Critique and Experience in Foucault

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Abstract
It is widely known that by the end of the 1970s, Foucault had begun to refer to ‘experience’ to account for his intellectual trajectory and to redirect the work on *The History of Sexuality*. However, the interest in experience also decisively shaped Foucault’s analysis of the ‘critical attitude’ that he explicitly started to address at about the same time. The article argues that Foucault’s notion of critique is informed by a specific reading and understanding of ‘experience’. Experience is conceived of as dominant structure and transformative force, as existing background of practices and transcending event, as the object of theoretical inquiry and the objective of moving beyond historical limits. Foucault defines experience as a dynamic interplay between games of truth, forms of power and relations to the self. Accordingly, the Foucauldian account of critique is characterized by three aspects: the activity of problematization, the art of voluntary insubordination, and the audacity to expose one’s own status as a subject. While the first section of the article briefly reconstructs the trajectory of ‘experience’ in Foucault’s work from the 1960s to the 1980s, the main part discusses the dimensions and implications of this ‘experimental’ critique.

Key words
critique ■ ethos ■ experience ■ Foucault ■ problematization

In his lectures at the Collège de France in 1976, Michel Foucault argues that contemporary critique is characterized by a troubling paradox.¹ On the one hand, since the 1960s new social movements and political groups have successfully put on the agenda a series of questions that had earlier been regarded as non-political. These questions include gender relations, the working of medical, psychiatric, educational and penal institutions, environmental issues, problems surrounding health and the body,
and many more. Referring to these contestations, Foucault stresses the ‘immense and proliferating criticizability of things, institutions, practices, and discourses’ (2003: 6). On the other hand, he notes that the foundations, instruments and aims of critique have been increasingly weakened. Classical Marxism and psychoanalysis, which had earlier served as the principal references and theoretical resources for social critique, had been attacked for their universalizing and totalizing approaches, their authoritarian and normalizing effects, and their inability to address the diversity and heterogeneity of power relations (Deleuze and Guattari, 1985; Smart, 1983). While there was ‘a sort of general feeling that the ground was crumbling beneath our feet’ (Foucault, 2003: 6), the same seemed to be true for traditional models and methods of critique that had proved to be obstacles in the process of subverting regimes of power (Foucault, 1997e: 115).²

In the light of this dual constellation, Foucault concludes: ‘We have to start all over again right from the beginning, and ask ourselves what we can base the critique of our society on’ (1994a: 398; author’s translation). In this article I argue that Foucault, in his later work, sought to ‘base’ critique on the notion of experience. He responds to the ambiguous historical experience of critique by a theoretical re-evaluation of ‘experience’. The notion comprises two seemingly contradictory dimensions. Experience is conceived of as dominant structure and transformative force, as existing background of practices and transcending event, as the object of theoretical inquiry and the objective of moving beyond historical limits.³

It is widely known that by the end of the 1970s, Foucault had begun to refer to ‘experience’ to account for his intellectual trajectory and to redirect the work on The History of Sexuality (1990: 4–5, 2000b: 239–46). However, this taking up of the notion of experience was also accompanied by an analysis of the ‘critical attitude’ (1997a: 24) that Foucault explicitly started to address at about the same time. As I will show, there is an intimate link between the inquiry into critique and the interest in experience in Foucault’s later work. My thesis is that Foucault’s account of critique is informed by a specific reading and understanding of experience. He conceives of experience as a dynamic interplay between games of truth, forms of power and relations to the self. Referring to these three ‘axes’ or ‘domains of experience’ (1984a: 338, 1988: 243), Foucault defines critique as ‘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’ (1997a: 32).

The main part of the article explores the three dimensions of critique in Foucault’s later work: the activity of problematization, the art of voluntary insubordination and the audacity to expose one’s own status as a subject. Before I present each of these dimensions in more detail, the first section briefly reconstructs the trajectory of ‘experience’ in Foucault’s work from the 1960s to the 1980s.
From Transgression to Ethos: What is Critique?

Compared to other important concepts in Foucault’s work (e.g. power, knowledge, discourse), ‘experience’ has rarely attracted scholarly interest. This is quite surprising, as the term plays a central role at different times in Foucault’s writings. He uses the notion in his books of the 1960s to specify the distinctive theoretical profile and the subject of his work. His first major book, *History of Madness*, sets out to uncover ‘the Western experience of Madness’ (2006: 16), while the *The Birth of the Clinic*, published two years later in 1963, seeks to determine ‘the conditions of possibility of medical experience in Modern times’ (1973: xix). In *The Order of Things*, Foucault writes that ‘in every culture […] there is the pure experience of order and of its modes of being. The present study is an attempt to analyse that experience’ (2002: xxiii).

While these books differ considerably in their subjects and theoretical perspectives, there is nevertheless a guiding thread that can be discerned. In his archaeological writings of the 1960s, Foucault tried to reveal the conceptual background and the limits of historical experiences. In his literary essays published around the same time he took up the concept of limit-experiences and the idea of an outside that he found in 20th-century French literature, In his work on Bataille, Blanchot and other writers, Foucault sought to determine the possibility of moving beyond existing conceptual structures and historical limits (see e.g. 1998a, 1998b). Thus, Foucault’s writings of the 1960s are characterized by a remarkable ‘division of labour’. While in the books he focuses on the ‘patient dissection of normal experience’ (Gutting, 2002: 77), in his literary essays he intends to go beyond these standard regimes of knowledge and historical practices to explore limit-experiences and forms of ‘transgression’ (Gutting, 2002; Rayner, 2003).

