

“A minimum of domination”—the overt normative orientation of Foucault's work

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Abstract

Answering the charge of ‘crypto-normativity’ that has long overshadowed Michel Foucault's work, I argue that this work is animated by an overt normative orientation to keep domination to a minimum. This orientation operates both at the level of content and form. It tends to be overlooked or dismissed because critics have certain blinders on about what it is to do philosophy and social critique—or so I suggest. I clarify the important distinction Foucault draws in a late interview between power and domination. As part of this, I unearth a hitherto overlooked further distinction between states and effects of domination. And I show that Foucault's way of writing—aiming to produce transformative experiences in himself and readers—reflects his endeavours to avoid obscuring and fixing power relations; and that this means to take critical reflection even further, encompassing not just external power relations but how intellectuals frame their role in speaking truth to power. It is particularly in relation to effects of domination—our accepting given power relations as if they were inevitable and fixed—that theorising can contribute to our practices of freedom. On the proposed reading, it is on this that Foucault's work aptly focuses.

Michel Foucault's work has long been overshadowed by the charge of ‘crypto-normativity’.¹ This charge consists, in fact, in a range of objections associated with the critical discussion of Foucault's work by Nany Fraser, Jürgen Habermas, and Charles Taylor in the 1980s. All three expressed their unease regarding the value-positions contained

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in his writings, ‘the normative dimensions of Foucault’s work’.² Finding his normative orientation hard to pin down, they raised a litany of related but analytically distinct concerns. As far as I can tell, there are, at least,³ the following five such concerns:

1. rejecting the possibility of value-neutrality (or normative neutrality), which they (especially Taylor) thought was Foucault’s official position, as incompatible with the politically engaged and condemnatory nature of Foucault’s writings, his social critique⁴;
2. insisting that Foucault’s work needs a context-transcendent common measure to compare different sets of practices, so as to distinguish ‘acceptable from unacceptable forms of power’ or worse set of practices from better ones⁵;
3. puzzling over what alternative normative framework may lay hidden in these writings, while finding either no clues (Fraser) or very few instances where this covert alternative peaks through, too few to reconstruct the alternative (Taylor; Habermas)⁶;
4. noting that Foucault’s brings evils to light but ruling out that bringing evils out is sufficient for such an alternative framework⁷;
5. requiring of him that he provides a normative foundation for whatever alternative normative framework he offers.⁸

Overall, Foucault’s work—despite being praised for its empirical richness by these critics—is found lacking in being ‘incoherent’ when it comes to its value-positions (Taylor), caught in ‘normative ambiguities’ that it is not equipped to resolve (Fraser), and stuck with ‘arbitrary *partisanship*’ insofar as Foucault does not and cannot account for the normative foundations of his critical analysis (Habermas).⁹ In sum, Foucault would have had to make overt the covert normative orientation of his work and provide a philosophical account for that orientation, but did neither—indeed, the critics’ conclusion is that his work lacked the resources to do so.

This is not the place to survey the range of responses to this charge.¹⁰ Instead, in this paper I suggest a new kind of response. First, I make some preliminary points about how Foucault actually presented his normative orientation quite overtly (at least in some of his later interviews), but how this has often overlooked because of certain narrow framings as to what could count as normative orientation. Second, I unpack an important clarification Foucault offered in his later works, distinguishing, as he does there, between domination and power. While this is an important distinction which can be used to render Foucault’s work more coherent and less one-dimensional about social practices,¹¹ his own statements on the matter still require further clarification. As part of offering this clarification, I unearth an important second distinction in his work (namely, between states and effects of domination)—a distinction which, as far as I know, has not been recognised before in the literature. With these clarifications in place, I, finally, return to the issue of crypto-normativity and consider in more depth why Foucault’s way of writing suggests that the crypto-normativity charge relies on a too narrow framing of what it is to expound a normative orientation—and, indeed, why it relies on a too narrow framing of doing philosophy.

1 | FOUCAULT’S OVERT NORMATIVE ORIENTATION AND INITIAL THOUGHTS ON WHY IT WAS OVERLOOKED

Let me start with the ‘crypto’ part of ‘crypto-normativity’. With all the talk of Foucault’s leaving no or little clues as to his normative orientation, it is striking how *overt* late Foucault is about his normative orientation. Here is perhaps the clearest example, found in one of his final interviews, from January 20, 1984:

I don’t believe there can be a society without relations of power, if you understand them as means by which individuals try to conduct, to determine the behavior of others. The problem is not of trying to dissolve them in the utopia of a perfectly transparent communication, but to give one’s self the rules

of law, the techniques of management, and also the ethics, the ethos, the practice of self, which would allow these games of power to be played with a minimum of domination.¹²

We get here a gloss of Foucault's notion of power—power as trying to conduct the behaviour of others—and we will return to this notion below. We also get his expressing that there can be no society without relations of power, and we shall return to this, too.

The important point we are getting here is an explicit statement of an overt normative orientation: *domination is something that we should avoid or at least reduce as much as possible*. To put it in Taylor's terms: domination is an evil and we should seek to organise our social relations such that we keep its occurrence to a minimum.¹³ Whether it is significant that this explicit statement comes in an interview, rather than in one of Foucault's major books, is something we return to below. For now, what is crucial is that he makes such overt statements about his normative orientation at all. It now looks surprising that the charge of *crypto-normativity* has persisted even after this interview (and similar ones) became publicly available.¹⁴

What is less surprising, but, in fact, more problematic, is the second part of the charge, specifically framing the issue in terms of 'normativity'. To see what might be problematic about this second part, we might imagine how Foucault would have reacted to it, if he had been confronted in person with the charge of 'crypto-normativity'. My sense is that the charge would have been met with derision. This, after all, is the very theorist who criticised the subtle and not so subtle mechanisms of being *normalised*. This is the theorist who became famous for his critical analysis of what he describes in *Discipline and Punish* [1975] as 'the emergence of a new form of "law": a mixture of legality and nature, prescription and constitution, *the norm*'.¹⁵ Thus, one would expect him to reject the very demand for normativity as just another ruse in a normalising society, both of which—the ruse and the society—we should resist.

