowable object whose truth emerges through the “quasi-transcendental” forms of his finitude (i.e. the “quasi-transcendental” fields of positivity that Labour, Life and Language constitute in chapter eight of *The Order of Things*). During the 17<sup>th</sup> February 1982 lecture, he says:

[...] the question I ask myself is this: How was the question of the truth of the subject constituted through the set of phenomena and historical processes we call our “culture”? How, why, and at what cost did we undertake to hold a true discourse on the subject: on the subject we are not, in the case of the mad or delinquent subject; on the subject we are in general, inasmuch as we speak, work and live; and on the subject we are directly and individually, in the particular case of sexuality? I have tried to address this question of the constitution of the truth of the subject in these three major forms, perhaps with blameworthy stubbornness. (Foucault: 2006, 253)

Foucault claims to have asked the question of the constitution of the truth of subjectivity under three different forms. These three forms have in common the designation of the objectivity derived from the knowledge of the modern subject within the anthropological mode of thinking proper to modernity since the beginning of the nineteenth century: the mad, the delinquent and the subject speaking the truth of his nature through the confession his sexual desires stand as forms of objectivation of subjectivity that have interested Foucault in *History of Madness* and *Discipline and Punish*. In the same way, the subject that speaks,

works and lives provides the basis of the objectivation of life through the positivity of finitude defined by the anthropological structure of modern knowledge. In each case, Foucault describes an alienation: the subject which is grasped by the truth and knowledge produced by its own objectivation is either “the subject we are not”, “the subject we are in general” or the essence of the subject revealed by the confession of his desires. In each case, it refers to a subjectivity which does not correspond to the individual affirming truth through the strict immanence of acts but a truth always already taken within the game of the symbolism introduced by the disjunction between the visible and the expressible: the mad, the delinquent and the desiring subjects are defined in relation to a rationality which provides of way of predicting future actions.

Therefore, if I agree with Revel’s claim that the critique of the concept of nature regarding the “political strategy of biologizing life” does not strictly speaking appear at the same time as the critique of the concept of nature found “at the basis of Western metaphysics”, I claim that both critiques are related as they target the subordination of the immanence of acts to the rationality of a *logos* which posits the concept of truth at the transcendental origin of the meaning of things. In the case of *Oedipus Rex*, I have shown how the truth of Oedipus’ identity relied on the symbolic reunion of the discourse of knowledge (the said) and the strict immanence of facts (the seen). In the same fashion, when Foucault describes the historical emergence of the *nomos* derived from the law of nature discovered by men at the end of Archaic Greece, he shows how the divine rule expressed through confrontation gets replaced by a rule which is “always there”

and “legible in nature” (Foucault: 2013, 153). In this case, even when the rationality of this natural *logos* is not formulated positively, it is always already available and constitutes the horizon of possibility of human knowledge. As Foucault puts it, discourse constitutes the activation of the *nomos* through the immanence of the speech act. Similarly, during his 1981 series of lectures at the Catholic University of Leuven, Foucault shows how the avowal of the subject who speaks is an act that is no longer self-sufficient when it comes to affirming truth. Although the avowal still actualizes truth, it does so on the basis of a split between the validity of the truth of facts (the seen) and the speech-act of the subject who actualizes it (the said). During the inaugural lecture on 2<sup>nd</sup> April 1981, Foucault insists on the truth that pre-exists the speech-act but is yet only actualized through it. He takes the case of the psychiatrist Leuret who, in a work concerning the moral treatment of madness, describes the procedure he uses to bring his patient to the avowal of their illness. Foucault writes:

[Avowal] is a sort of engagement, but an engagement of a particular type. It does not obligate one to do such and such a thing. It implies that he who speaks promises to be what he affirms himself to be, precisely because he is just that. There is an inherent redundancy in avowal that appears clearly, for example, when we avow our love for someone. If it were merely a question of observing a de facto situation, the “I love you” would be a pure and simple affirmation. If it were a question of promising one’s love, it would be a promise or a vow that could be sincere or not, but it could be neither true nor false. But when the sentence “I love you” functions as an avowal, it is because one passes from the realm of the unspoken to the realm of the spoken by voluntarily constituting oneself as a lover through the affirmation that one loves. One who avows a crime, in a sense, commits to being the author of the crime. By that I mean he not only accepts the responsibility, but he also establishes this acceptance on the fact that he did commit the crime. In an avowal, he who speaks obligates himself to being the one who did such and such a thing, who feels such and such a sentiment; and he obligates himself because it is true. [...] [The patient] says what he had not wanted to say, but in saying it, he gives himself over to the power

the doctor sought to exercise over him. He accepts it. He submits it. This is, moreover, what the doctor understands and seeks, who then takes immediate advantage of it to say: "So now you will obey me". In the strict sense, avowal can only exist within a power relation and the avowal enables the exercise of that power relation over the one who avows. (Foucault: 2014b, 16-17)

Foucault stresses the fact that in order to become the truth, the speech-act must perform a kind of "redundancy": the speaker does not only provide the description of a true fact, he also establishes a fixed relationship towards himself which constitutes him as a mad person: he becomes this sovereign who recognizes himself as an object. But this sovereign recognition is an ambiguous one, since it both carries the coincidence of power and knowledge (the immediate effectivity of the sovereign who actualizes truth through speech) but also gives it away. The subject who avows his madness constitutes himself as mad not on the basis of an immediate performance, but on a symbolic reunion of the said and the seen. The said (the speech-act) is actual but the seen (the fact of the speaker being mad) cannot be grasped through immediate description: it refers to an abstract nature whose truth is recognized both by the patient and by the doctor. Therefore, it is easy to see that both concepts of nature (the one that emerges with Classical Greece, and the other that emerges with modernity) operate according to a similar alienation of sovereignty. Just as the exoteric words of gods do not suffice to provide a truth which becomes read through the knowledge of the nature of things, the speech-act of the patient is true if it is based upon a redundancy which posits his pre-existence as an object determined by the truth of his nature. The problematic juxtaposition of two different concepts of truth (*i.e.* the immediate and sovereign manifestation of truth

through an act *versus* a discourse dependent upon a transcendental rationality) is a tension Foucault refers to in *The Hermeneutics of the Subject* when he problematizes the question of governmentality as a relationship between the self and the self. It is indeed only by maintaining the possibility of a critical relationship of the self over its own actions that the alienation of the immanence of power (defined as mere actions) is avoided by a truth that introduces a divorce between the visible and the expressible. He writes:

If we take the question of power, of political power, situating it in the more general question of governmentality understood as a strategic field of power relations in the broadest and not merely political sense of the term, if we understand by governmentality a strategic field of power relations in their mobility, transformability, and reversibility, then I do not think that reflection on this notion of governmentality cannot avoid passing through, theoretically and practically, the element of a subject defined by the relationship of self to self. Although the theory of political power as an institution usually refers to a juridical conception of the subject of right, it seems to me that the analysis of governmentality – that is to say, of power as a set of reversible relationships – must refer to an ethics of the subject defined by the relationship of self to self. Quite simply, this means that in the type of analysis I have been trying to advance for some time you can see that power relations, governmentality, the government of the self and of others, and the relationship of self to self constitute a chain, a thread, and I think it is around those notions that we should be able to connect together the question of politics and the question of ethics. (Foucault: 2006, 252)

What is found at the basis of Foucault's analysis of governmentality (which he defined in his interview with André Berten as "a set of relations of power and techniques that allow these power relations to be exercised" (Foucault: 2014b, 240) is that the immanent exercise of power relations is the fundamental reality which determines the way in which lives are determined. Therefore, letting the possibility of a power relationship of the self over itself appear is what turns the question of political governmentality into the one of ethical governmentality:

once the truth of subjectivity appears for what it is (*i.e.* as power relations leading to the performance of immanent acts), the transcendence of truth appears as an *a posteriori* product of those power relations. This is the reason why the question of governmentality, which corresponds to the question of the government of life in the broadest sense, is at the same time a political and ethical concern. My claim is that it is also an epistemological one as we have demonstrated that the movement through which the modern subject becomes the object of his own knowledge is the condition for the fixation of the critical relationship between the self and itself into the ontological or natural relationship between the acting subject and the truth of his discourse.