By the end of the 1960s, Foucault had to a considerable extent distanced himself from the notion of experience. The term is virtually absent in his work for about ten years. Two considerations might account for this silence. First, Foucault seems to have become dissatisfied with this ‘very floating’ concept (1984a: 336) and to have sought to distinguish his theoretical perspective more sharply from phenomenological attempts to recapture the meaning of everyday experience’ (2000b: 241). Second, Foucault’s theoretical move to genealogy and his new focus on the materiality of bodies and technologies of power rendered difficult any reference to ‘experience’. Foucault simply seemed to have left behind the question of experience, or at least to have reduced it to the search for its ‘conditions of existence’ and the nexus of power-knowledge supporting it (Jay, 2005: 395; O’Leary, 2008: 10).

The term ‘experience’ re-emerged in Foucault’s work toward the end of the 1970s, but by this time it had been completely transformed. Experience is now no longer understood in terms of epistemic regularities or the effect of power regimes; rather, it serves as a multi-layered concept
that articulates forms of knowledge, mechanisms of power and relations to the self. It is this new tripartite ‘matrix of experience’ (1984a: 338) that reorients Foucault’s work in the 1980s. Foucault gives up the original plan to study the history of sexuality ‘from the viewpoint of a history of discourses’ (1980a: 69) in order to study ‘a history of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture’ (1990: 4; see also 1984a: 333, 1988: 243).

In a famous interview conducted in 1978 and published two years later, Foucault characterizes his entire theoretical development and the general objective of his work in terms of ‘experience’. He declares himself to be an ‘experimenter and not a theorist’ (2000b: 240), and regards the engagement with ‘experiences’ as the driving force of his writing:

The experience through which we grasp the intelligibility of certain mechanisms (for example, imprisonment, punishment, and so on) and the way in which we are enabled to detach ourselves from them by perceiving them differently will be, at best, one and the same thing. That is really the heart of what I do. (2000b: 244)

My thesis is that the reappearance of the notion of experience in Foucault’s later work is intimately linked to a significant shift in the mode of inquiry and the concept of critique. Foucault conceives of critique differently and no longer seeks to define critical references (e.g. the outside, transgression or the body), but he explicitly addresses the activity of critique. In a lecture entitled ‘What is critique?’ (1997a), Foucault investigates the specific experience of critique: How does critique work? How is it performed? How is the practice of critique defined?

As Foucault observes, the activity of critique mostly seems to be informed by a ‘juridico-discursive’ (1980a: 82) style of thought, focusing on judging and condemning, negating and rejecting. According to this model, critique necessitates the determination of rational standards of evaluation and the application of those standards to social reality. In this perspective, critical theory should clarify and justify the normative guidelines by which societies ought to be criticized in order to confront these principles with social and institutional practices (Sinnerbrink et al., 2005). However, this form of critique appears to be a predominantly negative practice characterized by deficit, dependency and distance.

1. Deficit. Empirically, critique focuses on epistemological problems conceived as cognitive errors, false consciousness, lack or distortion of knowledge. Seen in this light, critique aims at correcting or eradicating errors. In Foucault’s words: ‘what false idea has knowledge gotten of itself and what excessive use has it exposed itself to, to what domination is it therefore linked?’ (1997a: 49).

2. Dependency. Ontologically, critique seems to lack any proper substance. It is conceived of as ‘pure heteronomy’ (1997a: 25). Critique ‘only exists in relation
to something other than itself’ (1997a: 25). It is informed by a normative infrastructure that specifies its lawful foundation and its legitimate objective. But critique is not only based on something other, on which it depends; it is also an instrument or a means to achieve something that does not yet exist: the promise of a better future (see 1997a: 25).

3. **Distance.** Practically, critique relies on the asymmetrical opposition between those who know and those who do not, the world of science and everyday life, the governors and the governed. It is a reaction or response to governmental regimes, and it is this fundamental distance between the practice of critique and its object that allows for a critical stance.

These three moments of the juridical-discursive conception of critique mark Foucault’s starting point. In the ‘What is critique?’ lecture and in his later work in general, he sets out to reverse this negativity by suggesting that we should move in the ‘opposite direction’ (1997a: 61). He proposes ‘a different procedure’ (1997a: 49), seeking to give critique ‘a more positive content’ (1997b: 315) by responding to each of the negative features just mentioned. While Foucault acknowledges that there are diverse concepts of critique, he nevertheless states that the activity of critique is supported by a recurrent theme. He argues that critical activity repeats and follows a ‘more general imperative’ (1997a: 25). As he puts it: ‘there is something in critique which is akin to virtu’ (1997a: 25). For Foucault, critique is marked by an ethical-political gesture or an ‘ethos’ (1997b: 319). As we will see, this understanding of critique is intimately linked to a specific reading of the transformative force of experience.