Still, one might think that this reaction would be to misunderstand the notion of 'normativity' at stake; and wrongly swallow up all talk of 'norms' and 'normativity' in the critique of normalising. Indeed, being critical of the very normalising mechanisms that Foucault was critical of, involves—so the response would run—some commitments to values or principles or standards or norms of some sort. Otherwise, one cannot distinguish and condemn these mechanisms, and call for resistance to them. Perhaps, what is at issue cannot be codified in a principle; maybe, it is not best understood as a norm in the sense in which the meter in Paris is a norm; and, probably, Foucault would not want to impose or even prescribe his normative orientation on anyone. But—so the response would run—some sort of normativity, some value-position or other, is at stake in his work; for it is not just a descriptive enterprise, but also a critical one that is aimed at making the world a better place, in one sense or another.

One way in which a rejoinder to this response could run is to dig in one's heels and reject any talk of 'normativity' or 'normative'.¹⁶ On such a view, talk of normativity can never be separated from normalising and is something we should eschew altogether.

I do not want to make the rejoinder depend entirely on such a rejection. That is why I frame this article in terms of Foucault's '*normative orientation*', acknowledging that his is a critical enterprise that is orientated by a value or set of values, notably a particular conception of domination as something that we should keep to a minimum.

However, I do think that it is often underestimated how much is built into the very framing of the issue(s) in terms of 'normativity' and the idea that we need or should account for or ground it (or its 'source').¹⁷ I only hint at the wider issues here, and then return to them in the final section.

In particular, I here briefly want to come back to the surprise that one might feel when commentators speak of Foucault's normative orientation as something that is merely cryptically present or thematised. If one adopts a sufficiently ecumenical (or a non-technical) notion of 'normative orientation', then it is clearly present in his work all along. But if one looks at this work through certain lenses—or blinders—then this normative orientation is easily missed. There seem to me two main lenses in play, too forms of narrowing of what counts as 'normativity'. I will briefly comment on each.

The first lens that is often applied and that makes Foucault's normative orientation hard to spot is that those out on the prowl tend to look for a *positive* value, norm, or principle—in short, they tend to look for a *positive* normative

orientation.¹⁸ If they do not find that, they tend to conclude that no normative orientation whatsoever must be present—or, at best, they conclude that the normative orientation must be a covert one (that is, there must be a covert *positive* normative orientation amidst all the negativity). But that begs all sorts of questions. Notably, even a purely negative orientation—like domination as an evil to keep to a minimum—is still a normative orientation in a wide, ecumenical sense. It can serve for critical purposes and for providing practical orientation. At least if metaethical negativists are onto something,¹⁹ then a negative normative orientation can do all that on its own, without any positive orientation, whether crypto or overt.

The second lens that gets in the way and obscures the view is that if a normative orientation is encountered without being embedded in a justificatory project of that orientation, then again this suggests to those on the prowl that it either does not exist or presents an instance of crypto-normativity. There is, in a sense, a certain *norm about what counts as normativity*: The orientation has to be explicit in a certain way; ideally codifiable in a principle and prescriptive in form; definitely connected to a particular philosophical project that tends to use either architectural metaphors ('grounds', 'basis', 'foundations') or speaks about 'sources' or both; and understood as having to do with measuring and standards. Foucault would clearly reject this norm about normativity; and, hence, whatever he does say about normative orientation or is committed to in what he overtly says, might be missed altogether if this norm is applied in looking for that orientation. However, crucially, here again all sorts of questions are begged—notably, questions about what philosophy is; what ethics and practical guidance are (or should be); what it is to engage in critique; how language works; how human psychology works; what is possible to justify; and what is necessary to justify.

These are, obviously, big issues; and, also obviously, I will not resolve them here or in this paper. All of this is just by way of a brief ground-clearing exercise before actually attending, in more detail, to Foucault's overt normative orientation mentioned above—the focus of the next section. In the final section, I return to reflecting more about how Foucault's normative orientation manifests itself in his work and the question of whether recognition of this orientation by others is affected by blinders.

2 | POWER AND DOMINATION

It has been widely noted that Foucault has a distinctive conception of power. This conception emerges—or, at any rate, becomes explicit—in the 1970s, where it finds notable expression in a few pages of a chapter on 'method' in *The Will to Knowledge* [1976].²⁰ But it is again in later interviews that we find some of the clearest statements.

In the interview, from which the passage about keeping domination to a minimum stems, Foucault admits that

Myself, I am not sure, when I began to interest myself in this problem of power, of having spoken very clearly about it or used the words needed. Now I have a much clearer idea of all that.²¹

In that interview, he distinguishes power from other notions, and adds further differentiations. I will now trace these—or at least the most pertinent ones for our purposes here.

The first important point is that for Foucault 'power' is, actually, a shorthand for 'relationships of power'.²² Power as such does not exist; what exists, are relations between individuals or groups of individuals.²³ At the same time, power relations between people are analytically different from both relations of communication and from violence, although in practice power relations often are intimately intertwined with either of these (or both).²⁴ Notably, power relations are not just 'a naked fact', but involve legitimations ('rationalization') or attempts thereof, and therefore relations of communication.²⁵ Similarly, the potential for or actuality of violence tends to be not excluded in relations of power. And yet, Foucault insists on distinguishing them: whereas violence acts (directly) upon the body or things, relations of power act upon action.²⁶ The latter, for Foucault, often *indirectly* involves the body, but there is a difference between, on the one hand, being pinned down by superior force and, on the other, accepting certain

body images as norms, such that one's actions, including crucially one's actions on one's own body, are shaped by them. It is the threat of violence that often links the differentiated ideas of violence and power. At least sometimes, the threat of violence might be what allows one person to act upon the actions of another—to stand in a particular power relation to them, one that is asymmetrical. Still, Foucault emphasises that it is not merely the threat of violence that makes power tick; often, it operates instead by making certain things seem attractive and, thus, operates in a more positive way than the threat of negative consequences does.

