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Kory P. Schaff

Agency and institutional rationality

Foucault's critique of normativity

Abstract   In this paper, I examine Foucault's conception of agency by reconstructing two complementary approaches he takes: the 'analytics of power', which examines the relation between norms and practice by charting the institutional development within which a set of norms emerge, and the concept of 'problematization', which examines *reason-giving practices*, or varieties of normative justification that legitimize rational institutions and agents' participation in them. Contrary to the standard caricature, Foucault's analysis of the relation between norms and institutions does not merely reduce the former to relations of 'power'. In short, he also thinks standards of justification are just as revisable (necessarily so) as social practices themselves, and the focus here will be on the relation and importance of these two complementary approaches to his critique of normativity.

Key words   agency · critique · Foucault · normativity · social practice

The present paper argues for a particular interpretation of Foucault's critique of normativity. There is a strong critique in his 'analytics of power' that focuses on norms in their institutional setting (a standard reading now widely popular), but more importantly this critique has a dimension concerned with normative practices of reason-giving or justification. Contrary to the standard caricature, Foucault's analysis of the relation between norms and institutions does not merely reduce the former to relations of 'power'. As he claims, the primary focus of his research is on the *subject* and not by itself some global conception of 'power' as that term is traditionally understood.[1]

There are thus two mutually supporting parts to Foucault's account

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of agency: a concrete description of the social practices within which its 'governing' norms emerge and a description of *reason-giving practices* and their collapse. (More on these terms and their distinction will follow.) Framing the critique with the former approach accounts for the general methodological approach Foucault takes to reconstructing historical events without presupposing a view of the rational subject as an historical constant. Or as contemporary discourse claims, he attempts to exit the 'philosophy of the subject'.[2] For Foucault, agency is to be treated as an historical variable itself and as such must be understood not merely from the viewpoint of subjects themselves (ignoring vital historical context). In other problem areas that he investigates, Foucault is working out an internal 'logic' that is essential to understanding the rise and fall of the normativity of reason-giving which itself binds agents to the rational norms of institutions.[3] In short, he also thinks standards of justification are just as revisable (necessarily so) as social practices themselves, and the focus here will be on the relation and importance of these two complementary approaches to his critique of normativity.

In Part I, I examine Foucault's 'analytics of power', the reconstruction of social processes and institutional arrangements responsible for the *productive* dimension of power. On this view, power does not merely exclude or repress, but also invests and produces. Here I turn to *Discipline and Punish* in order to identify the important contours of Foucault's theory and how it represents a critique of the normative by examining a set of institutional arrangements which are the conditions under which agency is made possible. In Part II, his explanation of the collapse of certain normative practices of justification will be examined in more detail. The focus will be on some central problems of sexual practices and their justification in antiquity. What I want to demonstrate is that Foucault does have a sense of reason-giving as a form of internal normative justification, which he does think is a necessary component of any adequate account of agency. When there is a tension or contradiction in those reason-giving practices, what he calls a 'problematization', social practices or institutions themselves undergo significant and irreversible transformations. The importance of this dimension to Foucault's critique cannot be underestimated. By demonstrating that such normative practices are themselves internally susceptible to revision, I think Foucault's own normative commitments can be made more clear. Finally, in the conclusion I shall consider those commitments, especially in their complex relation to the problem of autonomy or freedom, and assess Foucault's hypothesis of the role agency plays in social change.

I 'Analytics of power': the relation between institutions and norms

Charting the developmental relation between institutions and norms is central to the aim of *Discipline and Punish* 'to study the metamorphosis of punitive methods on the basis of a political technology of the body in which might be read a common history of power relations and object relations' (*DP* 24).[4] Foucault wants to examine more than just the changes penal practices underwent coming out of the Classical Age. There is an entire critical shift from the 18th century and its model of organizing power ('the sovereign') to the 19th century, where a proliferation of practices that he calls 'disciplines' began to form around the body, both as an individual site of social control and as a political site invested with all the concerns of population growth (cf. *HS* 136–7).[5]

> This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with relations of power and domination; but, on the other hand, its constitution as labour power is possible only if it is caught up in a system of subjection (in which need is also a political instrument meticulously prepared, calculated and used); the body becomes a useful force only if it is both a productive body and a subjected body. (*DP* 25–6)

Foucault is claiming, in part, that complex social organizations, as they underwent important and dramatic changes, including population shifts, industrialization and urbanization, required a new 'strategy' for investing bodies with power. Investing agents with power is a process of normalization that targets individual bodies in order to regulate and maintain the social body as a whole. It is Foucault's way of discussing the socialization of individual agents to be essentially 'rule-followers'. The requirements of a growing social body (that is, the historical backdrop of the transformation to modern society) thus was fundamentally influential on the 'micro-physics' of power, or how individuals could be reproduced as normalized subjects who are functionally pliable to these new requirements. As he himself states, '[my goal] has been to create a history of the different modes by which, in our culture, human beings are made subjects'.[6]

These requirements constitute the 'power–knowledge' relations that work in tandem to demarcate, organize, and discipline heterogeneous bodies into individual subjects who are fully *normed* or integrated into social practices of rule-following. The tendency to focus on power–knowledge relations exclusively, and the standard argument that Foucault reduces all forms of knowledge to relations of power, is thus an unjustified and unfortunate reading. Foucault's point is to examine

the subject as the pivotal point where practices and norms are connected: 'These "power–knowledge relations" are to be analysed, therefore, not on the basis of a subject who is or is not free in relation to the power system, but, on the contrary, the subject who knows, the objects to be known and the modalities of knowledge' (*DP* 27–8). The motivating question is how to get a number of 'bodies' (Foucault's sense of this term is loose, and I shall not explicate it further here)[7] coordinated, how to fashion them to follow the same rules, and how to invest them in the practices that make them subjects. The ideas expressed by Foucault thus exhibit the features of a general theory of agency which tries to account for individuals as they both stand out from and are intractably tied to the social practices of a given historical period. Foucault's strong but vague claim is that the 'soul is the prison of the body', and it is important to note that he argues that the soul, whatever it may be, is a constructed 'product' made possible by the social practices and institutions he designates as disciplines (30).