### Rarity: Problematization as a History of Truth

The first reversal replaces the focus on ‘deficit’ by an interest in ‘rarity’. According to Foucault, critique does not refer to a lack of knowledge but to the limits truth regimes impose on autonomy and democracy. It does not rely on the difference between truth and ideology, but follows the principle of rarity. Given the present ontological order, how do I have to be in order to be? What conditions do I have to meet in order to be recognized? Or, to put it simply: ‘what, therefore, am I?’ (1997a: 46).10

Foucault’s concept of critique is informed by a specific methodological-theoretical choice. He seeks to bring out the contours of this critical approach by separating it from an all too familiar form of analysis. Foucault proposes a distinction between two traditions of Enlightenment.11 He calls the dominant tradition an ‘analytic of truth’ (1997b: 99) which inquires into the formal conditions of truth. This idea of enlightenment limits itself to the alternative of rationality versus irrationality, seeking to specify universal norms to distinguish one from the other. In contrast to the universalist and rationalist tradition, a ‘history of truth’ sets out to analyze the historical conditions and limits of singular rationalities. It addresses the question ‘What kind of rationality are we using?’ – a question that
presupposes a plurality of rationalities. The ‘history of truth’ is a genealogical enterprise that appears under different names. Foucault sometimes calls it a ‘history of problematizations’ or a ‘nominalist method in history’ (2008: 318).12

There are two complementary steps in this ‘nominalist critique’ (2000a: 238). The first ‘theoretico-political function’ (2000a: 226) consists in questioning universals. This operation is quite visible in Foucault’s books. History of Madness (2006) demonstrates that the classification of the mad as mentally ill is the historical and contingent result of specific social practices; Discipline and Punish (1977a) shows that imprisonment is not the only possible form of punishment; The History of Sexuality (1980a, 1990) presents sexuality as a particular form of organization of pleasure. In all his books, Foucault shifts the emphasis from objects to practices in order to study the ‘objectification of objectivities’ (2000a: 238).

The second step of ‘problematization’ (1997e: 114) complements the first. If epistemological-political positivities like madness or sexuality are no longer self-evident and unquestionable facts, it is necessary to investigate the ‘system of acceptability’ (1997a: 53). More concretely, it is indispensable to uncover the network of ‘connections, encounters, supports, blockages, plays of forces, strategies and so on, that at a given moment establish what subsequently counts as being self-evident, universal and necessary’ (2000a: 226–7). From this perspective, universals are no longer the starting point of analysis but rather the effects of historical practices. They are not monolithic entities that were moulded historically, but a system of heterogeneous elements that cannot be reduced to a founding essence or the individualization of a species. As a consequence, this kind of critique has ‘to keep itself within the field of pure singularities’ (1997a: 55).

Foucault’s historical investigations expose the singularity and contingency of what came to be known as universal and natural. Since his work is aiming at ‘a rational critique of rationality’ (1998c: 441), it comes as no surprise that Foucault’s books are indeed marked by a central ambivalence. On the one hand, his studies comply with the traditional criteria of historiographical work: they argue on the basis of documents, rely on textual evidence, etc. As a result, it is possible to compare his work with differing interpretations in order to verify or falsify his historical account. Foucault’s reconstruction could be refuted, and it is perfectly possible to criticize the use of arguments or the choice of material. In this respect, there is no doubt that the ‘history of truth’ claims to be a ‘true history’.

On the other hand, his books differ from the classical topoi of historical work: History of Madness is not a history of psychiatric institutions, Discipline and Punish is not a history of the prison, and The History of Sexuality is not a history of sexual practices. The decisive point in these books does not consist in the historical reconstruction as such; rather, the historical truth is an ‘indispensable means’ to achieve a more ambitious
objective: the production of experiences. Foucault understands his books less as ‘truth books’ (livre-vérité) than as ‘experience books’ (livre-expérience) which, by narrating a concrete historical content, refer to contemporary practices and transform the way we look at them. Thus, ‘experience books’ do not limit themselves to stating a historical truth but take truth as a starting point for an analysis that pursues a specific objective: the problematization of the way we think about and judge certain objects in order to distance ourselves from their naturalness or self-evidence – and to work towards new experiences. Foucault stresses that his books function:

as an experience […] much more than as the demonstration of a historical truth. […] [T]he essential thing is not the series of those true or historically verifiable findings but, rather, in the experience that the book makes possible. Now, the fact is, this experience is neither true nor false. An experience is always a fiction: it’s something that one fabricates oneself, that doesn’t exist before and will exist afterward. (2000b: 243)

The term ‘experience’ is decisive in this context. It first indicates the relational and collective dimension of critique. Experience in Foucault’s terminology is not something private, but points to a ‘collective practice’ (2000b: 244). Thus, the ethos of critique Foucault envisions is not a solitary attitude; it is closely connected to existing forms of government. Second, the term also points to the local and ‘experimental’ (1997b: 316) character of critique. It refers to a ‘critical ontology of ourselves’ (1997b: 316) that seeks to make new historical experiences possible by moving beyond the limits of the present. This preference for an experimental critique is less a theoretical choice than the result of historical experiences with forms of critique that claimed to be ‘radical’ or ‘global’:

we know from experience that the claim to escape from the contemporary reality so as to produce the overall programs of another society, of another way of thinking, another culture, another vision of the world, has led only to the return of the most dangerous traditions. (1997b: 316)

Finally, the ambiguity of experience as both the historical background and the transformative force also accounts for a certain tension in the use of the term ‘problematization’. On the one hand, Foucault clearly indicates that problematization (of sexuality, madness, etc.) is a given structure and an object of analysis. It is something to be investigated to determine its emergence and its conditions of existence. On the other hand, there is another sense of problematization, which refers to the activity of the observer who engages in the process of problematization. He or she problematizes specific experiences and by doing so tries to move beyond the limits they impose. Here, problematization is no longer the object, but rather the objective of the critical investigation.
Relationality: The Art of Voluntary Insubordination