It is precisely this question of life as the possibility of a *poiesis* that Foucault addresses in the last two volumes of the *History of Sexuality*. It is what makes possible a relationship towards oneself which is not grounded upon a subjective truth (which the hermeneutics of the desires seeks to bring to light) but a *poiesis* which breaks away from the hermeneutic dimension proper to the concept desire (as the subtitle of the second volume of the *History of Sexuality. The Use of Pleasures* tells us). It is in those terms that Foucault defines, in an interview given to Dreyfus and Rabinow at the University of Berkeley in April 1983, the Greek notion of “*techne tou biou*”:

One of the numerous points where I was wrong in that book [*The History of Sexuality. The Will to Knowledge*] was what I said about this *ars erotica*. I should have opposed our science of sex to a contrasting practice in our own culture. The Greeks and Romans did not have any *ars erotica* to be compared with the Chinese *ars erotica* (or at least it was not something

very important in their culture). They had a *techne*<sup>116</sup> *tou biou* in which the economy of pleasure played a very large role. In this “art of life” the notion of exercising a perfect mastery over oneself soon became the main issue. And the Christian hermeneutics of the self constituted a new elaboration of this *techne*. [...] What I want to show is that the general Greek problem was not the *techne* of the self, it was the *techne* of life, the *techne tou biou*, how to live. It’s quite clear from Socrates to Seneca or Pliny, for instance, that they didn’t worry about the afterlife, what happened after death, or whether God exists or not. That was not really a great problem for them; the problem was which *techne* do I have to use in order to live as well as I ought to live. And I think that one of the main evolutions in ancient culture has been that this *techne tou biou* became more and more a *techne* of the self. A Greek citizen of the fifth or fourth century would have felt that this *techne* for life was to take care of the city, of his companions. But for Seneca, for instance, the problem was to take care of himself. (Dreyfus & Rabinow: 1983, 234-235)

If here Foucault nuances the importance of an *ars erotica* in contrast to a *techne tou biou*, it is because his point ultimately concerns the possibility according to which the self might establish and problematize both an ethical and political relationship between itself, others and the world.

The possibility of such a relationship, which implies a necessary distancing between the self and the world is what guarantees the possibility of ethical sovereignty: it is because the self questions its conducts in relation to others that it holds together but still distinguishes the relationship between acts, knowledge or truth. As Foucault explains during the 24<sup>th</sup> March 1982 lecture from *The Hermeneutics of the Subject*, the problem which the Western philosophical tradition poses is the one of the tension between the relationship to the world as a test and the apprehension of the same world through the technique of

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<sup>116</sup> Throughout the course of my argument, I have chosen to spell the Greek word *τεχνη* “*tekhne*”. However, it is spelt *techne* in the published edition of this text and I’ve chosen to stay faithful to it in this case.

knowledge. The lack of lexical rigor which seems to characterize Foucault's hesitation between the expression "technique of the self" and "technique of life" is not the sign of an inconsistency in his own argumentation. Foucault wants to stress that the matter of Greek ethical conduct was, in its pre-philosophical form, the question of life as adequate self-reflection and fashioning: this constitutes the "technique of life" Foucault called "technique of the self" [*technique du soi*] in *Subjectivité et Vérité* in 1981.

Pierre Hadot questioned the possibility of talking about style or form since, according to him, pre-philosophical Greek thinkers were already concerned about the place and status of their existence towards a greater cosmological order or a sense of transcendence. Hadot writes:

In this work of the self towards oneself, in this exercise of the self, I also recognize as far as I am concerned an essential aspect of philosophical life: philosophy is an art of living, a style of living which engages the whole of existence. However, I would hesitate to speak, as M. Foucault does, of "aesthetics of existence" regarding Antiquity as well as regarding the task of the philosopher in general. M. Foucault, as we have seen, understands this expression in the sense that our own life is the work we have to do. [...] In fact, what these philosophers of Antiquity are looking for is not primarily beauty (*kalon*), but the good (*agathon*) [...]. This is why, instead of speaking about "culture of the self", one should rather speak about transformation, transfiguration, "overcoming of oneself". In order to describe this state, one cannot avoid the term "wisdom" which, it seems to me, appears only rarely if ever in M. Foucault. Wisdom is the state which the philosopher might never reach but towards which it tends, trying hard to transform himself in order to overcome himself. It is a mode of existence characterized by three essential features: the peace of the soul (*ataraxia*), the interior freedom (*autarkeia*) and (apart from the Skeptics) cosmic awareness, that is to say the acknowledgement of belonging to the human and cosmic Whole, a sort

of dilatation, transfiguration of the self which achieves the greatness of soul (*megalopsuchia*).<sup>117</sup> (Hadot: 2002, 308-309)

However, what Hadot fails to see is that what Foucault targets, when he hesitates between “technique of the self” and “technique of life” in order to characterize the ethical work through which the self problematizes his relationship towards itself, others and the world is not so much the strict relationship between the self and the transcendence of truth but the fact that with Western philosophical thought there emerges the domination of a form of subjectivity which fixes the relationship between the *bios* of the self and the truth of the world. During the last lecture of *The Hermeneutics of the Subject*, Foucault insists upon the tension:

If the form of objectivity peculiar to Western thought was therefore constituted when, at the dusk of thought, the world was considered and manipulated by a *tekhnē*, then I think we can say this: that the form of subjectivity peculiar to Western thought, if we ask what this form is in its very foundation, was constituted by a movement that was the reverse of this. It was constituted when the *bios* ceased being what it had been for so long in Greek thought, namely the correlate of a *tekhnē*; when the *bios* (life) ceased being the correlate of a *tekhnē* to become instead the form of a test of the self. (Foucault: 2006, 486)

Foucault describes the emergence of Western subjectivity as an inversion of the movement through which the knowledge of the world and nature supposedly

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<sup>117</sup> “Dans ce travail de soi sur soi, dans cet exercice de soi, je reconnais également, pour ma part, un aspect essentiel de la vie philosophique: la philosophie est un art de vivre, un style de vie qui engage toute l’existence. Toutefois, j’hésiterais à parler avec M. Foucault d’‘esthétique de l’existence’, aussi bien à propos de l’Antiquité, que de la tâche du philosophe en général. M. Foucault, nous l’avons vu, entend cette expression au sens où notre propre vie est l’oeuvre que nous avons à faire. [...] En fait, ce que les philosophes de l’Antiquité recherchent, ce n’est pas premièrement la beauté (*kalon*), mais le bien (*agathon*) [...] C’est pourquoi, au lieu de parler de “culture de soi”, il vaudrait mieux parler de transformation, de transfiguration, de “dépassement de soi”. Pour décrire cet état, on ne peut éluder le terme “sagesse” qui, me semble-t-il, n’apparaît que rarement, sinon jamais, chez M. Foucault. La sagesse est l’état auquel le philosophe ne parviendra jamais, mais auquel il tend, en s’efforçant de se transformer lui-même pour se dépasser. Il s’agit d’un mode d’existence qui est caractérisé par trois aspects essentiels: la paix de l’âme (*ataraxia*), la liberté intérieure (*autarkeia*) et (sauf pour les sceptiques) la conscience cosmique, c’est-à-dire la prise de conscience de l’appartenance au Tout humain et cosmique, sorte de dilatation, de transfiguration du moi qui réalise la grandeur d’âme (*megalopsuchia*).”

emerged. If Western objectivity emerged when the world became subjected to the use of knowledge as a *tekhne*, the emergence of Western subjectivity corresponded conversely to the moment where life ceased to be thought as a problematized relationship between the self and the world (as a *tekhne*) to become the occasion through which the self started to manifest the truth of its own nature. But life understood as *bios*, thought as the way in which the self exerts a certain *tekhne* over itself to produce self-formation and transformation requires the possibility for the self to challenge its own truth. It is through its own disappearance implied by its own self-critique that the self is able to keep on determining the form of its *bios* as the occasion of a problematized relationship both towards itself and the world.