What I have been discussing until now is Foucault's general theory of agency as an explication about the relation between practice and norms. Agents are situated within practices that, in a sense, constitute forces and organize activity, thus simultaneously producing and constraining those rational norms that are constitutive of an agent's free actions. Agents do not just act in a vacuum; rather, they act in ways consistent with the social practices, broadly construed, which structure the social whole in which they find themselves acting. But what are some of the specific features of this relation between practices and norms? How can we make sense of them? And how does Foucault account for the ways in which power, as the strategy for organizing social bodies, normalizes individuals? Finally, how are we to characterize this relation in normative terms?

We should note that Foucault is analyzing a number of practices that grew up around and are to be associated with the practices of punishment, both prior to and after the French Revolution. Although the French Revolution is not explicitly designated as an appropriate demarcation between the Classical Age and modernity, it clearly represents a critical event in terms of describing the shift from sovereign to disciplinary power arrangements. The narrowness of Foucault's research project to examine punishment and correction, I believe, does not deter the implications of the historical findings. There is more going on in this work than its subtitle about the 'birth of the prison' suggests. Foucault is quite clearly reconstructing some general social practices in their institutional forms which underwent dramatic changes during a critical period at the beginning of *modernization*, thus giving birth to a 'new' set of practices and correlatively a new *style* or *mode* of agency. It is important to note, however, that Foucault does not subscribe to

anything like a univocal break between one historical period and another.[8] In fact, he seems to have a deep appreciation both of the ruptures and the continuity that characterize large-scale shifts in social organizations, as older, insufficient institutions are replaced by those more technically and justifiably suited to solve or contain internal problems.[9]

The focus on punishment is not without purpose, however. Foucault's reconstruction, situated in relation to class analysis and not at all opposed to it, demonstrates that near the end of the 18th century, crime and its punishment became a permanent concern of sovereign power.[10] This is because the ritualized practice of torture as the accepted paradigm made it possible for groups of individuals to organize around such events as well as respond to them openly, which created problems in controlling the 'surplus-power' engendered during such public spectacles. In short, questions about how to control the crowds, along with a growing sense of dissatisfaction brought about by the open exercise of power on the bodies of the sovereign's legal subjects, were posed and found wanting. Not only did the 'lower strata of the population' begin to look with disfavor upon such penal practices, but an entire popular literature began to emerge around criminal figures as heroes who represented their interests against those of the sovereign (*DP* 61; cf. 67–9). The growing gap between classes, and the rise of the bourgeoisie, made possible a 'state of permanent unrest' when it came to the political control and social maintenance of individuals. In this way, how sovereign power organized its penal practices began to develop internal problems, given the aim of regulating and ordering the social body without individuating and destabilizing it. When defining changes arose in the population – how it was organized and its complex features – a new set of problems faced authorities concerned with the security and longevity of the state.

> The reform of criminal law must be read as a strategy for the rearrangement of the power to punish, according to modalities that render it more regular, more effective, more constant and more detailed in its effects; in short, which increase its effects while diminishing its economic cost (that is to say, by dissociating it from the system of property, of buying and selling, of corruption in obtaining not only offices, but the decisions themselves) and its political costs (by dissociating it from the arbitrariness of monarchical power). (80–1)

While the French Revolution does not sit definitively on one side or the other of the organization of crime and punishment, it does reflect the same social processes challenging the organization of power characterizing the sovereign. New authorities (the bourgeoisie) faced old problems with new material: the features of the social landscape not

only changed politically in the 19th century from absolutism to repub-
licanism, but it also began to change socially and economically from
agrarian to urban and industrial, as well as normatively in terms of
refined ethical sensibilities and a growing distrust toward open displays
of state power. As Foucault claims, 'the people was robbed of its old
pride in its crimes; the great murders had become the quiet game of the
well behaved' (69).

A new *modus vivendi* thus began to emerge which addressed these
challenges brought on by changing features of the social organization.
If we examine the specific features of how penal institutions were
organized, we shall notice the considerable overlap between a wide
variety of social practices with similar concerns. Reflecting on this text
in a later interview, Foucault states: 'But what I also try to bring out
is that, from the 18th century onwards, there has been a specific reflec-
tion on the way in which these procedures for training and exercising
power over individuals could be extended, generalized, and
improved.'[11] And he is explicit in pointing out that the normalizing
power of these practices began to focus, in certain ways, on the same
problem to make practices and agents more visible and regular: 'In
short, the power to judge should no longer depend on the innumer-
able, discontinuous, sometimes contradictory privileges of sovereignty,
but on the continuously distributed effects of public power. This
general principle defined an overall strategy that covered many
different struggles' (*DP* 81). Many of these practices must be seen
against the background of a steadily growing systemization of wealth
and organization of the economy found under capitalism. In terms of
crime and punishment, the fact that 'wealth tended to be invested, on
a much larger scale than ever before, in commodities and machines pre-
supposed a systematic, armed intolerance of illegality. The phenom-
enon was obviously very evident where economic development was
most intense' (85). For the practices to be organized in an effective way,
however, what was required was more than the repression of crime
against property by making examples of transgressors. That would be
to invite all the same problems which developed under sovereign power,
especially with the growing rifts between classes made more acute
under industrialization. The overlap of practices began to organize
individuals, to have knowledge of them, to make them more regular,
in short, to *norm* them, or integrate them fully in the social practices
which organized activity and life on a new and larger scale. From the
'bottom up', so to speak, individuals were made agents constituted by
wide-scale practices of rule-following brought on by normalization
procedures in their institutional setting. And this is what Foucault
means by the vague and controversial but essentially correct statement,
'Power comes from below' (*HS* 94).