The second important point concerns a second distinction. Continuing from the passage already quoted above about not having initially be clear about the problem of power and not having used the words needed, Foucault differentiates as follows:

It seems to me that we must distinguish the relationships of power as strategic games between liberties—strategic games that result in the fact that some people try to determine the conduct of others—and the states of domination, which are what we ordinarily call power. And, between the two, between the games of power and the states of domination, you have governmental technologies—giving this term a very wide meaning for it is also the way in which you govern your wife, your children, as well as the way you govern an institution. The analysis of these techniques is necessary, because it is often through this kind of technique that states of domination are established and maintain themselves. In my analysis of power, there are three levels: the strategic relationships, the techniques of government, and the states of domination.²⁷

This influential passage contains a number of crucial elements. We get an echo of the definition of power as 'action upon action' (from an earlier text referred to above) in the line (from this later interview) about how 'people try to determine the conduct of others'.²⁸ However, most importantly, we get a distinction, first, between 'strategic games' and 'domination'; and, then, a tripartite differentiation between (1) 'strategic relationships', (2) 'techniques of government', and (3) 'levels of domination'.²⁹

While Foucault, as quoted, claims to have at that point (which is 1984) a much clearer idea, there is still some lack of clarity remaining. It seems to me at least as if Foucault oscillates somewhat between a more categorical picture and a more continuum picture, with strategic games at one end of the continuum (as one limit case), governmental technologies somewhere in the middle, and domination at the other end (as the other limit case). Moreover, it is unclear whether the categorical picture involves either three different distinct forms of relations (strategic ones, governmental technologies, and domination) or two (relations of power divided into two sub-groups—strategic ones and governmental technologies respectively—plus states of domination).

Before returning to this with a proposal for clarification, it is helpful to add a third important point about power relations. The way Foucault understands such relations include freedom as 'an important element' in them.³⁰ Freedom here refers to the ability to do things otherwise, at least to do things otherwise to a certain extent: it includes resistance to others' trying to determine how we conduct ourselves, and presumably such resistance will sometimes be successful, albeit to varying degrees. As Foucault puts it in a famous line from *The Will to Knowledge*, 'Where there is power, there is resistance'.³¹ Again, the 1984 interview is perhaps clearest on this, unpacking what seems to be a conceptual relation between power and freedom:

One must observe also that there cannot be relations of power unless the subjects are free. If one or the other were completely at the disposition of the other and became his thing, an object on which he can exercise an infinite and unlimited violence, there would not be relations of power. In order to exercise a relation of power, there must be on both sides at least a certain form of liberty. Even though the relation of power may be completely unbalanced or when one can truly say that he has "all power" over the other, a power can only be exercised over another to the extent that the latter still has the possibility of committing suicide, of jumping out of the window or of killing the other.

That means that in the relations of power, there is necessarily the possibility of resistance, for if there were no possibility of resistance—of violent resistance, of escape, of ruse, of strategies that reverse the situation—there would be no relations of power.³²

At least how Foucault (here) understands power relations, they conceptually implicate freedom and (the possibility of) resistance, of blocking or deflecting or minimising the attempts of others to determine our conduct. They also imply (the possibility of) reversibility.³³

With this third point in place, one might think that Foucault is (best read as) operating with a categorical distinction between power relations, which include freedom, resistance and reversibility, on the one hand, and domination, which does not include them, on the other.³⁴ Power relations might then be further sub-divided between strategic interactions (aka games of power) and governmental technologies (aka techniques of government). Presumably, these two sub-divisions form a kind of continuum such that the strategic interactions allow for more freedom, resistance, and reversibility than the governmental technologies, which are characterised by more fixity in the relations and asymmetries. Thus, to take an example hinted at by Foucault,³⁵ in sexual interactions, it might be that one person is on top in a particular moment during an encounter, perhaps even holding the other person down, but either during the same encounter or across encounters, this is reversed, and the antagonistic relations are playful. In contrast, the relationship between a university professor and student is more formalised, more fixed, and less subject to reversibility. Still, it is not—at least not typically in our liberal societies—a relationship without any freedom, possibility of resistance, or reversibility. For example, the student might ignore the instructions of the professor in conducting their studies; they might contest a mark and make use of formal or informal mechanisms for having the work reassessed by someone else; they might raise a formal complaint, whereby the power asymmetry may be reversed to some extent; such reversal might also happen, to a lesser extent, in relation to student assessment of modules or teaching, which in turn might matter for the teacher's prospects of securing a permanent post or a promotion; and so on.

Some of what Foucault says or writes would fit with this interpretation. For example, he says that 'slavery is not a power relationship when man is in chains'.³⁶ Here, there is not sufficient freedom or possibility of resistance and reversibility for it to count as a power relationship. Instead, it is 'a physical relationship of constraint',³⁷ which would make it akin to 'violence' on the definition we encountered earlier, whereby violence is a (direct) relationship to the body, not acting on action. And, presumably, being chained up as slave is a form of domination as well. So, here we seem to get something like a categorical distinction between power relations and domination.

However, elsewhere Foucault muddies the water in a way that suggests a different interpretation as the best overall reading. In the very interview in which he makes the tripartite distinction encountered above (between strategic relations, techniques of government, and domination), he gives this example of 'states of domination':

In many cases the relations of power are fixed in such a way that they are perpetually asymmetrical [sic] and the margin of liberty is extremely limited. To take an example, very paradigmatic to be sure: in the traditional conjugal relation in the society of the eighteenth and nineteenth centuries, we cannot say that there was only male power; the woman herself could do a lot of things: be unfaithful to him, extract money from him, refuse him sexually. She was, however, subject to a state of domination, in the measure where all that was finally no more than a certain number of tricks which never brought about a reversal of the situation.³⁸

Yes, we find here again the link between states of domination and non-reversibility, but Foucault also suggests that—unlike the case of being physically tied down in chains—at least certain states of domination, indeed even a paradigmatic example of it, involve some measure of liberty and some possibilities of resistance, albeit in both respects 'extremely limited' ones.