Such a technical relationship challenges the evidence of a knowledge that manifests truth and replaces it by what truth and knowledge are: the products of the use of a specific technique at a point of history. By putting what Foucault tells us about the emergence of knowledge and truth (*i.e.* the emergence of objectivity) in Archaic Greece in the *Lectures on the will to know and "Truth and Juridical Forms"* in relation to what he tells us about the emergence of subjectivity in *The Hermeneutics of the Subject*, it appears that the movement through which knowledge is divorced from strict power corresponds to the moment where life as *bios* ceases to be problematized as the place of relationship of the self towards the self, others and the world. It is because the possibility of such a relationship requires us to dismantle the primacy of knowledge and truth as expression of ontological foundations (of the nature of the world and of the subject) to let the

reality of power relationships appear in their strict immanence: the visibility of such an immanence is what allows us to characterize a technique not as the expression of an ontological given but as the manifestation of an immanent and historical act of *poiesis*.

## **Conclusion**

In this chapter, I have examined how Foucault's attempt to historicize the concept of epistemological truth can be applied to the critique of the postulate of anthropological truth which emerges in the nineteenth century. Both concepts of truth presuppose the transcendental position of a *logos* divorced from the strict immanence of the act which produces truth. Therefore, what I have examined within the scope of Foucault's work is the cause of a recurrence: the recurrence of the phrase "the will to know" (or "the will to knowledge") in the titles of both Foucault's first lecture at the Collège de France in 1970-1971 and of the first volume of the *History of Sexuality*. I have proven that this recurrence shows a symmetry in Foucault's critique of Western philosophy and Western subjectivity. Even though the concept of anthropological truth which emerges with modernity belongs to another historical period than the concept of epistemological truth which appears with Classical Greece, I have shown that the methodology behind Foucault's critique remains the same. His attempt to identify a "will" at the very bottom of both concepts deprives them of their foundational and transcendental character.

In this respect, I have exposed how strongly Foucault is indebted to Nietzsche and his critique of the concepts of nature and origin. I have demonstrated that Foucault's use of the word "will" corresponds to an attempt to reach the pure act of the subject destitute of transcendental or metaphysical determinations. Such a methodological use of the "will" allows Foucault to claim that there is nothing but power at the bottom of our historical and epistemological constructions. On top of that claim, I have argued that the primacy of power should not only be understood to target a critique of knowledge but should also be used to put into perspective the possibility and limits of anthropological knowledge. This is the reason why the 1976 "will to knowledge" appears to be a counterpart of the 1970-1971 "will to know". The historical shift through which the modern subject gets caught up as object of its own knowledge with the emergence of modernity can and must be compared to the way in which epistemological knowledge historically appears as a critique of the sovereign power of gods at the end of Archaic Greek. The political power of the sovereign, which coincides with its determination of the truth, gets replaced by a concept of truth accessible to the knowledge of men. Similarly, the knowledge of man by men (the anthropological structure of knowledge) is made possible through the disappearance of the transcendence of political sovereign power.

This in turn entails that the epistemological construct to which the modern subject corresponds still realizes in abstraction what the sovereign used to perform: the actualization of truth through the coincidence between speech and

knowledge. And it explains why the figure of the modern subject remains captive within the space of an irreducible alienation: the so-called modern liberation which makes his desires positive also inscribes them into the field of epistemological positivity. The sovereign coincidence between power and knowledge, which made cosmological representation possible, can therefore be transposed to the coincidence between the act of speech and the knowledge of desires which the sovereign position of anthropological truth performs.