Hence, the birth of the *disciplines*. Perhaps the most important feature of disciplinary power, a 'knowledge of individuals' is the basis for making efficient and regular their activities in ways that make for better coordination and efficient productivity. Foucault at one point calls this 'the problem of the entry of the individual (and no longer the species) into the field of knowledge' (*DP* 191). In examining the treatment of prisoners, Foucault notes the fundamental importance of this feature: 'no doubt the most important thing was that this control and transformation of behaviour were accompanied – both as a condition and as a consequence – by the development of a knowledge of the individuals' (125). To have knowledge of an object it must be constituted as such, and practices of objectification within the emergence of the human and social sciences is a central theme of Foucault's earlier work in *The Order of Things*.[12] The analysis of penal practices also explains the normative constitution of agents by situating them within the legal practices which codify behavior and regulate activity. In short, the 'rule of law' requires a 'subject of law' and a variety of practices are bent toward the same end, namely, of making individuals rule-followers, 'the obedient subject, the individual subjected to habits, rules, orders, an authority that is exercised continually around him and upon him, and which he must allow to function automatically in him' (128–9).

Foucault's 'analytics of power' describes these practices against a particular historical backdrop, which in turn provides a considerably strong argument about how to understand the relation between practice and norms. Agents do not *merely* constitute themselves and their activity spontaneously, as if they could be thought both to 'invent' and to 'apply' norms of conduct as wholly autonomous self-legislators.[13] There is a long, protracted process of 'making' agents pliable to the norms expressed within the organization of practices and institutions that require agents to judge and act on their own, the standard philosophical formula of *self-determination*, or acting freely. The agent's freedom is further underwritten by her enhanced capacities, developed through increasingly efficient and functionally appropriate normalization procedures and their institutional organization. 'If economic exploitation separates the force and the product of labour, let us say that disciplinary coercion establishes in the body the constricting link between an increased aptitude and an increased domination' (*DP* 138; cf. 155, 170).

What is crucial about *Bildungsprozeß* is that within the organization of the social form (the sum of practices and their overlapping and mutual reinforcement) there are also normative practices that justify it. These are what I have been referring to as 'reason-giving practices'. Foucault shows us that the relative emergence of these normative practices, alongside the institutions that they justify, created perhaps

irresolvable difficulties. 'While jurists or philosophers were seeking in the pact a primal model for the construction or reconstruction of the social body [the social contract model], the soldiers and with them the technicians of discipline were elaborating procedures for the individual and collective coercion of bodies' (*DP* 169). For Foucault, an asymmetry begins to appear between practices organized through disciplinary power and the reason-giving practices by which agents are to justify their participation in them. How else can one understand the existence, for example, of 'pre-modern' forms of life continuing in a putatively 'modern' world if there is not some 'slippage' between the emergence of new practices and their normative underpinnings? Put another way, our modern norms of freedom do not by themselves immediately guarantee that the conditions of their possibility are fully integrated and actualized without contradiction and tension.

The rise of liberalism, the contract way of understanding political obligation, and the view of modern autonomy as wholly self-authorizing seem at odds with the empirical facts reconstructed in Foucault's account. As he claims, the disciplines arose in order to engender and enhance social coordination, thus making possible the stable political and social order envisioned by modern liberals. But the long struggle against absolutism appealed to reasons which self-authorizing agents could themselves provide independently of tradition and dogma, both politically and religiously. How can the normative views of Enlightenment liberalism then be reconciled to the disciplinary practices that organized collective action appealing to reasons of efficiency, knowledge of individuals and their social competencies, and economic and political costs? I think something like this question is the powerful underside of Foucault's critique of normativity from the viewpoint of its institutional setting. It is clear that he points out a disjunct between our practices (the very ones that made us modern agents) and the practices of justification that legitimate them: 'The real, corporal disciplines constituted the foundation of the formal, juridical liberties. The contract may have been regarded as the ideal foundation of law and political power; panopticism constituted the technique, universally widespread, of coercion' (*DP* 222). This disjunct is made clear by reconstructing the internal organization of institutions as they emerged through complex historical events and changing social processes, the basic concern of *Discipline and Punish*. But it has important implications for our contemporary practices that continue to enjoy legitimacy based on normative ideas of individual participation and 'authorization' which appear to be inconsistent with how practices and their organization actually *do* norm agents as rule-followers within and through those very same practices.

This is not to say that Foucault is opposed to the modern project

of freedom simply because modernization processes turn out, upon more detailed empirical analysis, to be at odds with our most cherished and naive beliefs about autonomy and individual self-authorization. Rather, such analysis contributes to that project by historicizing those norms further, and this allows us to see where we have come from and perhaps how far we may have to go. He states as much in a later interview: 'We must also have the modesty to say, on the other hand, that – even without this solemnity [of thinking the modern age is reconciled] – the time we live in is very interesting; it needs to be analyzed and broken down, and that we would do well to ask ourselves, "What is the nature of our present?" '[14]