This suggests more of an overall continuum view, whereby we have on one end easy reversibility, maximal freedom and possibility to resist and, at the other end, no reversibility, extremely limited or even no freedom and possibility to resist. In the middle, we then have states of affairs where resistance, freedom, and reversibility are restricted to some extent. Note also that we might need to think of the continuum as multi-dimensional, such that some points on it might involve quite a lot of freedom and possibility of resistance by way of exiting the power relations altogether, but much less reversibility while remaining in them. One might think that conjugal relations between men and women, currently, have more the following form: within them, gender roles are typically relatively fixed (rather than in a constant process of being reversed), but it is now more possible, compared to the 19th century, to leave any particular such relationship (or any conjugal relationship between men and women) altogether. Eventually perhaps the gender roles within these relationships could become much more reversible and unstable, such that we might be inclined to describe them more as games of power than as governmental technologies. We might get there, but, arguably, are not yet there.

Foucault comes close to endorsing explicitly the continuum view in a 1983 interview:

the relation of domination has been constantly dissociated from the relation of power. Yet I wonder whether this distinction is not something of a verbal one; for we can recognize that certain power relations function in such a way as to constitute, globally, an effect of domination, but the network constituted by the power relations hardly allows for a decisive distinction.³⁹

This passage adds one further complication. Foucault speaks here of ‘effects of domination’, not just ‘domination’ or ‘states of domination’. Now, one might think that the former are just directly related to the latter. Thus, one might think that ‘effects of domination’ are the effects—say, the feeling of social death—that ‘states of domination’ have on people subject to them. But the way Foucault uses ‘effects of domination’ is often different from this sort of case. Instead, when he is telling us that we should resist the effects of domination in power relations, he is suggesting that he is worrying about something like a shadow of domination extending over cases that are not themselves states of domination. Thus, for example, in *The Will to Knowledge*, he characterises power relations as

a multiple and mobile field of force relations, wherein far-reaching, but never completely stable, effects of domination are produced.⁴⁰

I suggest that we understand such passages in light of what we have seen so far: effects of domination are features of power relations whereby these power relations become more fixed and less reversible. In particular, effects of domination have to do, I would like to suggest, with *our coming to accept* power relations as more fixed and reversible than they would otherwise (independently of our acceptance) be. Whereas in states of domination, what we believe and accept is, in a sense, besides the point (we are, say, chained up either way); when it comes to effects of domination, it matters greatly as our accepting the power relations as fixed is part of what makes them more fixed than they otherwise would be. To summarise: at least in many cases, what Foucault seems to mean with ‘effects of domination’ that we should resist, is that we should resist treating power relations as if there were states of domination—as if they were non-reversible and we lacked freedom.

This consideration points, along with the other ones above, to our being able to unpack more what Foucault means with keeping domination to a minimum—specifically, with the normative orientation contained in the passage we opened with: engaging in practices that ‘allow games of power to be played with a minimum of domination’. In fact, from what we are learned since, we might want to say that what Foucault’s normative orientation consists in, is that we should aim to be as much as possible in strategic relations rather than subject to either techniques of government or, worse still, states of domination. Put differently, we should aim to be as close to the end of the continuum where there is ‘free play of antagonistic reactions’ rather than ‘stable mechanisms’ of power⁴¹; and as far away as possible from domination. In rare cases, Foucault speaks of such free play in positive terms.⁴² But perhaps his most

well-known statement is expressed negatively, when defining critique (in a 1978 lecture) as ‘the art of not being governed so much’.⁴³ In this way, not power relations as such, but the *fixing* of them becomes the target of resistance and critique.⁴⁴

This also relates to another element of the passage with which I opened this article: that there can be no society without relations of power. Foucault puts this point elsewhere by saying that ‘A society without power relations can only be an abstraction’.⁴⁵ Instead of the abstract utopia of the total absence of power relations, what we need to do is to engage in perpetual struggle to prevent existing power relations from becoming fixed, ossified, less reversible.⁴⁶ Even though there cannot be a (real) society without power relations, the existing power relations in our society are by no means necessary. We could be in different power relations.⁴⁷ Indeed, in light of what was just mentioned about critique, the existing power relations might be ones that govern us more than alternative ones would do, to which we can move—and *should* move.

Here, we can clearly see Foucault's normative orientation at work: being governed less is valued above being governed more (and domination is valued negatively in particular); and this orientation can function to differentiate evaluatively between sets of power relationships, enjoining us to resist some and (seek to) move to others.⁴⁸

This, in turn, relates to something Foucault says in yet another (late) interview:

My point is that not everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism. I think that the ethico-political choice we have to make every day is to determine which is the main danger.⁴⁹

In a parallel way, we might want to say, with Foucault, that power relations are not always bad. Indeed, he does say explicitly:

To exercise power over another, in a sort of open strategic game, where things could be reversed, that is not an evil.⁵⁰

While exercising power over others is thus not always bad, it is *always dangerous*.⁵¹ It is always dangerous because it can turn into either domination, which as an evil is to be kept to a minimum, or take on effects of domination, something to be avoided. Hence, we need to be on the lookout for those relations of power that are verging towards domination or that become as if they were states of domination.

Let me unpack why power is not always bad, why it can be not an evil (for Foucault). For one thing, if there cannot be real society without power relations, there is not really an option to avoid power altogether. This does not suffice to show that it is not always bad, for there might be things that we cannot avoid, but are nonetheless (always) bad for us (for example, physical illness is unavoidable, but no less bad for us despite its being unavoidable; perhaps certain illnesses are always a bad at least in some respects). However, there are further considerations here. We tend to think of power relations as bad insofar as they restrict us, but sometimes being restricted might not be a bad thing. For example, it might be part of an open strategic game—say, a certain sexual encounter—to be restricted by another person, but as long as such restraint is part of a genuine open interaction and the roles could be reversed, then it is not bad; indeed, it might be pleasurable. Moreover, Foucault emphasises not just the negative sides of power relations—how power relations restrict us—but also the productive sides—how they induce us into certain behaviours or even produce us in the first place. He tends to be very critical of the productive sides of power, which he thinks we neglect (and at our peril). Still, when we think about why he considers power to be not always bad, it is important to recognise that Foucault would, I submit, not want us to eschew these productive sides of power relations altogether, even if we could do so. For, there need not be anything wrong in inducing us into certain behaviours, giving us something to strive for, or even producing us, our subjectivity.⁵² (For example, there need not be anything wrong with parenting for Foucault.) Doing any of this, is, however, always dangerous, in part because

power relations always imply, Foucault recognises, some level of inequality.⁵³ What we have to look out for is whether power relations are becoming fixed, are moving closer to domination. We have to look out for the *how* of power relations and their *effects*, not that there are power relations at all. Power relations are something to analyse for the evil they might become (or for the evil they have already become, as the analysis might come in after states or effects of domination have already arisen, perhaps even being present from the start). To sum up, power relations are not something to analyse for being always bad or evil, because, for Foucault, they are not that.

