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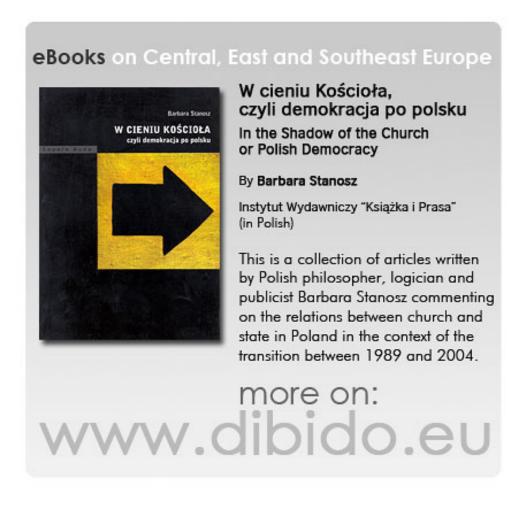
«Foucault on Modern Power: Empirical Insights and Normative Confusions»

by Nancy Fraser

FOUCAULT ON MODERN POWER: EMPIRICAL INSIGHTS AND NORMATIVE CONFUSIONS

Nancy Fraser

For the past several years, Michel Foucault has been theorizing about and practicing a new form of politically engaged reflection on the emergence and nature of modernity. This reflection, which Foucault calls "genealogy", has produced some extremely valuable results. It has opened up some new areas of inquiry and problematized some new dimensions of modernity; as a result, it has made it possible to broach political problems in fruitful, new ways. But Foucault's work is also beset by difficulties. It raises a number of important philosophical and political questions which it is not, as it stands now, equipped to answer. This paper aims to survey the principal strengths and shortcomings of Foucault's work and to provide a balanced assessment of it.

Most generally, it is my thesis that Foucault's valuable accomplishment consists of a rich empirical account of the early stages in the emergence of some distinctively modern modalities of power. This account yields some important insights into the nature of modern power. These insights, in turn, have political significance in that they suffice to rule out some rather widespread political orientations as inadequate to the complexities of power in modern society.

For example, Foucault's account establishes that modern power is "productive" rather than negating. This suffices to rule out liberationist politics which presuppose that power is essentially repressive. Similarly, Foucault's account demonstrates that modern power is "capillary", that it operates at the lowest extremities of the social body in everyday social practices. This suffices to rule out state-centered and economist political praxes since these praxes presuppose that power is located essentially in the state or economy. Finally, Foucault's genealogy of modern power establishes that such power touches people's lives more fundamentally through their social practices than through their beliefs. This, in turn, suffices to rule out political orientations aimed primarily at the demystification of ideologically distorted belief systems.

This is not to suggest that the sole importance of Foucault's account of the nature and emergence of modern forms of power is the negative one of ruling out inadequate political orientations. More positively, it is that Foucault enables us to understand power very broadly, and yet very finely, as anchored in the multiplicity of what he calls "micropractices", the social practices which comprise everyday life in modern society. This positive conception of power has the general but unmistakable implication of a call for a "politics of everyday life".

These, in general, are what I take to be Foucault's principal accomplishments and contributions to the understanding of modernity. They were made possible, it seems, by Foucault's use of his unique genealogical method of social and

historical description. This method involves, among other things, the suspension of the standard modern liberal normative framework which distinguishes between the legitimate and illegitimate exercise of power. Foucault brackets those notions, and the questions they give rise to, and concentrates, instead, upon the actual ways in which power operates.

As I have said, Foucault's suspension of the problematic of legitimacy has unquestionably been fruitful. It is what enables him to look at the phenomenon of power in interesting new ways and, thereby, to bring to light important new dimensions of modernity. But, at the same time, it has given, or is likely to give, rise to some grave difficulties. For example, it has been or may be supposed that Foucault has given us a value-neutral account of modern power. Or alternatively, since this does not square with the obvious politically engaged character of his writing, that he has some alternative normative framework to the suspended one. Or since none is readily apparent, that he has found a way to do politically engaged critique without the use of any normative framework. Or, more generally, that Foucault has disposed altogether of the need for any normative framework to guide politics.

Clearly a number of these suppositions are mutually incompatible. Yet Foucault's work seems simultaneously to invite all of them. He tends to assume that his account of modern power is both politically engaged and normatively neutral. At the same time, he is unclear as to whether he suspends all normative notions or only the liberal norms of legitimacy and illegitimacy. To make matters worse, Foucault sometimes appears not to have suspended the liberal norms after all, but rather to be presupposing them.

These, then, are what I take to be the most serious difficulties pertaining to Foucault's work. They appear to stand in a rather curious relationship to the strengths I have mentioned; it seems that the very methodological strategies which make possible the empirically and politically valuable description of power are intimately tied up with the normative ambiguities.

I propose to explore these issues in the following manner: first I shall give an account of Foucault's genealogical method, including the suspension of the liberal normative framework of legitimacy. Then I shall given an account of Foucault's historical insights concerning the nature and origin of modern power which the genealogical method has made possible. Next, I shall briefly discuss the valuable political implications of the view of modern power which emerges. And, finally, in the fourth and last section of the paper, I shall discuss the difficulties pertaining to the normative dimensions of Foucault's work.