II 'Problematization' and the collapse of reason-giving practices

Foucault's critique of the normative has a second dimension, one that I argue strengthens the overall case he makes that institutions, while self-generating their own distinctive set of 'functional' norms, also tend toward instability from the normative side. This last idea is developed in the category of 'problematization' by which Foucault identifies problems that arise within reason-giving practices that internally justify the organization of specific practices and institutions historically. These problems develop internally to the *normative scheme* and thus demonstrate, in part, the relative autonomy of norms in relation to practice. Not only do institutional arrangements determine norms (broadly), but norms also shape and influence their development and organization. To get at this dimension of Foucault's critique, I examine his account of the collapse of some ancient sexual practices in the second and third volumes of *The History of Sexuality*.[15]

In the Introduction to *The Use of Pleasure*, Foucault situates his historical investigation of ancient sexual practices by claiming that previous work provided him with the necessary 'tools' of investigation: 'analysis of practices made it possible to trace the formation of disciplines (*saviors*) while escaping the dilemma of science versus ideology' (*UP* 4). But understanding the 'mode of subjectivation' encountered problems: wanting to know how individuals are related to themselves as subjects required demarcating a new domain 'to analyze the practices by which individuals were led to focus their attention on themselves, to decipher, recognize, and acknowledge themselves as subjects of desire' (5). Foucault's attention thus shifts to normativity itself, or the relations agents have to themselves that motivate their rule-following activities. There is a contrast, then, between those social practices and their organization and what he calls 'practices of the self', or

'technologies' which, in their development, motivate subjects to act a certain way, to follow certain ways of being, and recognize their activity within the 'ethical substantiality'.[16] To be sure, these normative practices are social and organized as well. But there is a contrast that allows for the *slippage* Foucault identifies between the development, for example, of moral codes elaborating rules to practice and the differentiation of subjects throughout who follow those rules. 'In other words, the interdiction is one thing, the moral problematization is another . . . . But, after all, this was the proper task of a history of thought, as against a history of behaviours or representations: to define the conditions in which human beings "problematize" what they are, what they do, and the world in which they live' (10).

In attempting to situate the shift from his earlier project to analyze sexuality as a construction of institutional complexes and varieties of discourse, Foucault's focus turns to *reason-giving practices* and the justification of socially organized activities. 'It was a matter of analyzing, not behaviours or ideas, nor societies and their "ideologies", but the *problematizations* through which being offers itself to be, necessarily, thought – and the *practices* on the basis of which these problematizations are formed' (*UP* 11). That he is turning his attention to the 'space of reasons' is thus evident in the material he chooses to examine, namely, ' "prescriptive texts" . . . written for the purpose of offering rules, opinions, and advice on how to behave as one should' (12).[17] Is there evidence to suggest that Foucault's considered judgment is what I have been claiming, namely, that there is a relative autonomy of norms in terms of influencing the organization and development of social practices themselves? That would be a different set of arguments beyond the scope of this paper. But I think there are strong reasons to suggest that this is the case for two reasons. First, it is clear that Foucault's move away from the analysis of practices to the analysis of 'problematization' already indicates what he takes to be the determinate influence that norms have over practices and their arrangement historically. An important example that he chooses to focus on is the 'attitude' one adopted toward oneself regarding the pleasures, designated in the Greek term *enkrateia* ('mastery'). And perhaps the most salient discussion of the importance of engendering this 'attitude' is Plato's analogy of the soul and the city, which holds that the correct modeling of pleasures in the soul is crucial to the political stability of the city (cf. 70–1).[18] Second, Foucault is explicit that exercises on oneself, in order to develop precisely the correct attitude of the subject in relation to itself, comprise a practice which over time develops its own tendencies; for example, eventuating in the practices of self-knowledge of the Stoics. 'And yet, this "ascetics" was not organized or conceived as a corpus of separate practices that would constitute a specific

art of the soul. . . . It would not be long before this ascetics would begin to have an independent status, or at least a partial and relative autonomy' (77).[19]

The analysis of the normative practices providing *reasons for* the organization of sexual practices in antiquity helps to identify the problems which arose concerning the practices of male same-sex relations. According to Foucault, there are four elements comprising a core set of concerns about sex and one's relation to the practice of sex that remain persistent themes throughout the development of sexual practices in the west: (1) a general fear of the sexual act; (2) models of how one is to conduct oneself regarding sexual practices; (3) images which tended toward the instability of those practices; and (4) models of abstention and their relation to an ideal of 'truth' (16–20). It is important to note that all of these concerns are already present in the sexual practices of antiquity, but how did problematizing such practices result in their collapse? Foucault wants to hold, I think, that such an explanation must focus not *just* on the organization of the practices themselves (although this must necessarily be a part of any explanation), but on the relation of the individual to those practices, or, even more precisely, on *the relation of individuals to themselves* implied in such practices. Put another way, he wants to account for the individual's normative 'allegiance' to them. An explanation cannot simply focus on 'rules of conduct', but must include an analysis of how individuals constitute a certain way of being which is consistent with following those rules and the 'work' one does upon oneself, 'not only in order to bring one's conduct into compliance with a given rule, but to attempt to transform oneself into the ethical subject of one's behavior' (27). Such analysis deepens his critique of normativity because it allows us to examine the ways in which rule-following cannot be reconstructed as an external event by which self-determining agents just voluntarily 'take on' norms of conduct. Rather, as Foucault points out in the ancient Greek *polis*, 'more important than the content of the law and its conditions of application was the *attitude that caused one to respect them*' (31; emphasis added). He also states that by 'arts of existence' he means to designate 'those intentional and voluntary actions by which men not only set themselves rules of conduct, but also seek to transform themselves' (4), which implies that he does not merely think institutions determine a subject's relation to normative activity like a one-way street.