There is one more complication here: states of domination are always an evil for Foucault, but in terms of reconstructing his position it makes best sense to attribute to him the view that the evil in question is *not* absolute. It might not always be possible or the right thing overall to avoid it, although we should keep it to a minimum. Foucault, as far as I can tell, does not explicitly discuss scenarios where we can only do the lesser evil of engaging in some form of domination (say to prevent a different, perhaps bigger or more significant form of domination). Still, what he does say about other matters suggests that this is his implicit position. For example, Foucault, for all his emphasis on sexual freedom, explicitly accepts that rape should not be permitted.⁵⁴ We can imagine scenarios where to prevent such intolerable acts from happening might mean depriving someone of the possibilities to resist, such as restraining them for a certain period. This would be a form of domination, on Foucault's understanding of it, and as such an evil, but here the lesser evil.

At this point, let us return to the issue of the whether Foucault makes a categorical distinction between power and domination or whether he sees them along a continuum. I do not think the textual evidence is conclusive either way, as what Foucault says frustratingly sometimes supports the former and sometimes the latter. I think the more coherent position to reconstruct and then ascribe to him is one of continuum. For clarity's sake, let me summarise that position and what it means for his overall normative orientation:

- Power relations cover a continuum from open strategic games via governmental technologies to domination.
- The continuum runs along two main dimensions: (a) the possibility to resist and act otherwise (freedom); and the possibility of reversing roles.
- Open strategy games are one limit case, where there is unrestricted possibility to resist and do otherwise, and to reverse roles.
- Domination is the other limit case, where there are no freedom and no reversibility of roles.
- Domination is an evil; open strategic games are not an evil, but even they remain dangerous, since they can turn into relations further along the continuum, i.e. closer to states of domination.
- In between the two limit cases, power relations are more or less fixed in terms of possibility to resist and to reverse roles.
- The closer to states of domination relations of power are, the worse they are. (There is a continuum both in possibility to resist and to reverse roles; and in badness from none to evil.)
- Foucault's normative orientation—and perhaps that of us moderns more generally⁵⁵—is to keep domination to a minimum and move furthest away from states of domination in the relations of power we stand in.

We can represent the continuum view by way of the following Figure 1:

As an additional clarification, not so much of the continuum view, but of the overall normative orientation, let me add also the following point: there is no absolute prohibition against (states of) domination, as there can be occasions where domination of some is the lesser evil to prevent domination of others—domination is to be kept to a minimum, not ruled out in all cases.

Whether or not one accepts this continuum view as the best reconstruction of Foucault's view, we can see from the passages considered above that Foucault's saying that we cannot escape all power relations is not some bleak, dystopian view of being irremediably caught in a world of domination without any way out (contrary to how Taylor, Fraser, and many others read him). Either power relations are categorical distinct from domination and being inescapably in the former does not mean we are in the latter; or there is a continuum of power relations with domination as

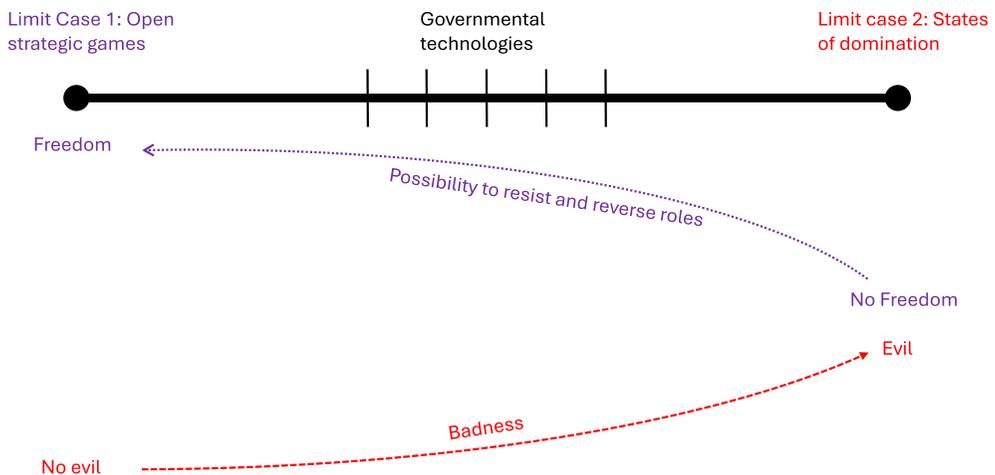


FIGURE 1 Power relations as continuum

one of the limit cases, and then as well saying that power relations are inescapable is not to imply that we have to be at the limit case of domination. Interpreted in either way, on Foucault's conception of power relations, there is a low threshold to clear before we find ourselves in such relations; and, as a result, such relations are everywhere and, ultimately, inescapable in some form or other. Yet, this does commit him to the view that we are automatically or inevitably in fixed power relations from which we cannot escape. The distinction between domination (as an evil) and power (as dangerous, but not always an evil) helps here, for by saying that power is everywhere, he is *not* saying that 'power is a system of domination which controls everything and which leaves no room for freedom'.⁵⁶ Foucault, in a word, is neither utopian (believing in a world without power relations), nor dystopian (believing that power relations have to be fixed or take the form of domination).