I

The Genealogical Method and the Bracketing of the Problematic of Legitimacy

Following Nietzsche, Foucault calls the form of his reflection on the nature and development of modern power "genealogy".[1] What he means by this can best be

approximated at first negatively, in contrast to a number of other approaches to the study of cultural and historical phenomena. Genealogy represents a break, for example, with semiology or structuralism which analyzes culture in terms of systems of signs.[2] Instead it seeks to conceive culture as practices. Furthermore, genealogy is not to be confused with hermeneutics, which Foucault understands (no doubt anachronistically) as the search for deep hidden meanings beneath language, for the signified behind the signifier. Genealogy takes it as axiomatic that everything is interpretation all the way down,[3] or to put it less enigmatically, that cultural practices are instituted historically and are therefore in a sense arbitrary or contingent, that is to say, ungrounded except in terms of other prior contingent, historically instituted practices. Next, it is Foucault's claim that genealogy is opposed to critique of ideology. Again, his understanding of that enterprise is somewhat crude; he means that genealogy does not concern itself with evaluating the contents of science or systems of knowledge, or, for that matter, with systems of beliefs at all. Rather it is concerned with the processes, procedures, and apparatuses whereby truth, knowledge, belief are produced, with what Foucault calls the "politics of the discursive regime" [4] Lastly, Foucault claims that genealogy is to be distinguished from history of ideas. It does not seek to chronicle the continuous development of discursive content or practices. On the contrary, it is oriented to discontinuities. Like Thomas Kuhn, Foucault assumes that there is a plurality of incommensurable discursive regimes, each supported by its own correlated matrix of practices, and that these regimes succeed one another historically. Each regime includes its own distinctive objects of inquiry, its own criteria of well-formedness for statements admitted to candidacy for truth and falsity, its own procedures for generating, storing, and arranging data, its own institutional sanctions and matrices.[5]

It is the whole nexus of such objects, criteria, practices, procedures, institutions, apparatuses, and operations which Foucault means to designate by his term 'power/knowledge regime'. This term thus covers in a single concept everything that falls under the two distinct Kuhnian concepts of paradigm and disciplinary matrix. But, unlike Kuhn, Foucault gives this complex an explicitly political character. Both the use of the term 'power' and, more subtly, that of the term 'regime' convey this political coloration.

Foucault claims that the functioning of discursive regimes essentially involves forms of social constraint. Such constraints and the manner of their application vary, of course, along with the regime. But they typically include such phenomena as the following: the valorization of some statement forms and the concomitant devaluation of others; the institutional licensing of some persons as being entitled to offer knowledge-claims and the concomitant exclusion of others; procedures for the extraction of information from and about persons involving various forms of coercion; and the proliferation of discourses oriented to objects of inquiry which are, at the same time, targets for the application of social policy.[6] Their obvious heterogeneity notwithstanding, all of these are instances of the ways in which social constraint, or in Foucault's terms "power", circulates in and through the production of discourses in society.

What Foucault is interested in when he claims to be studying the genealogy of power/knowledge regimes should now be clear. Roughly speaking, this will be

the holistic and historically relative study of the formation and functioning of incommensurable networks of social practices involving the mutual interrelationship of constraint and discourse.

Foucaultian genealogy is obviously a unique and original approach to culture. It groups together phenomena which are usually kept separate and separates phenomena which are usually grouped together. It does this by adhering or claiming to adhere to a number of methodological strategies which can be likened to bracketings.[7]

Bracketing, of course, is not Foucault's term, and, given its association with the phenomenological tradition to which he is so hostile, he would doubtless reject it. Nevertheless, the term is suggestive of the sort of studied suspension of standard categories and problematics which he practices. It should already be apparent, for example, that Foucault's approach to the study of power/knowledge regimes suspends the categories truth/falsity or truth/ideology. It suspends, that is, the problematic of epistemic justification. Foucault simply does not take up the question of whether the various regimes he studies provide knowledge that is in any sense true or warranted or adequate or undistorted. Instead of assessing epistemic contents, he describes knowledge production procedures, practices, apparatuses and institutions.[8]

This bracketing of the problematic of epistemic justification is susceptible of a variety of construals. It can be seen as strictly heuristic and provisional and, therefore, as leaving open the questions whether such justification is possible and, if so, in what it consists. Alternatively, it can be seen less minimally as a substantive, principled commitment to some version of epistemological cultural relativism. The textual evidence is contradictory, although the preponderance surely lies with the second, substantive construal.

Be that as it may, Foucault's views on epistemic justification are not the primary concern here. More to the point is another sort of bracketing, one which pertains to the problematic of *normative* justification. Foucault claims to suspend such justification in his study of power/knowledge regimes. He says he does not take up the question of whether or not the various constraint-laden practices, institutions, procedures, and apparatuses he studies are legitimate or not. He will refrain from problematizing the normative validity of power/knowledge regimes.[9]

A number of very important questions arise concerning the nature and extent of Foucault's bracketing of the normative. What exactly is its intended scope? Does Foucault intend to suspend one particular normative framework only, *viz.*, the framework of modern liberal political theory whose central categories are those of right, limit, sovereignty, contract, and oppression? This framework distinguishes between the legitimate exercise of sovereign power which stays within the limits defined by rights, on the one hand, and the illegitimate exercise of such power which transgresses those limits, violates rights, and is thus an oppressive power, on the other hand.[10] When Foucault excludes the use of the concepts legitimacy and illegitimacy from genealogy, does he mean to exclude only these liberal norms?