However, I have demonstrated that the possibility of anthropological representation through the reconstitution of the coincidence between power and knowledge relies upon a concept of life whose epistemological status makes it coincide with a natural fact. This is the reason why I have shown that a proper study of the meaning of the concept of life in Foucault's late work makes it coincide with the concern for an ethics and an aesthetics of the self which is incompatible with the postulate of a founding anthropological truth. What has appeared to be even more striking is that the philosophical figures (the Stoics and the Cynics) Foucault refers to in order to illustrate the possibility of such ethics also take the concept of sovereignty (as relationship between power and knowledge) on an ethical level. Whilst the Stoics advocate a sagittal perspective over one's own existence in order to become the judge of the rationality which governs one's own life, the Cynics are the one who strictly reject theoretical knowledge in favour of a philosophical practice which produces a never-ending revaluation of one's own practice. Whilst the Stoics inscribe the rationality which govern their conduct within a primordial *praxis*, the Cynics live their lives on the

strict level of power: they constantly establish a new relationship towards the world and towards others which is not epistemological.

## Conclusion

This thesis has examined Foucault's account of the question of power over life from a novel angle. Instead of accepting the concept of biological life it implies without questioning its historical implications (as numerous commentators do nowadays), this study has attempted to read carefully what Foucault tells us when he introduces the concepts of bio-power and biopolitics at the end of the first volume of the *History of Sexuality*. Its original motivation has been to answer the following question: which evolution does the modern concept of life undertake so that it allows, for its own sake, the paradox of genocide? The answer has been found where few commentators have been willing to look for it: in the way modern political power incorporates the existence of men into the field of scientific knowledge.

Instead of looking at the way bio-power and biopolitics operate, which would have led us to study the precise mechanisms according to which norms function in our society, I have chosen to characterize political modernity by focusing on what Foucault contrasts it with: the power of the sovereign which disappears historically at the end of the Classical Age. Not only has this approach led me to radically differentiate Foucault's account of modern political power from Agamben's, but it has also allowed me to demonstrate that although the figure of the political sovereign which puts his subjects to death disappears, the theme of sovereignty persists within Foucault's philosophical enterprise. Indeed, the

historical emergence of anthropological knowledge, described by Foucault in *The Order of Things*, tells us that the modern subject now occupies the place of the King: it is around the concept of man that modern empiricities are thought and known. I have chosen to take this claim seriously and to give it an epistemological value instead of seeing in it nothing more than a metaphor.

When Foucault tells us that Classical language links together “representation and being” (Foucault: 2001e, 339), the implication is that it locates the possibility of the synthesis of representation (*i.e.* a possible correspondence between words and things), within a transcendent external figure (God). However, with the advent of modernity, it is the figure of the sovereign, responsible for the coherence between things and their representation in language, which disappears. In other words, Foucault tells us that the modern subject emerges as an object of positive knowledge at the cost of the loss of the synthesis of representation performed by the exteriority of an external transcendent figure. This is the reason why the modern concept of man is the product of an irreducible alienation: what is described by anthropological knowledge is not the concrete individual but an epistemological construction which grounds the possibility of its own representation within the field of anthropological knowledge. This is the reason why the concept of the norm, which grounds the rationality of bio-power and biopolitics, presupposes the existence of a natural rule. This natural rule is what allows the correspondence between the existence of men and its validity within the field of knowledge and representation.

In order to trace, within Foucault's body of work, the origin of the analysis of this alienation, I have been led to provide an account of the emergence of life as an object of knowledge. Since the concept of the biological is historicized by Foucault, it could not be used as a satisfying conceptual basis and claim that biological life simply becomes the object of the human sciences. Rather, I had to examine the move through which the lives of men, understood in the sense of the strict immanence of their existence, became an object of positive knowledge. In other words, I had to give an account of the epistemological mutation which provided the existence of man a place as object of knowledge amongst other objects.

Therefore, it is the move from the immediacy of immanence to its representation as object of knowledge which needed to be examined. Since the concept of biological life did not constitute a satisfying starting point, the origin of this mutation had to be identified before the introduction of bio-power and biopolitics within Foucault's work. It is in the *Lectures on the Will to Know*, Foucault's 1970-1971 lecture course at the Collège de France, that Foucault studies for the first time the historical emergence of epistemological truth. His analysis, prolonged in "Truth and Juridical Forms" in 1973, sees the historical emergence of epistemological knowledge at the end of Archaic Greece when the political paradigm of the Assyrian empire disappears. Foucault's account, inspired by D tienne's and Vernant's analyses of the mutation of truth at the end of Archaic Greece, describes the mutation from a pre-epistemological to an epistemological concept of truth. Whereas the power of sovereigns actualized an

exoteric knowledge which coincided with it, the emergence of epistemological truth corresponds to the practice of knowledge as *tekhne*. It is facticity understood as the disjunction between the visible and the expressible which characterizes the morphology of epistemological truth.