Now, the four 'axes of experience' along which these problematizations are charted – body, wife, boys, and truth – all exhibit similar problems in terms of the norms expressed within the practices and the technologies of the self that develop to maintain one's relation to those norms. I shall turn now to one example of the collapse of a certain form

of justification surrounding the sexual practices between adult male citizens and male youths, an example which runs from the problematization of 'boys' as objects of pleasure in ancient Greece to the verge of its collapse in late antiquity.

While it is clear that the Greeks did not conceptually recognize two different kinds of desire with respect to two sexual objects (one hetero- and the other homosexual), they did elaborate two models of conduct regarding the use of pleasure toward them (cf. 192). This is because within the ethical status of same-sex relations, there arose a number of concerns consisting of an entire elaboration of technologies aimed at curbing the fears associated with the organization of *aphrodisia*. These concerns were based on differences in age and status, and more importantly on the requirements of citizenship, especially the self-mastery a citizen must learn if he is to contribute to the life of the *polis*.[20] It is this last concern which represented the greatest problematization of male sexual relations. There is little doubt that male same-sex relations were viewed as an integral part of the education of boys to 'make' them virtuous citizens, but they were also the most problematic to justify given a sexual dualism of activity–passivity modeled on both a politics and a metaphysics of rulership and ruled.

> The attention and concern was concentrated on relations in which one can tell that much was at stake: relations that could be established between an older male who had finished his education – and who was expected to play the socially, morally, and sexually active role – and a younger one, who had not yet achieved his definitive status and who was in need of assistance, advice, and support. (195)

Moreover, the sexual relation was viewed as a part of the process of solidifying social relations, in which a conversion takes place from sexual desire to '*philia*, i.e., an affinity of character and mode of life, a sharing of thoughts and existence, mutual benevolence' (201).

Same-sex relations among males as a widespread practice made necessary an entire elaboration of reason-giving practices, or forms of justification, to strike a manageable balance between the norms of sexual conduct and the norms of political life. The emphasis of 'moral reflection was less concerned with specifying the codes to be respected and the list of acts that were permitted and prohibited than it was concerned with characterizing the type of attitude, of relationship with oneself that was required' (209). The problems that arose in reason-giving practices organized around this erotics appear from the outset as irresolvable. The question of how to achieve an equilibrium between this erotics and the political norms of authority, superiority, and domination was always relevant and urgent for the Greeks. Foucault identifies the problem that such an ongoing question creates for moral

reflection on these matters: 'Pleasure principles were conceptualized using the same categories as those in the field of social rivalries and hierarchies. . . . And this suggests that there was one role that was intrinsically honorable and valorized without question: the one that consisted in being active, in dominating, in penetrating, in asserting one's superiority' (215). It was not whether a free man could be the object of the sexual pleasure of another as such, but whether one 'could be – for a period that everyone knew to be brief – an *admissible* object of pleasure' (220; emphasis added). Here an irreconcilable tension develops in the normative practices which justify the organization of *aphrodisia*, and it is this tension that is the concern of a Socratic-Platonic reflection on the love of boys, which in attempting to deflate it 'thereby introduces the question of truth into the love relation as a fundamental question' (243). This is crucial, of course, for Foucault's last investigations to uncover the origins of what will later be constituted in the 19th century as 'sexuality': 'Thus, we see where ground is broken for a future inquiry into desiring man' (244).[21]

To complete the story of how problems internal to the reason-giving practices themselves led to the collapse of this quasi-pedagogic institution, we need to look for the point at which Foucault picks up the subject again in *The Care of the Self*. In the sixth part, he examines the status of boys in Roman discourses and finds that a 'deproblematization' occurs. Does this mean that the concerns associated with male same-sex relations diminished? Not quite. Instead, the concerns shift due to changing sexual practices themselves situated within larger social and historical transformations: first, the children of citizens enjoyed protection as a result of Roman legal codification; second, male sexual relations were practiced with slave-boys, about whose status no one needed to concern themselves; and third, changes in pedagogical practices made the social valorization of male sexual relations less intelligible in terms of traditional educational reasons. It is also important to note that changes in citizenship brought about by the requirements of empire led to 'a certain lessening of the importance of personal relations of *philia*' (190).[22] As a result, Foucault states the obvious paradox that becomes impossible for reasons to justify adequately: 'it was around the question of pleasure that reflection on pederasty developed in Greek antiquity; it is around this same question that it will go into decline' (192). And his focus on the internal collapse of the reason-giving practices that paved the way for the obsolescence of male same-sex relations is moreover made explicit. 'Now the difficulty becomes the reason for seeing it as a taste, a practice, a preference, which may have their tradition, but which are incapable of defining a style of living, an aesthetics of behaviour, and a whole modality of relation to oneself, to others, and to truth' (192).

In examining texts such as Plutarch's *Dialogue on Love*, Foucault explicates the debate about the nature and status of love as an example of a reason-giving practice. 'The theoretical aim of the debate is in harmony with this devotional practice. It will provide the *rational justification* for the latter: to show that the conjugal relationship, more than any other, is capable of accommodating the force of love, and that, among humans, love has its privileged place in the couple' (194; emphasis added). The debate covers the range of reasons that justify, for example, the choice between male sexual relations on the one hand and marriage to a woman on the other. Foucault characterizes these changes as two shifts: first, the choice that constructs two possible forms of love; and second, the choice that confers on the marriage relationship 'the same ethical potential as the relationship with a man' (197). The specific failure of the traditional justifying reasons for the superiority of male relationships arises due to the inability of those reasons to address adequately 'pederastic hypocrisy', or as Foucault calls it, the 'great disjunction':

> One sees the dilemma: either the *aphrodisia* are incompatible with friendship and love, and in this case the lovers of boys who enjoy in secret the bodies they desire have fallen from the heights of love; or one admits that sensual pleasures have a place in friendship and love, and so there is no reason to exclude from the latter relationships with women. (201)