Or alternatively, is Foucault's bracketing of the normative rather broader? Does he intend to suspend not only the liberal framework but every normative

framework whatsoever? Does he mean he will bracket the problematic of normative justification *simpliciter*?

In either case, how do Foucault's proclaimed intentions square with his actual practice of genealogy? Whatever he claims to be doing, does his work in fact suspend all political norms or only the liberal ones?

Furthermore, whatever the scope of the bracketing, what is its character? Is Foucault's bracketing of the normative merely a methodological strategy, a temporary heuristic aimed at making it possible to see the phenomena in fresh new ways? If so, then it would leave open the possibility of some subsequent normative assessment of power/knowledge regimes. Or alternatively, does Foucault's bracketing of the normative represent a substantive, principled commitment to cultural, ethical relativism; to the impossibility of normative justification across power/knowledge regimes?

These questions have enormous importance for the interpretation and assessment of Foucault's work. But the answers, by and large, do not lie ready to hand in his writings. To begin to untangle them it will be necessary to look more closely at the actual concrete use he makes of his genealogical method.

II

The Genealogy of Modern Power

Foucault's empirical study of modernity focuses on the question of the nature and emergence of distinctively modern forms of power. It is his thesis that modernity consists, at least in part, in the development and operation of a radically new regime of power/knowledge. This regime comprises procedures, practices, objects of inquiry, institutional sites, and, above all, forms of social and political constraint which differ markedly from those of previous regimes.

Modern power is unlike earlier powers, according to Foucault, in that it is local, continuous, productive, capillary, and exhaustive. This is so, in part, as a consequence of the circumstances in which it arose. Foucault claims that the modern power/knowledge regime was not imposed from the top down, but developed only gradually in local, piecemeal fashion largely in what he calls "disciplinary institutions" beginning in the late 18th century. A variety of "micro-techniques" were perfected by obscure doctors, wardens, and schoolmasters in obscure hospitals, prisons, and schools, far removed from the great power centers of the *ancien regime*. Only later were these techniques and practices taken up and integrated into what Foucault calls "global or macro-strategies of domination".[11]

The disciplinary institutions were among the first to face the problems of organization, management, surveillance, and control of large numbers of persons. They were the first, that is, to face the problems which would eventually become the constitutive problems of modern politics. Hence the tactics and techniques they pioneered are, in Foucault's view, definitive of modern power.

Foucault describes a variety of new disciplinary micro-tactics and practices. The one for which he is best known is *le regard,* or the gaze. The gaze was a technique of power/knowledge used by administrators to manage their institutional populations by means of visibility. They organized these populations so that they could be seen, known, surveilled, and thus controlled. The new visibility was of two kinds, according to Foucault: synoptic and individualizing.

Synoptic visibility was premised on architectural and organizational innovations which made possible an intelligible overview of the population and of the relations among its elements. It is exemplified in the design of prisons after Bentham's Panopticon (rings of backlit cells encircling a central observation tower), in the separation of hospital patients according to their diseases, and in the arrangement of students in a classroom space articulated according to rank and ability.

Individualizing visibility, on the other hand, aimed at exhaustive, detailed observation of individuals, their habits and histories. Foucault claims that this visibility succeeded in constituting the individual for the first time as a case, simultaneously a new object of inquiry and a new target of power.[12]

Both kinds of gaze, synoptic and individualizing, were micropractices linking together new processes of production of new knowledges with new kinds of power. They combined scientific observation of population and individuals, and hence a new "science of man", with surveillance. This link depended upon the asymmetrical character of the gaze; it was unidirectional: the scientist or warden sees the inmate but not vice versa. This is most striking in the case of the Panopticon. There the unidirectionality of visibility denied the inmates knowledge of when and whether they were actually being watched and thereby made them internalize the gaze and in effect surveil themselves.[13] Less overtly, the forms of scientific observation in other institutions objectified their targets and pried omnivorously into every aspect of their experience.

Foucault would not, however, have us conclude that the objectifying behavioral sciences have a monopoly on the use of the gaze as a micro-technique of modern power/knowledge. He demonstrates the similar functioning of what he calls the "hermeneutics of the psyche". Practices like psychoanalysis, which constitute the individual as speaking subject rather than as behavioral object, also involve an asymmetrical, unidirectional visibility, or perhaps one should say audibility. The producer of the discourse is defined as incapable of deciphering it and is dependent upon a silent hermeneutic authority.[14] Here, too, there is a distinctive use of coercion to obtain knowledge and of knowledge to coerce.

The importance for Foucault of micro-practices such as the gaze far transcends their place in the history of early disciplinary institutions. As has been noted, they were among the earliest responses to the problems of population management which later came to define modern politics. They were eventually integrated in global political strategies and orientations. But even in their early disciplinary form they evince a number of the hallmarks of a distinct vely modern power.