Foucault's account of the emergence of epistemological truth is more than a punctual historical and philosophical analysis. This thesis has shown that it constitutes the framework within which Foucault inscribes his genealogy of Western subjectivity. It is indeed on the basis of a "will to know" which gets obliterated by the primacy of knowledge and ontological truth that the "will to knowledge" appears later in Foucault's work: this "will to knowledge", just like the "will to know", describes an attitude towards the world which seeks in objects (either the objects of nature discovered through knowledge or subjects become natural objects) the expression of an *a priori* rationality. It is this logic which allows to understand how the modern subject, whose natural inclinations and desires speak in spite of himself in his discourses or acts, historically becomes the immanent manifestation of a natural phenomenon. Consequently, I have reached the conclusion that bio-power and biopolitics, which operate within the field of anthropological knowledge, deal with a broader object than the postulate of biological life. The concept of life it targets becomes a positive abstraction which loses contact with the reality of existence.

Consequently, the critique of the emergence of epistemological thought Foucault provides in 1970-1971 needs to be understood, like two sides of the same coin,

at the same time as a critique of objectivity and subjectivity. Indeed, the concept of subjectivity implies that the agent (the acting subject) is at the same time constituted as object. This is the reason why Foucault's analyses of the historical emergence of epistemological knowledge and anthropological knowledge ask in turn the question of the possibility of sovereignty. This sovereignty is no longer simply the existence of the political sovereign but the possibility for an individual to be the sovereign of his or her own life (*i.e.* the possibility to determine his or her own actions in such a way that they are not brought back to the rationality of knowledge).

In other words, this thesis discovered that the anthropological alienation occurring with modernity is only a consequence of the decline of an ethical relation which gets dissipated through the course of the history of Western subjectivity. It corresponds to the possibility of thinking life in other ways than the natural and temporal expression of an essential substance (which runs from the traditional concept of subjectivity to the one of biological life). When Foucault, in *The Hermeneutics of the Subject* as well as in *The Government of the Self and Others II: The Courage of Truth* thinks about life as different modalities of *bios* (the *bios kunikos* as a radical form of *bios alethes*<sup>118</sup>), he does not refer to an intrinsic relationship between one's action and a transcendental concept of truth (as Platonic philosophy or the postulate of anthropological nature imply) but to life understood as a series of immanent acts which have no hermeneutic

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<sup>118</sup> This is the way in which, in his last lecture course at the Collège de France, Foucault understands the Cynical life as the true life (Foucault: 2011b, 231-249).

value. If the Stoics or the Cynics reflect upon their lives, it is not to extract from it a meaning derived from a primordial *logos* but to keep on shaping it in other ways.

This thesis has identified that a genuine critique of bio-power and biopolitics had to imply a critique of the concept of “natural” or “biological life” as an unquestioned correspondence between the immanence of existence and its possible representation within the field of scientific knowledge. This leads us to ask the question, within the scope of a work to come, what Foucault meant when, during a conference given at the Société Française de Philosophie on 27<sup>th</sup> March 1978, he claimed that critique was “[the art] of not being quite so governed” (Foucault: 1997, 47). “Not being quite so governed” [*ne pas être tellement gouverné*]<sup>119</sup>] does not refer to an anarchic refusal of political power. Rather, it calls for the possibility, through the inversion of the logic of *connaissance* into critical *savoir*, of not being governed *in this way*. In other words, it refers to what the Foucauldian genealogy has endeavoured to accomplish since its beginnings: to examine, throughout history, how men, without being aware of it, have been led to think and live differently.

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<sup>119</sup> Commentators have, until now, largely overlooked the meaning of this phrase. The French word *tellement* does not merely refer to the idea of an excess of political power. It also refers to *the way* in which this power is exerted.

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