The second reversal dismisses dependency in favor of relationality. Critique, as Foucault conceives it, is always already involved in what it addresses. It relies on the existing normative and institutional system while seeking to expose its limits in order to explore ways to transform it. In this sense, critique is ‘the art of voluntary insubordination’ (1997a: 32). It materializes in ‘the will not to be governed as such’. Foucault makes it clear that this will is not an anthropological fact or a natural impulse, but a relational will formed in confrontation with concrete forms of government:

I do not think that the will not to be governed at all is something that one could consider an originary aspiration. I think that, in fact, the will not to be governed is always the will not to be governed thusly, like that, by these people, at this price. (1997a: 72)

However, Foucault’s concept of critique and his relational account seem to involve serious normative difficulties, or, as Foucault himself remarked: to perform this kind of critique brings with it ‘several dangers which cannot fail to appear as its negative and costly consequences’ (1997a: 53). Many commentators have seen Foucault’s work as characterized by paradoxes, aporias or contradictions. Jürgen Habermas (1981, 1987), Nancy Fraser (1981), Charles Taylor (1984) and others have claimed that genealogical critique is inescapably caught in irresolvable difficulties when it relies on values like individual autonomy or social justice while simultaneously questioning and dismissing them. In fact, this ‘dead end’ (Foucault, 1997a: 55; see also 1980b: 108) is not a theoretical deficit on the part of Foucault but points to a general political problem. Each critical perspective has to deal with the material that constitutes the historical present – and each form of contestation must negotiate with the norms available even in rejecting them.

The way Foucault deals with the question of rights is very illuminating in this respect. Foucault’s nominalist critique, which insists on the singularity of epistemological-political systems, seems at odds with the universality supposedly implied by the appeal to rights. Again, there is an ambivalence to be noted in Foucault’s account of rights. On the one hand, Foucault is often quite critical of a discourse of rights that appears to be bound to a sovereign concept of politics, thereby concealing the technologies and rationalities of government. On the other hand, Foucault often stressed the importance of rights. He intervened quite frequently to demand respect for established rights: the right to abortion, the right to asylum, the right to be represented by a lawyer. On some occasions Foucault even invoked new rights. In several interviews on gay rights and sexual self-determination, he demanded the legal recognition of same-sex relationships. He also endorsed the idea of a right to suicide (2000c: 380), and claimed a right of citizens to intervene in matters of international policy (2000d).

Foucault’s call for new rights should not be misunderstood as a simple extension of existing rights, adding some previously unknown rights to the
legal catalogue. Rather, Foucault seeks to explore the ‘possibility of a new form of right [. . .] liberated from the principle of sovereignty’ (1980b: 108). He wants to free the concept of right from juridical accounts by envisioning a ‘new relational right’ (1997c: 158). Although his idea remains more a fragmentary sketch than an elaborated concept, there are some characteristics that can be discerned. First, this new form of right focuses on difference rather than identity. It is not based on a solid idea of (human) nature or on more or less fixed concepts of normality. Rather, it is intended to give rise to deviations, to dissent and diversity.

Second, the idea of a negative right defending or safeguarding privacy is replaced by the concept of a positive right promoting reciprocity and exchange. Third, this new form of right does not focus primarily on the state to specify the limits of state interventions, nor is it restricted to an atomistic conception of individual rights (Pickett, 2000: 407–11). To describe this new relational right, Foucault refers to common experiences and attacks individualist and privatist concepts of right. They are ‘not pertinent’ (1997c: 158), he remarks, as it is necessary to ‘create a new form of life’ or ‘lifestyles’ (1997c: 158, 157). A formal and negative account of rights is insufficient, since ‘a right is much more linked to attitudes and patterns of behavior than to legal formulations’ (1997c: 157).

Finally, Foucault also discards the idea of a dualism of rights and legal duties where rights on the one side correspond to obligations on the other (see 2000d). In a way, the idea of a relational right points to an ethical obligation that takes the form of a self-authorization: ‘[C]ritique 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’ (1997a: 32). In this light, rights are defined as a practice and as a factual ability to claim rights. Foucault, following Nietzsche, does not treat rights as inherent properties of individuals which then set limits to other individual or collective bodies; rather, he regards rights as a matter of relations between those agents. The new relational right is not defined in terms of legal or formal rights, but rather as effective right in the sense that it only exists when it is recognized and guaranteed by power relations (Patton, 2005).16

However, we still have to answer the question of whether Foucault’s frequent use of the concept of right and his claim to a new form of right is contradictory in the sense that his preference for a nominalist critique rules out any appeal to universal structures or rights. Paul Patton (2005) has convincingly shown that this tension between Foucault’s form of critique and the universality claim disappears once we understand rights as integral parts and contingent features of power relations, as delimited and defined by social institutions and collective life forms. According to Patton, Foucault’s (and Nietzsche’s) account of rights puts forward a strong historical understanding that affects not only the emergence of rights but also their modes of transformation and their possible disappearance as power relations change.
Patton cites historical examples of this historical and relational concept of right, such as the disappearance of the ancient rights of slave-owners and the dismantling of systems of legal apartheid that existed in colonial societies. Recently emerging new rights include the individual right to suicide, the right to prosecute state officials for war crimes, and the right to intervene in the internal affairs of sovereign states when basic human rights are threatened. Moreover, Patton suggests ‘the possibility that rights that emerged in one historical context may take on a very different political significance in another context’ (2005: 272).