Disciplinary tactics anticipate later developments in the genealogy of modern power in that they cause power to operate continuously. Panoptical surveillance

is, in this respect, very different from pre-modern power mechanisms. The latter operated discontinuously and intermittently and required the presence of an agent to apply force. Modern power, as first developed in disciplinary micro-practices, on the other hand, requires no such presence; it replaces violence and force of arms with the more gentle constraint of uninterrupted visibility. Modern power, then, is distinctive in that it keeps a low profile. It has no need of the spectacular displays characteristic of the exercise of power in the *ancien regime*. It is lower in cost (economically, since it requires less labor power; and also socially, since it is less easily targeted for resistance). Yet it is more efficacious. Given its connection with the social sciences, modern power is capable, according to Foucault, of an exhaustive analysis of its objects, indeed of the entire social body. It is neither ignorant nor blind, nor does it strike hit or miss, as did earlier regimes. As a result of its superior hold on detail, it is more penetrating than earlier forms of power. It gets hold of its objects at the deepest level – in their gestures, habits, bodies, and desires. Pre-modern power, on the other hand, could only strike superficially from afar. Similarly, modern power, as first developed in disciplinary micro-practices, is not essentially situated in some central persons or institutions (such as king, sovereign, ruling class, state, army, etc.). Rather, it is everywhere. As the description of panoptical self-surveillance demonstrated, it is even in the targets themselves, in their bodies, gestures, desires, and habits. In other words, as Foucault often says, modern power is capillary. It does not emanate from some central source, but circulates throughout the entire social body down even to the tiniest and apparently most trivial extremities.[15]

Taken in combination, these characteristics define the operation of modern power as what Foucault calls self-amplifying. In this respect also it is unlike the power of the *ancien regime*. The latter operated with, so to speak, a fixed amount of force at its disposal. It expended that force via what Foucault calls "deduction" (*prélèvement*); it simply counterposed itself to the opposing forces and sought to eliminate or minimize them. Modern power, on the other hand, continually augments and increases its own force in the course of its exercise. It does this not by negating opposing forces but rather by utilizing them, by linking them up as transfer points within its own circuitry.[16] Hence the panoptical mechanism takes up the inmate within the disciplinary economy and makes her surveil herself. It aims not at suppressing her but rather at retooling her. It seeks to produce what Foucault calls "docile and useful bodies".[17] Borrowing Marx's terminology, it may be said that whereas pre-modern power functioned as a system geared to simple reproduction, modern power is oriented to expanded reproduction.

Foucault's description of the disciplinary origins of modern power is extremely rich and concrete. He has thus far produced less in the way of a detailed account of the processes whereby the local, piecemeal micro-techniques were integrated into global macro-strategies. The fullest account so far is that found in his *History of Sexuality*., Vol. I (*La Volonté de savoir*). There Foucault discusses the modern macro-strategy of "bio-power". Bio-power concerns the management of the production and reproduction of life in modern society. It is oriented to such new objects of power/knowledge as population, health, urban life, and sexuality. It objectifies these as resources to be administered, cultivated, and controlled. It

uses new quantitative social science techniques to count, analyze, predict, and prescribe. It also makes use of widely circulating non-quantitative discourses about sexuality whose origins Foucault traces to the self-interpretation and self-affirmation of the 19th century middle classes.[18]

In his Tanner Lectures of 1979 at Stanford, Foucault linked his work on bio-power with the problematic of political rationality.[19] Indeed his treatment of the development and use of social science as an instrument of population resource management and social control is clearly related to more familiar treatments of modernization as a process of rationalization. But there is one striking and very important difference. Whereas the concepts of rationality and rationalization have largely come to have a two-sided normative character, in Foucault's usage they do not. In the thought of Jürgen Habermas, for example, rationalization involves a contrast between instrumentalization, which is a one-sided, partial, and insufficient rationalization, and a fuller practical or political rationality. It therefore carries with it a normative standard for critiquing modernity. Foucault's discussion of political rationality in the Tanner Lectures, on the other hand, contains no such contrast and no positive normative pole. Rationality for him is either a neutral phenomenon or (more often) an instrument of domination *tout court*.[20]

III

The Political Implications of Genealogy

Foucault's picture of a distinctively modern power which functions at the capillary level via a plurality of everyday micro-practices has a number of significant political implications. Some of these are strategic and some are normative.

Consider that Foucault's analysis entails that modern power touches individuals via the various forms of constraint constitutive of their social practices, rather than primarily via the distortion of their beliefs. Foucault dramatizes this point by claiming that power is in our bodies, not in our heads. Put less paradoxically, he means that practices are more fundamental than belief systems when it comes to understanding the hold that power has on us.

It follows from this view that the analysis and critique of such practices take priority over the analysis and critique of ideology. Foucault's insight thus tends to rule out at least one rather crude version of ideology critique as strategically inadequate to the social reality of modern power. It rules out, that is, the view that given the appropriate objective material conditions, the only or main thing that stands in the way of social change is people's ideologically distorted perception of their needs and interests. When stated baldly thus, it is questionable whether anyone actually holds this view. Still, Foucault's vivid reminder of the priority of practices is a useful corrective to the potential one-sidedness of even more sophisticated versions of the politics of ideology critique.[21]

A second strategic implication of Foucault's insight into the capillary character of modern power concerns the inadequacy of state-centered and economist political orientations. Such orientations assume that power emanates from one or the other or both of these central points in society. But Foucault's description of the polymorphous, continuous circulation of power through micro-practices belies this assumption. It shows rather that power is everywhere and in everyone; it shows that power is equally present in the most apparently trivial details and relations of everyday life as it is in corporate suites, industrial assembly lines, parliamentary chambers, and military installations.