The convergence of events here, brought about by the collapse of justification that provided male relations their privileged place among relations as such, is crucial. The re-organization of sexual practices follows the inability of traditional forms of justifying the superiority of male sexual relations, and in turn the conjugal relationship of husband and wife begins to supplant pederasty, which 'finds itself, in the last analysis, invalidated and fallen into disfavor' (205). As the text by Pseudo-Lucian basically claims, the justification that male sexual relations is integral to the ongoing discourse of philosophy is problematic, especially when physical pleasure is a reoccurring theme which never finds a stable justification in the normative reasons given for such relations. 'It is a fundamental objection to the very old line of argument of Greek pederasty, which, in order to conceptualize, formulate, and discourse about the latter and to supply it with reasons, was obliged to evade the manifest presence of physical pleasure' (227; cf. 219). It is important to note that these are developments internal to the reason-giving practices themselves, such that Plutarch is able to appropriate the same reasons given by Platonic erotics to justify heterosexual marriage. The preconditions are thus laid down for the delegitimation of male same-sex relations as an essential part of the organization of sexual practices socially, thus preparing the way for the Christian normative

model of legitimate sexual relations exclusively in the institution of heterosexual marriage.[23]

III Critique and the problem of normative commitments

This last move in late antiquity from the collapse of reason-giving practices in Roman male sexual relations to the emergence of Christian norms of marriage, sexual relations and the body was an area Foucault began to investigate but left incomplete.[24] It is clear from the writings and lectures he left on the subject that at this crucial point something like the western 'subject' begins to take definite shape, organized around an intimate triad of power, sex and truth (the standard mantra). In this last section, however, I want to indicate not where the project may have gone, but what the project, as well as other related investigations by Foucault, may *mean* for us as we think about explaining the nature of normativity and its role in the organization and transformation of social practices and institutions.

Despite Foucault's insistence on the local application of his 'genealogies' and their lack of normative commitments, there is a coherence taking shape in his last works, and the focus, it seems to me, demonstrates the necessary role of 'critique' in the dynamic constant of institutions and their justification. This seems to constitute the very idea of social criticism, so examining Foucault's views on the nature and application of the concept of 'critique' should tell us much about his normative commitments. There are many places to turn for these views, but the most explicit statement is provided in his Kantian lecture *What is Critique?*, which takes up themes similar to the essay *What is Enlightenment?* It is here that Foucault discusses the nature and scope of critique in a way that converges with what he takes to be his own projects:

> However, above all, one sees that the core of critique is basically made of the bundle of relationships that are tied to one another, or one to the two others, power, truth and the subject. And if governmentalization is indeed this movement through which individuals are subjected in the reality of a social practice through mechanisms of power that adhere to a truth, well, then! *I will say that critique is the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth.* Well, then!: critique will be the art of voluntary insubordination, that of reflected intractability. Critique would essentially insure the desubjugation of the subject in the context of what we could call, in a word, the politics of truth. (*PT* 32; emphasis added)

It seems that questioning 'truth' and 'power' is thus a concern about the relationship between practices and their justification. If we wanted to know about their relationship, and so have some understanding about

our present conditions, we could take a few possible routes in our investigation: analyze our present practices in their historical emergence, or analyze the collapse of their justifying reasons. The combination of both is what I have been calling Foucault's critique of normativity, because the questions he raises point to the contingency and limits of the strategies of justification which are paired to and legitimate various, local or overlapping practices. The methodological devices of 'knowledge' and 'power' serve to identify the links between what he calls 'mechanisms of coercion' and 'elements of knowledge', in order to 'grasp what constitutes the *acceptability* of a system, be it the mental health system, the penal system, delinquency, sexuality, etc.' (53; cf. 50–4; emphasis added).

Looked at in this way, Foucault's normative commitments are to understand how it is that we come to have something like normative 'commitments' at all, or reasons for accepting a set of institutions and their organization. Investigating as he does the problems that characterize the present, by reconstructing events and their internal organization, along with the effects that are implicit within current systems of practice and thought, Foucault continues a powerful explanatory model for describing and evaluating social change. The elaboration of this model is done through the development of procedures which identify and map the connections between institutions and their normative investment by agents who are themselves their products. It is worth quoting Foucault again at some length, because it is clear that important methodological reflections and clarifications occupy his attention in this lecture.

> These relationships [of interaction between groups and individuals] are in perpetual *slippage* from one another. At a given level, the logic of interactions operates between individuals who are able to respect its singular effects, both its specificity and its rules, while managing along with other elements interactions operating at another level, such that, in a way, none of these interactions appears to be primary or absolutely totalizing. Each interaction can be re-situated in a context that exceeds it and conversely, however local it may be, each has an effect or possible effect on the interaction to which it belongs and by which it is enveloped. Therefore, schematically speaking, we have perpetual mobility, essential fragility or rather *the complex interplay between what replicates the same process and what transforms it.* (*PT* 58; emphasis added)

The last point we must take seriously. The question about whether and how practices and their organization can sustain and reproduce themselves is always also a question about their 'essential fragility', or what I have been calling the relative autonomy of the normative. Agents interact in ways that not only re-produce the very practices which norm them, but that same interaction and how agents reflect on it through

the practice of giving reasons, has the excessive potential for *reorganizing* them. As Foucault claims, 'It is the possibility of control which gives rise to the idea of a purpose. But mankind in reality has no purpose, it functions, it controls its own functioning, and it continually creates justification for this control.'[25] Foucault is working out a 'logic of social coordination', it seems to me, by proceeding locally and carefully identifying all those tenuous links between institutions and their 'acceptability' and this is why I have been calling such a project an important model for explaining the role of normativity in social change.