Let me illustrate these abstract considerations with a concrete example that relates to Foucault’s theoretical practice. Foucault was gay and was subjected to those processes of power that claim there is a ‘true’ heterosexual form of desire, denouncing divergent forms of pleasure as ‘pathological’ or ‘perverse’. In The History of Sexuality he reconstructed the historical process by which sexual practices came to be regarded as central for personal identity. Thus, he thought that those struggles for liberation that claim a right to one’s sexuality are limited if they accept the idea of a ‘true sex’ – an idea promoted by institutions seeking to control and regulate sexuality. Foucault wanted to distance himself from this idea of a ‘true sexuality’ in order to make possible new forms of sexual experience.

However, it does not follow from this that he rejected the notion of identity or the recourse to rights. To the contrary, Foucault insisted that gays and lesbians have legal rights as gays and lesbians. In this sense these aspects are not a matter of either/or, and there is no contradiction between them. The development of a gay ‘way of life’ (see Foucault, 1997g) does not replace the fight for rights and sexual self-determination. Rather, the latter is part of the former. To be successful the struggle has to go beyond demanding rights and sexual tolerance since it is necessary for a real recognition to develop new experiences and lifestyles:

It is important, first, to have the possibility – and the right – to choose your own sexuality. Human rights regarding sexuality are important and are still not respected in many places. […] Still, I think we have to go a step further. I think that one of the factors of this stabilisation will be the creation of new forms of life, relationships, friendships in society, art, culture, and so on through our sexual, ethical, and political choices. Not only do we have to defend ourselves, not only affirm ourselves as an identity but as a creative force. (1997d: 164)

Problematization as a form of critique consists exactly in this ‘step further’. Since it is neither feasible to stand on the ground of truth nor possible simply to dismiss it, truth has to be negotiated with the means of truth by finally changing the regime of truth. Foucault’s idea of critique is not limited to taking up a position on an already existing ‘chess-board’ (1980c: 190; translation corrected by author) that allows certain moves while forbidding others. Critique means altering the ‘rules of the game’ while playing
Thus, one escaped from a domination of truth not by playing the same game differently, or playing another game, another hand, with other trump cards. I believe the same holds true in the order of politics; here one can criticize on the basis, for example, of the consequences of the state of domination caused by an unjustified political situation, but one can only do so by playing a certain game of truth, by showing its consequences, by pointing out that there were other reasonable options, by teaching people what they don’t know about their own situation, their working conditions, and their exploitation. (1997f: 296)

This insistence on ‘the field of immanence’ (1997a: 55) produces a certain predicament, as Tom Keenan notes:

We must negotiate with the terms we have, even ‘after’ their problematization. […] We recall the futures of a right beyond right, a right without right, but only by making reference or gesturing to the ‘rights’ we have. There is ‘no way out,’ because there is no ‘out’ – not because the present is somehow self-enclosed or self-identical, but on the contrary precisely because it differs itself and thus makes politics necessary. The only way out is out of politics. (1987: 29; see also Macherey, 1992)

**Risk: The Audacity to Expose Oneself as a Subject**

The third reversal proposed by Foucault replaces the security of ‘distance’ with the insistence on ‘risk’. To criticize means to expose one’s own ontological status, it involves the danger of falling outside the established norms of recognition. Seen in this light, critique does not rely on a distance between ‘us’ and ‘them’ but focuses on a ‘historical ontology of ourselves’ (1997b: 319).

Foucault’s concept of experience ‘has the function of wrenching the subject from itself’ (2000b: 241). Accordingly, critique seeks to make visible the limits of ‘what we are’ (1997b: 319) in order to transgress them. It follows from this focus on the ‘desubjectivation of the subject’ (1997a: 32) that Foucault is not really interested in how individual and collective subjects act in accordance with established norms and how they could be brought to resist on the basis of shared ideas or convictions. Quite on the contrary, he wants to contribute to the constitution of new subjectivities and alternative norms that offer more space for autonomy and ethical self-formation (see 2000f):

[T]he problem is, precisely, to decide if it is actually suitable to place oneself within a ‘we’ in order to assert the principles one recognizes and the values one accepts; or if it is not, rather, necessary to make the future formation of a ‘we’ possible by elaborating the question. Because it seems to me that
the ‘we’ must not be previous to the question; it can only be the result – and the necessarily temporary result – of the question as it is posed in the new terms in which one formulates it. (1997e: 114–15)

The questioning of established norms and the call for new subjectivities implies the audacity to expose oneself as a subject. It necessitates suspending and undermining one’s own ontological status in order to engage in a process of self-distancing and self-questioning. As Judith Butler has pointed out in her comment on Foucault’s lecture ‘What is Critique?’, critical activity involves a certain risk. The subject:

is compelled to form itself, but to form itself within forms that are already more or less in operation and underway. [...] But if that self-forming is done in disobedience to the principles by which one is formed, then virtue becomes the practice by which the self forms itself in desubjugation, which is to say that it risks its deformation as a subject. (Butler, 2002: 19–20; see also Saar, 2007, 2008)21

Understood in this way, desubjectivation is not a negative procedure or a simple means to achieve a distant end. Rather, it represents an integral part and a visible sign of the ethical self-formation that is characterized by a peculiar symmetry of means and ends. As Foucault remarked in relation to the Solidarność movement in Poland at the beginning of the 1980s: ‘people have not only struggled for freedom, democracy, and the exercise of basic rights but they have done so by exercising rights, freedom, and democracy’ (2000g: 465).