Foucault's view, therefore, rules out state-centered and/or economist political orientations. It rules out, that is, the view that the seizure and transformation of state and/or economic power is sufficient to dismantle or transform the modern power regime.[22]

These two strategic political implications of Foucault's empirical work can be combined and stated more positively. In revealing the capillary character of modern power and thereby ruling out crude ideologism, statism, and economism, Foucault can be understood as in effect ruling in what is often called a "politics of everyday life". For if power is instantiated in mundane social practices and relations, then efforts to dismantle or transform the regime must address those practices and relations.

This is probably the single most important feature of Foucault's thought. He provides the empirical and conceptual basis for treating such phenomena as sexuality, the family, schools, psychiatry, medicine, social science, and the like as *political* phenomena. This sanctions the treatment of problems in these areas as *political* problems. It thereby widens the arena within which persons may collectively confront, understand, and seek to change the character of their lives. There is no question that a new move to widen the boundaries of the political arena has been underway in the West since the sixties. Foucault has clearly been influenced by it and has, in turn, helped to buttress it empirically and conceptually.

In the foregoing considerations of political strategy, it has been taken for granted that the modern power regime is undesirable and in need of dismantling and transformation. But that assumption pertains essentially to the normative political implications of Foucault's genealogical description. It is these which require thematization now.

It has been noted several times that in Foucault's account modern power is not applied to individuals by the state or sovereign in a top-down fashion. Rather it circulates everywhere down to the tiniest capillaries of the social body. It follows from this, claims Foucault, that the classical liberal normative contrast between legitimate and illegitimate power is not adequate to the nature of modern power. The liberal framework understands power as emanating from the sovereign and imposing itself upon the subjects. It tries to define a power-free zone of rights whose penetration is illegitimate. Illegitimate power is understood as oppression or the transgression of a limit.

But if power is everywhere and does not emanate from one source or in one direction, then this liberal framework will not apply. Furthermore, given its inapplicability, Foucault claims that the proliferation of discourse governed by

this framework may itself function as part of the capillary deployment of modern power. This discourse may function to mask the actual character of modern power and thus to conceal domination.[23]

It is clear that with this last charge Foucault has crossed the line between conceptual and substantive normative analysis. In using the term 'domination' at the same time that he is ruling out the liberal normative framework, it appears that he is presupposing some alternative framework. The question as to what that might be will be discussed in the next section of this paper. Suffice it to say now that Foucault's empirical thesis that modern power is capillary, if correct, does not by itself dictate the adoption of any particular normative framework. At most, it undercuts one traditional basis of the liberal one.

A similar situation arises with respect to the normative political implications of Foucault's insight into the productive and self-amplifying character of modern power, his insight into its orientation to what I called "expanded reproduction". This insight belies what Foucault calls "the repressive hypothesis". That hypothesis assumes that power functions essentially negatively by such operations as interdiction, censorship, and denial. Power, on this view, simply says no. It says no to what are defined as illicit desires, needs, acts, and speech. But if Foucault is right, modern power is equally involved in producing all of these things. His empirical account rules out the repressive hypothesis and the liberationist political orientation it supports. That orientation, which is now rather widespread in the West, aims at liberating what power represses. It makes "illicit" speech, desires, and acts into expressions of political revolt. Not only does Foucault reject it as inadequate to the true nature of modern power, but once again he suggests that it is a feature of the deployment of modern power to proliferate liberationist discourse, once again to mask the actual functioning of domination.[24]

In ruling out the repressive hypothesis Foucault is ruling out the radical normative framework which substitutes the contrast "repression versus liberation" for the liberal contrast "legitimacy versus illegitimacy". He has linked both of these frameworks to the functioning of what he identifies as domination. It appears, therefore, that Foucault must be presupposing some alternative normative framework of his own. What might this be?

IV

Unanswered Questions concerning the Normative
Dimensions of Foucault's Genealogy

It is my thesis that despite his important contributions to the study of modernity, Foucault's work ends up, in effect, inviting questions which it is structurally unequipped to answer. A brief recap of my line of argument to this point will clarify what I mean by this allegation.

I have claimed that Foucault adopts at least the minimal heuristic principle that

power regimes be broached and described as neutral phenomena, that they not, for example, be interrogated immediately from the liberal standpoint as to their legitimacy or illegitimacy. I have also claimed that the use of this methodological strategy permits him to give a perspicuous representation of the emergence of the modern regime which in turn brought to light some neglected features of the operation of power in modern life. Furthermore, I have argued that Foucault's account of modern power constitutes good grounds for rejecting some fairly widespread strategic and normative political orientations and for adopting instead the standpoint of a "politics of everyday life".

At the same time I have left open the question of the nature and extent of Foucault's bracketing of the problematic of normative justification of power/knowledge regimes. I have noted some indications that his description of modern power was in fact not normatively neutral, but I have not systematically pursued these. I now wish to reopen these questions by looking more closely at the politically engaged character of Foucault's work.