There are two related further aspects that are worth bringing in here. First of all, and perhaps of particular importance, Foucault thinks that—at least in our modern liberal societies—there are multiple power relations, which are sometimes or partly pulling into different direction and sometimes or partly pulling in the same direction:

Power relations are rooted in the system of social networks. This is not to say, however, that there is a primary and fundamental principle of power which dominates society down to the smallest detail; [...] The forms and the specific situations of the government of men by one another in a given society are multiple; they are superimposed, they cross, impose their own limits, sometimes cancel one another out, sometimes reinforce one another.⁵⁷

Thus, unlike the administered society of Adorno (and unlike what is often ascribed to Foucault, including by Fraser),⁵⁸ we are, according to Foucault, facing not one uniform relation of power, but a multiplicity of such relations.⁵⁹ These relations

are not univocal; they define innumerable points of confrontations, focuses of instability, each of which has its own risks of conflict, of struggles, and of an at least temporary inversion of the power relations.⁶⁰

This, also means, that freedom and resistance are, at least in principle, more possible than in a seamless social totality. In part what allows us to be governed not so much, is that the different ways in which we are governed, at least sometimes work against each other, presenting fractures 'which open up the space of freedom understood as a

space of concrete freedom, i.e., of possible transformation'.⁶¹ Thus, not just is being within power relations not automatically bad, but the existing modern power relations do not, on Foucault's view, form an inescapable net dragging us in a unitary direction. Instead, we find ourselves in multiple power relations, none of them complete and many of them competing with each other.

Second, individuals who are intervening in the name of keeping domination to a minimum (including Foucault as a writer) find themselves in a context where there are already 'forms of resistance against different forms of power'.⁶² They need not conjure resistance up from nowhere, but can draw on existing forms of resistance as their starting points, helping to reinforce or widen them.⁶³ Indeed, in Foucault's own case, this was particularly so in relation to his writing *Discipline and Punish*, which was born out of the context of prison revolts⁶⁴—a context to which he responded but also then majorly contributed.⁶⁵

3 | WRITING AS EXPERIENCING ONESELF CHANGING, NOT AS DEMONSTRATING INSIGHTS

It is with these multiple considerations about power and domination in mind that we can now consider a potential objection: that I have made extensive use of what Foucault says in interviews (and talks), not drawing enough on his published books (or lectures). What might be true of the interviews—say about displaying a normative orientation overtly—might not be true of the latter. What might be driving this objection is either a worry about what kind of source interviews (and talks) are, such as that they are not a proper part of the corpus that is Foucault's work; or a view about what should be in published books; or both.

As is well-known, Foucault himself reflected about what we count as an oeuvre of an author, on the idea of an author, and the like.⁶⁶ This is not the place to go into the details of this. Suffice to note that he was critical of traditional understandings of the oeuvre or corpus of an author, and sought to undermine these traditional understandings. His efforts to undermine them tended to go in both directions: Expressing regret that his books were not read each as standing on their own (but instead read through the lens of an oeuvre of an author, whom readers think they already have pinned down and know),⁶⁷ on the one hand; and counting his interviews as part of his clarification of method, rejecting a categorical distinction between his interviews and his books,⁶⁸ on the other.

Moreover, Foucault also makes an intriguing double distinction between books, which bears on the objection and the wider issues connected to it. First, he distinguishes, in an interview in 1978, between exploratory books and books on method.⁶⁹ He comments:

When I begin a book, not only do I not know what I'll be thinking at the end, but it's not very clear to me what method I will employ. Each of my books is a way of carving out an object and of fabricating a method of analysis. Once my work is finished, through a kind of retrospective reflection on the experience I've just gone through, can extrapolate the method the book ought to have followed—so that I write books I would call exploratory somewhat in alternation with books of method.⁷⁰

He then mentions *Madness and Civilization* [1961] and *The Birth of the Clinic* [1963] as examples of exploratory books; and *The Archaeology of Knowledge* [1969] as an example of a book of method. Foucault might not be quite right to say that he always alternated exploratory books with method books, but there is something to the distinction insofar as on some occasions he is exploring new ideas and methods, and on other occasions he is reflecting back. He explicitly notes that interviews function a bit like what he just described as books on method: they retrospectively reflect on and clarify what he explored before as well as linking to what comes next.⁷¹ Indeed, perhaps in the case of the late interviews I have been mainly relying on, they retrospectively reflect on and clarify Foucault's *corpus as a whole*, not just one particular book or series of books (like the archaeological studies of *Madness and Civilization* [1961] and *The Birth of the Clinic* [1963]). For example, in one late interview, Foucault notes that '[t]he notion

common to all the work I have done since *Histoire de la folie* is that of problematization' and that 'one always finds what is essential after the event; the most general things are those that appear last'.⁷² Naturally, retrospective reflection also can, or even tends to, change the object reflected upon. (An example might be the way archaeology is presented as a method in *The Archaeology of Knowledge* [1969] vis-à-vis what Foucault actually did and wrote in the archaeological studies that preceded it.⁷³) But this makes retrospective statements no less admissible as evidence in interpreting authors than after-the-fact testimony in law courts is admissible as evidence about the actual events witnessed.

The first distinction—between exploratory and method books—is related to, but at most only partially overlapping with a second distinction, that between experience and demonstration (or truth) books.⁷⁴ Foucault's books—definitely his exploratory ones but, he seems to claim, also his method ones—are, he says, experience books; and he suggests that he has not written any demonstration books. He does not say much about the latter,⁷⁵ but he does give us some detail about the former. His books are experience books in three senses:

1. they are related to his own (prior) experiences⁷⁶;
2. they involve the experience of transforming himself in the very process of writing them⁷⁷; and
3. they might lead to experiences in the reader, presumably potentially transformative ones in their own right that arise from the process of reading them.⁷⁸

If Foucault is onto something with this (self-)characterisation, then this makes the interviews important sources, insofar as they might articulate retrospectively more directly and clearly what he experienced and transformed himself into.