To understand Foucault’s claim that critique is marked by an ethical-political gesture or an ‘ethos’ (1997b: 319), it is useful to refer to The Use of Pleasure, the second volume of The History of Sexuality (Foucault, 1990), where his notion of ethics is most clearly developed. In this book Foucault sets out to analyse sexuality as an experience, attacks the juridical framing of moral problems and seeks to disclose a non-prescriptive form of moral inquiry. He demonstrates that in Greek and Roman antiquity, moral experience was not rigidly defined by legal or moral rules but was part of ethical self-formation. Foucault stresses that the self did not submit to a command but constituted itself in relation to a given catalogue of regulations. According to the juridical model, sexual practices are a moral problem since subjects are confronted with more or less codified regulations allowing some practices while forbidding others. Foucault counters this perspective by pointing out that a given moral prescription may allow for different forms of subjectivation. Thus, he distinguishes moral codes from moral subjectivations. It is these forms of subjectivation that Foucault conceives of as ethics, understood as ‘the elaboration of a form of relation to the self that enables an individual to fashion himself into a subject of ethical conduct’ (1990: 251).

This analytical distinction makes it possible to differentiate between two possible axes of moral experience: code- and ethics-oriented moralities.
On one side, we find moral experiences where the subject is expected to obey moral prescriptions while subjectivation occurs basically in a quasi-juridical law (1990: 29). But it is also possible to conceive of moralities in which the modes of subjectivation and the practices of transforming the self constitute the centre of moral concern, while the system of codes and regulation of behaviour are only of minor importance. The distinction between morals and ethics makes it possible to displace the primacy of the moral law to the practices of the self. The practices of the self are not the result of the codification of behaviour and obedience to moral imperatives; quite the contrary, the relevance of the moral law can only be grasped in the context of ethics. Instead of starting from moral obligations, Foucault shows how an ethics finally assumed the form of interdictions.

In the light of the preceding discussion, it is possible to distinguish concepts of critique as a code and critique as ethos — conceiving of the former as a particular form of the latter. Thus, critical activity is understood as a way of self-formation — a self-formation that is neither an individual option nor a voluntaristic choice but operates in a specific normative horizon, thereby extending and transforming it. As a result, the meaning of ‘virtue’ changes, as Butler has stressed: ‘Virtue is not only a way of complying with or conforming with pre-established norms. It is, more radically, a critical relation to those norms’ (2002: 6, emphasis in original). In this sense a ‘transformative’ or ‘experimental’ critique presupposes a move to examine carefully the normative yardsticks that are part of a social and historical reality to which they critically relate:

When I speak of critique I do not mean a work of destruction, of refusal and denial, but rather an investigative work that consists in suspending as far as possible the normative system which one refers to in order to test and evaluate it. (Foucault, 1984b: 68, author’s translation)

Foucault shares with Theodor W. Adorno the theoretical desire to develop a vocabulary of critique that distances itself from judgements. While judgements tend to ‘subsume a particular under an already constituted category, […] critique asks after the occlusive constitution of the field of categories themselves’ (Butler, 2002: 2). Also, there is a degree of parallelism between Foucault’s notion of ethos and Adorno’s idea of a critique of life-forms (Adorno, 2006). Both Adorno and Foucault are convinced that the ethical question of how to live is implicitly or explicitly answered by social formations. Capitalism, as Adorno sees it, structures and forms experiences of the self and the world-views on which conceptions of the good life are based. While Foucault certainly does not subscribe to Adorno’s tendency to totalize and homogenize social tendencies, both authors affirm an intimate link between critique and ethics. They formulate ethical questions not as personal preferences but in the context of common forms of life, while accepting the impossibility of referring directly to a substantive idea of the ‘good life’ (Jaeggi, 2005).
Conclusion

The activity of problematization, the art of voluntary insubordination and the audacity to expose oneself as a subject – these are the three elements that define critical activity according to Foucault. They are closely connected to the complex notion of experience that articulates ‘three major types of problems: the problem of truth, the problem of power, and the problem of individual conduct’ (1988: 243). I would like in conclusion to point out some implications of this experimental critique.

(1) Foucault’s concept of critique implies both a principle of auto-limitation and a proposal for infinite critique. Since problematization focuses on singular experiences and specific regimes of government, it must refrain from any claim to universality and necessity. Problematization is not the only possible or the ‘true’ form of critique; rather, it functions as a ‘proposal’ and an ‘invitation’ (see 2000b: 245). It seeks ‘to invite others to share an experience of what we are, not only of our past but of our present, an experience of our modernity in such a way that we might come out of it transformed’ (2000b: 242). Problematization replaces the Kantian categorical imperative with a ‘conditional imperative’: ‘If you want to struggle, here are some key points, here are some lines of force, here are some constrictions and blockages’ (2007: 3).

However, problematization also supports an extension and perpetuation of critical activity in the sense that it never reaches a point of saturation and cannot be brought to an end. It is not a temporary issue. As Foucault states in ‘What is Enlightenment?’, it is a never-ending task, a ‘permanent critique of ourselves’ (1997b: 313).