Let me begin by noting that Foucault's writings abound with such phrases as: 'the age of bio-power', 'the disciplinary society', 'the carceral archipelago', phrases rife, that is, with ominous overtones. Let me also note that Foucault does not shrink from frequent use of such terms as 'domination', 'subjugation', and 'subjection' in describing the modern power/knowledge regime. Let me now also restate the main outlines of his description in language closer to his own: In the early modern period, closed disciplinary institutions like prisons perfected a variety of mechanisms for the fabrication and subjugation of individuals as epistemic objects and as targets of power. These techniques aimed at the retooling of deviants as docile and useful bodies to be reinserted in the social machine. Later these techniques were exported beyond the confines of their institutional birthplaces and were made the basis for global strategies of domination aimed at the total administration of life. Various discourses which have seemed to oppose this regime have, in fact, supported it in part by masking its true character.

Put this way, it is clear that Foucault's account of power in modern society is anything but neutral and unengaged. How, then, did he get from the suspension of the question of the legitimacy of modern power to this engaged critique of bio-power? This, in sum, is the problem.

There are a number of possible explanations. First, one might read Foucault's critique as politically engaged, yet somehow still normatively neutral. One might, that is, interpret his bracketing of the normative as covering all political norms, not just the liberal ones.

In a variety of interviews, Foucault himself adopts this interpretation. He claims he has approached power strategically and militarily, not normatively. He says he has substituted the perspective of war, with its contrast between struggle and submission, for that of right, with its contrast between legitimacy and illegitimacy.[25]

On this interpretation Foucault's use of the terms 'domination', 'subjugation', and 'subjection' would be normatively neutral. These terms would simply be descriptive of the strategic alignments and modes of operation of the various opposing forces in the modern world.

Such an interpretation is open to a number of questions, however. It is usually the case that strategic military analyses identify the various opposing sides in the struggle. They are capable of specifying who is dominating or subjugating whom and who is resisting or submitting to whom. This Foucault does not do. Indeed he rejects it as a possibility. He claims that it is misleading to think of power as a property which could be possessed by some persons or classes and not by others. It is better conceived as a complex, shifting field of relations in which everyone is an element.[26]

Strictly speaking, this claim does not square with the fact that Foucault seems at times to link bio-power with class domination and to implicitly accept (at least elements of) the Marxian economic interpretation thereof. Nor does it square with his tendency to identify such capillary agents as social scientists, technologists of behavior, and hermeneutists of the psyche with the "forces of domination".

But whether or not he does or can identify the forces of domination and those they dominate, the claim that his normative-sounding terminology is not normative, but, rather, military, runs into a second difficulty. This is that the military usage of 'domination', 'struggle', and 'submission' cannot, in and of itself, explain or justify anyone's preference for, or commitment to, one side as opposed to the other. Foucault calls in no uncertain terms for resistance to domination. But why? Why is struggle preferable to submission? Why ought domination to be resisted? Only with the introduction of normative notions of some kind could Foucault begin to answer such questions. Only with the introduction of normative notions could he begin to tell us what's wrong with the modern power/knowledge regime and why we ought to oppose it.

It seems, then, that the assumption that Foucault's critique is engaged but non-normative creates serious difficulties for him. It would perhaps be better to assume that he has not bracketed every normative framework but only the liberal one based on legitimacy. In that case, it becomes essential to discover what alternative normative framework he is presupposing. Could the language of domination, subjugation, struggle, and resistance be interpreted as the skeleton of some alternative framework?

This is certainly a theoretical possibility. But I am unable to develop it concretely. I find no clues in Foucault's writings as to what his alternative norms might be. I see no hints as to how concretely to interpret 'domination', 'subjugation', 'subjection', etc., in some completely new "post-liberal" fashion. This is not to deny that these terms acquire rich new empirical content from Foucault's descriptions of disciplinary power; 'domination', for example, comes to include *dressage* which involves the use of non-violent yet physical force for the production of "normal", conforming, skilled individuals. But such important new meaning-accretions and extensions are not in and of themselves tantamount to the elaboration of an entirely new normative framework. They do not, in other words, suffice to tell us precisely what is wrong with discipline in terms wholly independent of the liberal norms. On the contrary, their normative force seems to depend upon tacit appeal to the notions of rights, limits and so forth.

I suggested earlier that Foucault sometimes seems to presuppose that macro-strategies of global domination such as bio-power are connected with class

domination, and that the Marxian account of the latter is basically acceptable. Could it be, then, that he is presupposing the Marxian normative framework? It is characteristic of that framework, at least on one widely accepted reading, that it does not fully suspend all liberal norms. Rather it presupposes at least some of them in its critique of capitalist social and productive relations. For example, Marx demonstrates that while the contractual exchange of labor power for wages purports to be symmetrical and free, in fact it is asymmetrical and coercive. He is not, therefore, fully suspending the bourgeois norms of reciprocity and freedom.

Perhaps Foucault could be read in similar fashion. Perhaps he is not fully suspending, but is rather presupposing, the very liberal norms he criticizes. His description of such disciplinary micro-techniques as the gaze, for example, would then have the force of a demonstration that while modern social science purports to be neutral and power-free, in fact, it too involves asymmetry and coercion.

This reading of Foucault's work is one I am sure he would reject. Yet it gains some plausibility if one considers the disciplinary or carceral society described in *Discipline and Punish*. If one asks what exactly is wrong with that society, Kantian notions leap immediately to mind. One cannot help but appeal to such concepts as the violation of dignity and autonomy involved in the treating of persons solely as means to be causally manipulated. But again, these Kantian notions are clearly related to the liberal norms of legitimacy and illegitimacy defined in terms of limits and rights.