Moreover, it also explains why those who criticise his works with the crypto-normativity charge might be guilty of wearing blinkers: they try to read his books as demonstration (or truth) books, and find them wanting when judged against that standard, but thereby miss that they are different kinds of books, which require a different kind of reading and engagement. Indeed, even if one wanted to argue against tying works (and their success) to transformational experience by authors and readers, the problem is that critics in question do not even countenance the possibility that what Foucault is doing, is something different from demonstration. This, as noted in the first section, begs key questions—notably questions about what philosophy is (or should be); what is possible to justify; and what is necessary to justify.

Significant here is also a wider point that has to do with Foucault's stance on presenting a theory. In the interview, in which Foucault makes the distinction between demonstration and experience books, he also states that he is 'experimenter and not a theorist' as part of explicating the transformative experience involved in his own writing process.⁷⁹ Elsewhere he makes similar statements that add, however, an additional dimension to this. He notes not only that his project is not 'developing a general theory of power',⁸⁰ but also explicates why he thinks that there is something misguided in the search for a theory of power:

Do we need a theory of power? Since a theory assumes a prior objectification, it cannot be asserted as a basis for analytical work. But this analytical work cannot proceed without an ongoing conceptualization. And this conceptualization implies critical thought—a constant checking.⁸¹

There is a lot going on here, so let me break it down into the different components or steps, albeit working somewhat chronologically backwards.

One component, and perhaps the most important one, is that Foucault is denying here that all conceptualizations must take the form of a theory.⁸² (He also denies that all form of critical thought must take that form—I return to this below.) Theories, at least for Foucault, are one type of conceptualization, and a specific type at that. While he does not make this explicit here, this has to do with the important distinction between '*savoir*' and '*connaissance*' he

draws elsewhere. As we will see now, theories arise in connection to the latter, not the former. In one of his interviews, he helpfully summarises what he means by ‘*connaissance*’ as follows:

Connaissance is the work that makes it possible to multiply the knowable objects, to manifest their intelligibility, to understand their rationality, while maintaining the fixity of the inquiring subject.⁸³

By way of an analogy, we might say that ‘*connaissance*’ refers to what Kuhn calls ‘normal science’⁸⁴: the scientific activity of knowledge accumulation that happens within a given scientific paradigm (with a relatively fixed implicit ontology and epistemology as well as conception of the inquirer and the nature of inquiry), where this paradigm is not called into question (at least not intentionally and consciously), but instead furthered during this activity. Against this relatively fixed background, we can construct theories. Put differently, such theory construction relies on a relatively stable ‘relation between a fixed subject and a domain of objects’.⁸⁵ In contrast, ‘*savoir*’ denotes that ‘which makes the construction possible’.⁸⁶ It is not knowledge of propositions; it is not a theory. Instead, it is a frame within which theories make sense, within which we can determine which kind of sentences and collection of sentences (viz. theories) count as true or false. Put in more Wittgensteinian terms, language games have constitutive elements that provide the context of intelligibility for engaging in these games. These constitutive elements cannot be fully codified, but rather make explicit codification—such as in rules or theories—intelligible and possible. *Savoir* concerns these constitutive elements, the context of intelligibility; and *connaissance* concerns the kind of knowledge made possible by these elements, by this context.

What is important for our purpose here is not so much that these contexts of intelligibility can shift historically—this is, indeed, a major issue that Foucault's work focuses on, tracks, and analyses—but that one misses a crucial point by looking for and demanding a particular kind of theory from Foucault. If Foucault was after developing and demonstrating a *connaissance*-level theory, then it would be apt to hold him to account to whatever the background norms are, by which existing theories are demonstrated. But what he is after is rather to interrogate and shift these background norms—and this would include, when it comes normative matters, the background norms about normativity. It is question-begging to hold him to account to these background norms. Moreover, it is also not apt, since the question of justifiability of background norms is a different kind of language game than justification within a particular language game. Indeed, arguably, justifiability is not the right frame when it comes to reflecting about background norms.⁸⁷

Crucially, this does not restrict or impede the critical nature of the work. Just the opposite: Foucault is, in a sense, more critical than those who criticise him for being insufficiently reflective. I indicate now how this is so.

One of the key reasons why Foucault would reject the framing of ‘normativity’ (and why he chose to write experience rather than demonstration books) is that he rejects the idea of philosophers—or intellectuals or theorists more generally—prescribing what people should do.⁸⁸ He is denying that he is making prescriptions, rather than “merely” posing problems. And, if my reading is correct, then he insists on having a normative orientation, but opposes that such orientations have to take the form of prescriptions. Indeed, he is insisting that not making prescriptions is part of, and due to, the normative orientation he has, which means not seeking to take up the position of prescriber of solutions, spokesperson, or moralist.

This is worth unpacking more. Instead of legislating what others should or must do—or trying ‘from the outside, to dictate to others, to tell them where their truth is and how to find it’—what, according to Foucault, philosophy is entitled to do, and what is bitter necessary to do, is ‘to explore what might be changed, *in its own thought*’.⁸⁹ What we can see here is that his normative orientation to keeping domination to a minimum is expressed by him both at the level of content and the level of form. Being orientated to proceed with a minimum of domination involves both the critical analysis of specific power operations and how their actual function makes them verge towards (states or at least effects of) domination; and writing about this in a way that does not postulate oneself as an authority (normative, epistemic, or both), but does critical, transformative work on oneself and one's professional tendencies for certain framings. It involves not presupposing that one is in a position to speak truth to power as if power was simply

external to one's activity of speaking truth⁹⁰; not presupposing that others need knowledge or proof about what they should do from philosophers or intellectuals⁹¹; and not presupposing that we already have a clear audience, a 'we', to which one can address oneself, but instead creating a critical audience starting with oneself.⁹² It also involves being aware of the historical emergence and potential disappearance of certain roles for intellectuals, and how these roles were tied to particular—mostly judicial—models and modes of critique.⁹³

Thus, rather than being less critical by not providing (explicitly or otherwise) a source, ground, or theoretical elaboration of his normative orientation than those who do (seek to) provide them, Foucault is, in at least one sense, more critical than the latter insofar as he even scrutinises critically the 'conceptual need' that leads us to frame matters in a certain way.