(2) The function of critique changes once it is freed from the juridical concept. It no longer sets out to demonstrate impermeable borders or closed systems; nor does it have the task of making visible what is covered or concealed in order to finally arrive at the promise of complete transparency. Experimental critique, to the contrary, seeks to make visible transformable singularities by pursuing a seemingly paradoxical goal: to ‘make visible precisely what is visible, which means to make appear something that is so close, so immediate, so intimately linked to ourselves that because of this we don’t see it’ (1994b: 540^1, author’s translation).

(3) Foucault’s concept of critique as ‘ethos’ not only goes beyond the juridical account of critique, it also distances itself from those playful forms of criticism that celebrate contingencies, insisting that the social fabric has been made and could be unmade. This kind of thinking can be found in contemporary management discourse and neoliberal rationalities demanding innovation, flexibility, mobility and the ability to adapt to rapidly changing situations. While it is certainly a good thing to fluidify rigid concepts and to render problematic essentialist notions, critique as an ethos goes one step beyond these endeavours. It should ‘grasp the points where change is possible and desirable, and […] determine the precise form this change should take’ (1997b: 316).
This also means that passion and desire play a central role in this concept of critique. Foucault stresses the ‘importance of political affect’ (2000g: 471) for the exercise of critique. There cannot be any critique without an idea of what is conceived as intolerable and unacceptable. This is why critique cannot be reduced to a theoretical concern or an epistemological enterprise of correcting mistaken knowledge, but is rather an ‘attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits imposed on us and an experiment with the possibility of going beyond them [de leur franchissement possible]’ (1997b: 319). Foucault would certainly have subscribed to Marx’s statement, in his famous ‘Introduction to a Critique of Hegel’s Philosophy of Right’, that ‘criticism is not a passion of the head, it is the head of passion.’

Ironically, it is possible to conclude that the normative lack so often diagnosed in Foucault’s critique proves to be a normative richness or a more complex concept of normativity. Foucault’s suspension of judgement — or, in his own words, the ‘systematic reduction of value’ (1997a: 51) — and his rejection of normative criteria for founding critique seek to bring to light the compulsion that binds each critical intervention to a proof of justification or to a norm of identity. His proposal for an experimental critique does not disqualify or dispel the recourse to normative criteria and rights. Rather, it seeks to expose normative categories, to put them to the test in order to assess and assist the development of a new normative grammar that might make it possible to spell out alternative forms of rights and different modes of subjectivity beyond the juridical horizon (see Butler, 2002: 3).

Notes

1. I’d like to thank five anonymous reviewers for this journal and my colleagues at the Goethe University Martin Saar and Torsten Heinemann, for helpful comments on and instructive criticism of an earlier version of this paper. Also, I would like to express my gratitude to Kevin Hall who helped me with the work on the manuscript and Gerard Holden who copy-edited the text.

2. Foucault’s critique is mainly addressed to the official and dogmatic traditions of Marxism. His work could productively be read as a permanent discussion and appropriation of Marxist concepts (see Balibar, 1992; Lemke, 2002).

3. Note the double meaning of expérience in French as both ‘experiment’ and ‘experience’. Timothy O’Leary stresses the ‘ambiguity within Foucault’s use of the term’:

On the one hand […] experience is the general, dominant form in which being is given to an historical period as something that can be thought. On the other hand, experience is something that is capable of tearing us away from ourselves and changing the way that we think and act. (2008: 14)
See also Han (2002: 152–8) for the diagnosis of a different ‘ambiguity’ in Foucault’s use of the concept of experience.


5. For an interesting exception to this general rule, see Foucault (1977b: 231).


7. For an insightful analysis of how the work of the so-called ‘late Foucault’ is linked to the broader political climate of the time and Foucault’s search for a new form of spirituality see Rabinow (2009).


9. Timothy O’Leary stresses that Foucault’s re-evaluation of experience from the end of the 1970s onwards is accompanied by a shift in the conception of the ‘outside’:

   In the 1960s, that conception is bound up with his engagement with literature and, in particular, with the ideas of transgression and the outside which he gets from Bataille and Blanchot. [...] In the 1970s, with the turn to politics and the question of power, we could say that the outside of thought, the engine or motor of change, is conceptualised as resistance that, perhaps, has its source in the forces of the body. While in the 1980s, with the final turn, the outside becomes, in a strange way, the inside of subjectivity itself; in other words, the potential for change emerges out of a folding back of the self upon itself. (2008: 15–16)

10. See Paul Veyne’s comments on ‘rarity’:

   The term for Foucault’s initial intuition is not structure, or break, or discourse: it is exceptionality, rarity, in the Latin sense of the word. Human phenomena are exceptional: they are not ensconced in the plenitude of reason; there is empty space around them for other phenomena that we in our wisdom do not grasp; what is could be otherwise. (1997: 147, emphasis in original)

11. On Foucault’s reading of Kant and his productive tensions with the Kantian concept of critique, see Gordon (1986).

12. On the notion of problematization, see Foucault (1985: 115):

   When I say that I am studying the ‘problematization’ of madness, crime, or sexuality, it is not a way of denying the reality of such phenomena. On the contrary, I have tried to show that it was precisely some real existent in the world which was the target of social regulation at a given moment. The question I raise is this one: How and why were very different things in the world gathered together, characterized, analyzed, and treated as, for example, ‘mental illness’? What are the elements which are relevant for a given ‘problematization’? And
even if I won’t say that what is characterized as ‘schizophrenia’ corresponds to something real in the world, this has nothing to do with idealism. For I think there is a relation between the thing which is problematized and the process of problematization. The problematization is an ‘answer’ to a concrete situation which is real.