Foucault's normative commitments are simply the possible application such findings would have for us in the present. His critics seem to want from him an indication of what such findings should motivate us to do or think if it is the case that what we are doing now is all about power and there is no escape.[26] But such received views distort the actual role that Foucault plays as a social critic or practitioner of critique: to reconstruct the historical events in which our modern practices emerged, to demonstrate the internal contradictions of forms of justification underwriting those practices, and to point out those practices today which continue to manifest disjuncts between their actual historical emergence and the reasons we currently hold for maintaining them. Of course, it is here that his critics claim Foucault is just part of the debate about modernity and its alleged 'overcoming'.[27] But even on this point, Foucault distances himself from '*post*-modernism', arguing that 'any diagnosis concerning the nature of the present . . . does not consist in a simple characterization of what we are but . . . any description must always be made in accordance with these kinds of virtual fracture which open up the space of freedom understood as a space of concrete freedom, i.e. of possible transformation'.[28] Moreover, the methodological restriction of analyzing local or specific practices calls into question the very charge made against him that he somehow or in some way globally condemns the modern project of autonomy altogether.[29]

Perhaps Foucault plays the role that Plutarch or Pseudo-Lucian played in their own era – the 'cynic' who indicates the possibility that our practices and their justification have irresolvable problems resulting in a *slippage* of sorts. It is just this slippage which allows agents to point out to one another the deficient reasons they continue to believe justify this way of being, at this time, and in this place. As Foucault states, 'we have to deal with something whose stability, deep rootedness and foundation is never such that we cannot in one way or another envisage, if not its disappearance then at least, identifying by what and from what its disappearance is possible' (*PT* 59). Without these gaps being 'pointed out' neither normative nor social practices would evolve. This is Foucault's motivation, for example, to do an analysis of penal systems

in *Discipline and Punish* as a 'history of the present' – reconstructing true accounts of institutions in their historical emergence, pointing out problematizations as the collapse of justification paired to such institutions, or even, as indicated in his last research interests on the ancient Greek idea of *parrhesia*, just 'speaking truthfully'.[30]

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Notes

1 'The Subject and Power', in Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2nd edn (Chicago: University of Chicago Press, 1983), p. 208.
2 See Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge, MA: MIT Press, 1987), esp. lectures 10 and 11.
3 In this way, I think it is fruitful to include Foucault in the circle of critical theorists (especially Marcuse) who are heavily indebted to post-Hegelian formulations of the social as developmentally dynamic, internalist, and structured by collectively shared sets of normative practices. For some striking parallels between early critical theory and Foucault's own later concerns, see Herbert Marcuse, 'Some Social Implications of Modern Technology', *Collected Papers: Technology, War and Fascism*, Vol. 1, ed. Douglas Kellner (London: Routledge, 1999), pp. 41–65.
4 Citations of Foucault's texts will follow standard internal abbreviations from the following editions: *CS*: *The Care of the Self*, Vol. 3, *The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1986); *DP*: *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977); *HS*: *The History of Sexuality*, Vol. 1, *An Introduction*, trans. Robert Hurley (New York: Vintage, 1978); *PT*: *The Politics of Truth*, ed. Sylvia Lotringer (New York: Semiotexte, 1997); *UP*: *The Use of Pleasure*, Vol. 2, *The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1985). Internal citations given by parenthetical page numbers without an abbreviation refer to the work specified in the prior abbreviated-title citation.
5 For another treatment of this topic, see Michel Foucault, 'Sexuality and Power' and 'Pastoral Power and Political Reason', in *Religion and Culture*, ed. Jeremy Carrette (New York and London: Routledge, 1999), esp.

pp. 128, 150. It is in some of these lectures, especially the Dartmouth lectures, that Foucault explicitly makes his interest known in texts of *Polizeiwissenschaft*, which began proliferating in the processes of modernization of the early nineteenth century.

6   In Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, p. 208. In 'The Subject and Power' Foucault also states explicitly that 'it is not power, but the subject, which is the general theme of my research' (209). It is important to examine these methodological reflections in various interviews and essays because they help to debunk traditional readings of Foucault that claim his central preoccupation is with power and that, in some sense, the subject and even knowledge formations can be reduced to power relations. As an example of these traditional readings, see Sheldon Wolin, 'On the Theory and Practice of Power', in *After Foucault*, ed. Jonathan Arac (New Brunswick, NJ: Rutgers University Press, 1988).

7   It might be that Foucault's heavy emphasis on the material practices themselves leads him to de-emphasize the subject and its correlative concerns with which traditional philosophy occupies itself. In this respect, he is more of an historian, as he himself claims in some places, than a philosopher. For comments that distance him from traditional philosophical projects, see 'Critical Theory/Intellectual History', in *Politics, Philosophy, Culture: Interviews and Other Writings, 1977–84*, ed. Lawrence Kritzman (London: Routledge, 1988). For comments that commit him to a certain style of philosophy, which he regards as 'a diagnosis of the present' much like Nietzsche's, see 'Who Are You, Professor Foucault?', in *Religion and Culture*, p. 91.

8   Cf. 'Critical Theory/Intellectual History', in *Politics, Philosophy, Culture*, pp. 34–5.

9   In this way, I think it is clear that Foucault's own Hegelian influence is both deep and under-appreciated by standard claims about his 'incoherent "genealogical" or "archaeological" power-is-everything' theses. (An important early influence, after all, was his teacher, Jean Hyppolite.)

10 Since Foucault's investigation is historically oriented, it is clear throughout that he accepts class analysis, but does not reduce all explanation to it. Cf. *Discipline and Punish*, pp. 61, 69, 85, 274–5 *inter alia*.