Given that there is no other normative framework apparent in Foucault's writings, it is not unreasonable to assume that the liberal framework has not been fully suspended. But if this is so, Foucault is caught in an outright contradiction, for he, even more than Marx, tends to treat that framework as simply an instrument of domination.

The point is not simply that Foucault contradicts himself. Rather it is that he does so in part because he misunderstands, at least when it comes to his own situation, the way that norms function in social description. He assumes that he can purge all traces of liberalism from his account of modern power simply by forsweating explicit reference to the top-of-the-iceberg notions of legitimacy and illegitimacy. He assumes, in other words, that these norms can be neatly isolated and excised from the larger cultural and linguistic matrix in which they are situated. He fails to appreciate the degree to which the normative is embedded in and infused throughout the whole of language at every level, and the degree to which, despite himself, his own critique has to make use of modes of description, interpretation, and judgment formed within the modern Western normative tradition.[27]

It seems, then, that none of the readings offered here leaves Foucault free of difficulties. Whether we take him as suspending every normative framework, or only the liberal one, or even as keeping that one, he is plagued with unanswered and perhaps unanswerable questions. Because he fails to conceive and pursue any single consistent normative strategy, he ends up with a curious amalgam of amoral militaristic description, Marxian jargon, and Kantian morality. Its many valuable empirical aspects notwithstanding, I can only conclude that Foucault's work is normatively confused.

I believe that the roots of the confusion can be traced to some conceptual ambiguities in Foucault's notion of power. That concept is itself an admixture of

neutrality and engagement. Take, for example, his claim that power is productive, not repressive. Throughout this paper I have supposed that this was an empirical claim about the self-amplifying nature of a distinctively modern power. But, in what is clearly an equivocation, Foucault simultaneously treats productivity as a conceptual feature of *all* power as such. He claims that not just the modern regime, but every power regime, creates, molds, and sustains a distinctive set of cultural practices including those oriented to the production of truth. Every regime creates, molds, and sustains a distinctive form of life as a positive phenomenon. No regime simply negates. Foucault also makes the converse claim that no positive form of life can subsist without power. Power-free cultures, social practices, and knowledges are in principle impossible. It follows, in his view, that one cannot object to a form of life simply on the ground that it is power-laden. Power is productive, ineliminable, and, therefore, normatively neutral.[28]

How is this view to be assessed? It seems to me to boil down to a conjunction of three rather innocuous statements: 1) social practices are necessarily norm-governed, 2) practice-governing norms are simultaneously constraining and enabling, and 3) such norms enable only insofar as they constrain. Together these three statements imply that one cannot have social practices without contraints and hence the mere fact that it constrains cannot be held against any particular practice. This view is a familiar one in twentieth century philosophy. It is implied, for example, in Habermas' account of the way in which the successful performance of any speech act presupposes norms of truth, comprehensibility, truthfulness, and appropriateness. Such norms make communication possible, but only by devaluing and ruling out some possible and actual utterances. They are *what enable* us to speak, at the same time and insofar as they *constrain* us.

If this is what Foucault's thesis of the general productivity and ineliminability of power means, then power is a normatively neutral phenomenon indeed. But does this interpretation accord with Foucault's usage? In some respects, yes. He does include under the power/knowledge umbrella such phenomena as criteria of well-formedness for knowledge claims, criteria which simultaneously valorize some statement forms and devalue others; and also, social or institutional licensing of knowledge claimants, licensing which simultaneously entitles some speakers to make certain kinds of specialized knowledge claims and excludes others from so doing. If these are the sorts of things meant by power, then the thesis that power is productive, ineliminable, and therefore normatively neutral is unobjectionable.

But Foucault's power/knowledge regimes also include phenomena of other sorts. They include forms of overt and covert coercion in the extraction of knowledge from and about persons and also the targeting of objects, including persons, for the application of policy in more subtly coercive ways. These phenomena are far less innocuous and far more menacing. That *they* are in principle ineliminable is not immediately apparent. So if *they* are what is meant by power, then the claim that power is productive, ineliminable, and therefore normatively neutral is highly questionable.

I noted earlier that Foucault's power/knowledge regime notion covered a highly heterogeneous collection of phenomena. Now it appears that the

difficulties concerning the normative dimension of his work stem it least in part from that heterogeneity. The problem is that Foucault calls too many different sorts of things power and simply leaves it at that. Granted, all cultural practices involve constraints. But these constraints are of a variety of different kinds and thus demand a variety of different normative responses. Granted, there can be no social practices without power, but it doesn't follow that all forms of power are normatively equivalent, nor that any social practices are as good as any other. Indeed, it is essential to Foucault's own project that he be able to distinguish better from worse sets of practices and forms of constraint. But this requires greater normative resources than he possesses.

The point can also be put like this: Foucault writes as if oblivious to the existence of the whole body of Weberian social theory with its careful distinctions between such notions as authority, force, violence, domination, and legitimation. Phenomena which are capable of being distinguished via such concepts are simply lumped together under his catch-all concept of power.[29] As a result, the potential for a broad range of normative nuances is surrendered, and the result is a certain normative one-dimensionality.