Foucault’s historical nominalism breaks with classical nominalism by taking up and radicalizing insights from French epistemology and the work of Paul Veyne (see e.g. Veyne, 1997). On the difference between the two forms of nominalism, see Pfalder (1997: 178–83). Ian Hacking proposes a similar distinction between ‘static’ and ‘dynamic’ nominalism (1986, 2004).

13. Timothy Rayner notes that ‘fiction’ here does not point to a ‘deficit’ or an outside of truth:

Foucault’s works are not fictions because they presently lack in truth – a status that they may or may not acquire through some future rearrangement in social power relations. On the contrary, Foucault’s works, as fictions, already have a stake in truth, thanks to a contemporary political situation that renders them true. (2003: 29, emphasis in original)

14. ‘Every time I have tried to do a piece of theoretical work it has been on the basis of elements of my own experience: always in connection with processes I saw unfolding around me’ (2000h: 458). On this ‘autobiographical dimension’ of Foucault’s theoretical work, see Eribon (1994).

15. I’d like to thank one of the reviewers for clarifying this point for me.

16. Thus understood, rights as such can never secure individual autonomy or social justice since they depend on power relations that exceed them. As Foucault puts it:

The liberty of men is never assured by the institutions and laws intended to guarantee them. […] I think that it can never be inherent in the structure of things to guarantee the exercise of freedom. The guarantee of freedom is freedom. (2000e: 354–5)

17. Judith Revel (2009: 48) stressed that Foucault’s concept of a ‘way of life’ mirrors his refusal to reduce subjectivity to identity, leading him to theorize another form of the relation to oneself and others:

This notion of way of life seems important to me. … A way of life can be shared among individuals of different age, status, and social activity. It can yield intense relations not resembling those that are institutionalized. It seems to me that a way of life can yield a culture and an ethics. (Foucault, 1997g: 137–8, translation modified)

18. Foucault’s idea of ‘relational rights’ has been further developed by Mark Blasius in his book *Gay and Lesbian Politics: Sexuality and the Emergence of a New Ethic* (1994). Following Foucault, Blasius points to the limits of the traditional discourse of rights in the domain of sexual practices, which mostly relies
on claims to privacy. While he considers this strategy too defensive, he argues for an affirmative approach that simultaneously avoids the recourse to the idea of sovereignty and the normalizing discourse:

While the assertion of such a [relational] right may make use of legal strategies of ‘privacy’ for consensual sexual expression, of equal protection for nondiscrimination, and of distributive justice for recognition to receive the benefits of citizenship, it goes beyond a juridico-discursive model of rights as granted to or withheld from individuals by the state to a conceptualization of a right within a normalizing-disciplinary ordering of power. [...] The relational right is pressed, via ‘coming out’ as lesbian or gay, to change the normalizing-disciplinary practices of compulsory heterosexuality in everyday life, but both in order to do so and as a consequence, its assertion has recourse to the legal system. (Blasius, 1994: 133–4; emphasis in original; see also Pickett, 2000: 408–9)

On the Foucauldian idea of a new form of right, see also Mourad (2003).

19. Foucault points to the motto of Enlightenment according to Kant: Sapere aude, which means ‘Dare to know’ or ‘Have the courage, the audacity, to know’ (see 1997b: 306). See also Foucault’s lectures on ‘fearless speech’, where he insists that the activity of the truth-teller (the parrhesiast) is connected to risk-taking: ‘Parrhesia, then, is linked to courage in the face of danger: it demands the courage to speak the truth in spite of some danger’ (2001: 18). This is — according to Foucault — intimately linked to ‘the roots of what we could call the “critical” tradition in the West’ (2001: 170).

20. Foucault conceives of experiences like sexuality, madness, etc. as ‘transaccional realities’ (2008: 297) that define the ‘respective relations of the governed and the governors facing each other and in relation to each other’ (2008: 12). As Louisa Cadman notes, this means that

during contestations or counter-conducts, neither governors nor governed act directly on each other; instead, they act on the transactional field or domain through which they are engaged. By acting on this field, they also act on their respective positioning as governors or governed. (2010: 549)

21. Martin Jay points to the etymological roots of experience:

The English word is understood to be derived most directly from the Latin experientia, which denoted ‘trial, proof, or experiment.’ [...] Insofar as ‘to try’ (expereri) contains the same root as periculum, or ‘danger’, there is also a covert association between experience and peril, which suggests that it comes from having survived risks and learned something from the encounter (ex meaning a coming forth from). (2005: 10, emphasis in original)

Jay also mentions that in German Erfahrung is linked to Gefahr, the German word for danger (2005: 11).
22. Foucault himself occasionally noted the ‘significant proximity’ (1997a: 41) of the problems he poses to ideas developed in the context of the Frankfurt School, especially the question of Aufklärung and the relationship between knowledge and power (see also Sinnerbrink et al., 2005). Despite these similar interests, there are also some important differences. David Owen (1995) once elucidated in an essay the logical structure of genealogy as a practice of critical reflection, and contrasted it to the form of critique that was advanced by the tradition of the Frankfurt School.

23. Paul Rabinow and Nikolas Rose stressed that this concept of critique no longer intends to reveal a hidden and suppressed reality hoping to open it up to political action; rather, problematization works on the ‘surface’, addressing practices which have already become problematic (2003: xx).

References


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