11 'On Power', in *Politics, Philosophy, Culture*, p. 105.

12 Michel Foucault, *The Order of Things* (New York: Vintage, 1970), esp. pp. 318–22, ch. 10. For one of the few excellent reconstructions of Foucault's views on the subject-matter, see Gary Gutting, *Michel Foucault's Archaeology of Scientific Reason* (Cambridge: Cambridge University Press, 1989).

13 This does not mean that norms do not have a relative independence in relation to the practices within which they emerge. I shall examine this problem in more detail in the second section. Clearly, Foucault thinks that practices and 'the methods used, right down to the way of conditioning individuals' behavior, have a logic, obey a type of rationality' ('On Power', p. 105). Whether this means that normative practices have an internal logic of their own, or whether they merely replicate the kind of strategic logic of

practices themselves, are questions I cannot answer at this point, although admittedly many important problems hinge on how those questions get asked and answered.

14 'Critical Theory/Intellectual History', in *Politics, Philosophy, Culture*, p. 36.

15 This is not to deny that the interest in reason-giving practices and the problems of justification are not also raised in *Discipline and Punish*. The focus, however, remains mostly on the organization of the institutions themselves, although much attention is paid throughout to historical discourses which legitimate that organizational activity. For examples, see *DP*, pp. 44, 54–5, 57 on various strategies of justification adopted in defense of forms of punishment.

16 I have in mind here Hegel's concept of *Sittlichkeit* as a shared way of life characterized by norms of justification and publicly accepted and validated ways of making true claims. See, for example, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977), ¶439–41, etc. Foucault uses the phrase 'ethical substance' throughout to describe the way in which individuals constitute themselves (through the family and broader social relations) as subjects (*UP* 25–6). I thus think that Foucault's project follows the traditional problems and strategies of post-Kantian Idealism, especially its ongoing categorical development of *Kritik*, rather than *opposing* itself to that tradition and its defense of the possibility of modern freedom. On the claims of 'idealism' and its culmination in Hegel's system, I follow the extremely helpful work of Robert Pippin, *Modernism as a Philosophical Problem*, 2nd edn (Oxford: Blackwell, 2000), although I disagree strongly with what seem to me to be his own 'potted accounts' of Foucault as allegedly *anti*-modern (cf. pp. xii, 158, 169, etc.). For example, take Foucault's own comments in 'Critical Theory/Intellectual History' where he makes claims that his own views are consistent with the modern project: 'I am not prepared to identify reason entirely with the totality of rational forms which have come to dominate . . . in types of knowledge, forms of technique and modalities of government or domination. . . . So I do not see how we can say that the forms of rationality which have been dominant in the three sectors I have mentioned are in the process of collapsing and disappearing. I cannot see any disappearance of that kind. I can see multiple transformations, but I cannot see why we should call this transformation a collapse of reason. . . . So there is no sense at all to the proposition that reason is a long narrative which is now finished, and that another narrative is under way' (35). For a brief attempt to demonstrate Foucault's continuity with at least one aspect of the Enlightenment project's commitment to autonomy, see my 'Foucault and the Critical Tradition', *Human Studies* 25(3): 323–32.

17 The 'space of reasons' demarcates the domain of normativity that is not reducible to 'natural' explanations of the causal variety. See Wilfred Sellars, *Empiricism and the Philosophy of Mind* (Cambridge, MA: Harvard University Press, 1997), p. 76; and John McDowell, *Mind and World* (Cambridge, MA: Harvard University Press, 1996), pp. 5–6.

18 See Plato's *Republic*, 435b–e, for the analogy.

19 Foucault concedes a relative autonomy to 'discourse' early on in his (more
    structural) investigations of language, discursive practices, and conceptual
    formations in *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith
    (New York: Pantheon, 1972), esp. ch. 5. This point was helpfully suggested
    to me by Jim Bernauer.
20 This is why Aristotle forbids citizens from engaging in the common tasks
    of work. See *Politics*, 1255b.35–7. For the overall discussion of the
    necessary self-mastery required for educating citizens to be rulers, see
    1254a.20–35.
21 Foucault first formulates the outlines of this large project in Vol. I of *The
    History of Sexuality*, pp. 156–7. Later, of course, he abandons this project
    somewhat by reverting to antiquity to examine the shift in practices where
    ground was first broken in fashioning something like the modern concep-
    tion of 'desiring humans'.
22 See, for example, Hegel's explanation of the changing normative concep-
    tions of citizenship from 'substance' to 'legal atomism' brought about by
    the changing social landscape of Rome's empire-building in the *Phenom-
    enology*, ¶¶476–83.
23 See Foucault, 'About the Beginning of the Hermeneutics of the Self',
    Religion and Culture, pp. 158–81.
24 Foucault, *Religion and Culture*, Part III.
25 Foucault, 'Who Are You, Professor Foucault?', in ibid., p. 102.
26 This is the view of Nancy Frasier, *Unruly Practices: Power, Discourse, and
    Gender in Contemporary Social Theory* (Minneapolis: University of
    Minnesota Press, 1989), ch. 1.
27 Cf. Pippin, *Modernism as a Philosophical Problem*, pp. xii, 158, etc.
28 'Critical Theory/Intellectual History', in *Politics, Philosophy, Culture*,
    p. 36.
29 For reasons such as these, I think both Habermas and Pippin mistakenly
    lump him with other 'post-moderns' who call into question either the
    integrity of or the possibilities for the modern project of freedom. Foucault's
    research seems to me better situated as specific (empirical?) extensions of
    critical theory of the post-Hegelian variety.
30 Lectures on *Parrhesia*, unpublished summaries, Collège de France
    (February–March 1984).