I mentioned earlier that Foucault's genealogy of modern power was related to the study of modernization as rationalization, but that there was one very important difference. This difference was Foucault's lack of any bi-polar normative contrast comparable to, say, Jürgen Habermas' contrast between a partial and one-sided instrumental rationality, on the one hand, and a fuller practical or political rationality, on the other hand. The consequences of this lack are now more fully apparent. Because he has no basis for distinguishing, for example, forms of power which involve domination from those which do not, Foucault appears to endorse a one-sided, wholesale rejection of modernity as such. Furthermore, he appears to do so without any conception of what is to replace it.

In fact, Foucault vacillates between two equally inadequate stances. On the one hand, he adopts a concept of power which permits him no condemnation of any objectionable features of modernity. But at the same time, and on the other hand, his rhetoric betrays the conviction that modernity is utterly without redeeming features. Clearly what Foucault needs and needs desperately are normative criteria for distinguishing acceptable from unacceptable forms cf power. As it stands now, the unquestionably original and valuable dimensions of his work stand in danger of being misunderstood for lack of an adequate normative perspective.

NOTES

Foucault has adopted the term 'genealogy' only relatively recently in connection with his later writings. See especially "Nietzsche, Genealogy, History", *Language, Counter-Memory, Practice: Selected Essays and Interviews,* trans by Donald F. Bouchard and Sherry Simon (Ithaca, N.Y., 1977). Earlier he called his approach

'archaeology'. See especially *The Archaeology of Knowledge.*, trans. by A.M. Sheridan Smith (New York, 1972). For an explanation of the shift, see "Truth and Power", *Power/Knowledge: Selected Interviews and Other Writings* 1972-1977, edited by Colin Gordon (New York, 1980).

2 "Truth and Power", *Ibid.*, p. 114.

3 "Nietzsche, Freud, Marx", *Cahiers de Royaumont,* Philosophie Numero 6: *Nietzsche* (Paris, 1967), pp. 183-200.

4 "Truth and Power", op.cit., p. 118.

5 Ibid., pp. 112-3, 131, 133.

6 "The Discourse on Language", trans. by Rupert Swyer, *The Archaeology of Knowledge, op.cit.*, pp. 216ff. "Nietzsche, Genealogy, History", *op.cit.*, pp 51ff. *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York, 1979) pp. 17 ff., 101-2, 170 ff., 192.

7 That Foucault's project could be understood in terms of the concept of bracketing was first suggested to me by Hubert L. Dreyfus and Paul Rabinow. They discuss what I call below the bracketing of the problematic of epistemic justification, but not that of the problematic of normative justification, in *Michel Foucault*: Beyond *Structuralism and Hermeneutics* (Chicago, forthcoming).

8 "Truth and Power", op.cit., p. 113. *Discipline and Punish, op.cit.*, pp. 184-5

9 "The History of Sexuality", *Power/Knowledge, op.cit.,* p. 184. "Two Lectures", *Power/Knowledge, op.cit.,* pp. 93, 95.

10 "Two Lectures", Ibid., pp. 91 ff.

11 "The Eye of Power", *Power/Knowledge, op.cit.*, pp. 158-9. "Prison Talk", *Power/Knowledge*, op.cit., p. 38.

12 "The Eye of Power", *Ibid.*, pp. 146 ff. *Discipline and Punish, op.cit.,* pp. 191-4, 201-9, 252.

13 *Discipline and Punish, Ibid.*, pp. 202-3

14 *The History of Sexuality*, Volume I: An Introduction, trans. by Robert Hurley (New York, 1978), pp. 61 ff.

15 "Power and Strategies", *Power/Knowledge,* op.cit., p. 142. "Truth and Power", *op.cit.*, pp. 119, 125. "The Eye of Power", op.cit., pp. 151 ff. "Two Lectures", op.cit., pp. 104-5. *Discipline and Punish, op.cit.*, pp. 201-9.

16 "The Eye of Power", Ibid., p. 160. *The History of Sexuality, Volume* I, op.cit., p. 139. *Discipline and Punish, Ibid.*, p. 170.

17 *Discipline and Punish, Ibid.,* pp. 136-8.

18 *The History of Sexuality, Volume I, op.cit.*, pp. 24-6, 122-7, 139-45.

19 '"Each and Every One: A Criticism of Political Rationality", transcribed from tapes by Shari Popen (unpublished manuscript).

20 *Ibid.*

21 "Truth and Power", op.cit., pp. 118, 132-3.

22 *Ibid.,* p. 122. "Body/Power", *Power/Knowledge, op.cit.*, p. 60. "Two Lectures", *op.cit.*, p. 89.

23 "Two Lectures", *Ibid.*, pp. 95-6.

24 "Power and Strategies", op.cit., pp. 139-41. *The History of Sexuality, Volume I, op.cit.*, pp. 5-13. "Truth and Power", op.cit., p. 119. "Body/Power", op.cit., p. 59.

25 "Two Lectures", *op.cit.,* pp. 90-2.

26 *Ibid.*, p. 98. "Power and Strategies", *op.cit.,* p. 142.

27 This formulation combines points suggested to me by Richard Rorty and Albrecht Wellmer.

28 *Discipline and Punish, op.cit.*, p. 27. "Power and Strategies", op.cit., pp. 141- 2. "Two Lectures", *op.cit.,* p. 93. "Truth and Power", op.cit., pp. 131-3.

29 I am indebted to Andrew Arato for this point.