I mean that the conceptualization should not be founded on a theory of the object—the conceptualized object is not the single criterion of a good conceptualization. We have to know the historical conditions which motivate our conceptualization. We need a historical awareness of our present circumstance.⁹⁴

What Foucault invites us to examine are not just the relatively stable relationship between a fixed subject and a domain of objects, but the very construction of this relationship and what motivates and drives the conceptualization that informs it. We need to become historically self-reflexive (and normative theorising or offering normative foundations will not supply that). This self-reflexivity includes being critical of what Foucault called 'the intellectual blackmail of "being for or against the Enlightenment"',⁹⁵ which plays also into the charge of crypto-normativity (especially in Habermas's case). Insisting on this strict alternative—that to be a critical of Enlightenment is already to be its enemy unless one proves one's credentials by way of the grounding moves of Enlightenment itself—is to fail to even consider the possibility that there is something beyond the particular historical configuration of what counts as true or justified here and now.⁹⁶ It also fails to even consider that one is engaging in exactly the border policing that it is the (*status-quo*-maintaining) social function of intellectuals in our society.

These considerations arise in part because Foucault thinks that we also have to be alert to the particular 'type of reality with which we are dealing'.⁹⁷ To return to the trope mentioned earlier, what we need to ask, is what is most dangerous about our specific historical and social context. Foucault would dispute that the purported crypto-normativity of his work is where the main danger lies. Indeed, if anything, he would turn the table and suggest that the academic language game of seeking normative foundations is itself part of what is particularly dangerous about our social world: the way power relations are intensifying yet being constantly obscured. Rather than accepting particular norms about normativity as if they were incontestable, we need to reflect critically about how wielding these norms includes taking up certain positions of (presumed) authority and how this is entangled in, and contributes to, maintaining an overall ensemble of existing power relations. Foucault's intellectual endeavours, both in their form and content, incorporate such critical reflection about the social origin, status, and functions of theorists; and he seeks to work against falling into a role that, however inadvertently, obscures power relations, both near (in academia and related fields) and far (wider society).

This leads us to the final consideration that I want to briefly explore in this paper: the nature of the danger that Foucault thought faced us, given the type of social reality with which we are dealing. For one might think that if keeping domination to a minimum is Foucault's normative orientation, then he should be more concerned with outright domination, rather than what he tends to focus on, the multiple and mobile field of power relations that fall short of outright domination.

For getting a better handle on the matter in question, it helps to attend to perhaps Foucault's most influential book, *Discipline and Punish* [1975]. Foucault, in one of his masterful beginnings of a book, starts this one with the contrast between public punishment and execution, consisting in elaborate physical torture of dismemberment, of Damiens in 1757, on the one hand, and the timetable for running a prison in Paris eighty years later, exhibiting a very different penal style (non-public punishment, not involving direct torture of the body, focused on regularity and

work), on the other.⁹⁸ The latter involves, Foucault tells us, ‘more subtle, more subdued sufferings’.⁹⁹ This is hard to deny—and, indeed, no one would presumably deny it.

What is more surprising and seems ripe for being denied is Foucault's other claim that emerges throughout the book: that the second penal style involves lesser intensity but ‘a greater intervention’, indeed even ‘increased domination’.¹⁰⁰ This might be puzzling insofar as being dismembered seems to be as great an intervention (or domination) as there can be.

It is worth looking more closely at the details of what Foucault claims. One important passage presents the shift in penal style like this:

not to punish less, but to punish better; to punish with an attenuated severity perhaps, but in order to punish with more universality and necessity; [...].¹⁰¹

Particularly the mention of ‘universality’ highlights the first aspect of why the modern age's penal style is, according to Foucault, a greater intervention compared to what came before: there are more penal interventions that affect more people than under the law of sovereignty, where punishment is understood as vengeance of the sovereign (typically, the king) and dished out in fewer but more spectacular instances (of which the Damien case is a particularly clear example).¹⁰²

The second, and ultimately more decisive, aspect is that the modern age punishment reaches, in a sense, more deeply into the person than the physical torture that was typical as penal style before then. One of Foucault's central theses of the book is that there was a shift from punishing the crime to punishing the criminal and their criminality—their soul, rather than their acts.¹⁰³ This has important consequences, of which I want to highlight two briefly. The first consequence is that in order to not punish the crime, but the criminal, the offender has to be understood and constructed differently than before—in a sense, they have to be given a soul in order for it to become the object of punishment. They have to be ascribed a particular kind inner life, with a particular kind of structure and unity. Importantly, such an ascription has the power of shaping how people think of themselves and conduct themselves. In this way, the soul, rather than being a queer metaphysical entity, has a ‘historical reality’ arising from ‘methods of punishment, supervision and constraint’; a reality which is

produced permanently around, on, within the body by the functioning of a power that is exercised on those punished – and, in a more general way, on those one supervises, trains and corrects, over madmen, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives.¹⁰⁴

The second important consequence of the shift to punishing the criminal, is that this changes the nature of how relations of power operate. In a sentence, what happens is that individuals get ‘caught up in a power situation of which they themselves are the bearers’,¹⁰⁵ where part of being so ‘caught up’ is that they are not fully realising (or even having to realise) that they have become that bearer. In being subject to surveillance and various other techniques to form and reform their souls, people start participating in extending power relations onto themselves, and typically not consciously and deliberately, but as a result of a process of which they are not (fully) aware. Rather than having one's conduct determined merely from the outside or having something directly imposed on one's body, one is now determining one's own conduct from the inside in such a way that one has become governed by social norms more effectively than even the most dismembered subject to the king ever was. It is one thing to have something done to you; it is another to make you the person you are in the first place from inside out, without you even realising that this is what is happening.

One way to understand better what Foucault is saying, is to attend to a passage he quotes from a book by one of the major Enlightenment penal reformers—Joseph Michel Antoine Servan (1737–1807). The passage reads:

A stupid despot may constrain his slaves with iron chains but a true politician binds them even more strongly by the chain of their own ideas; it is at the stable point of reason that he secures the end of the chain; this link is all the stronger in that we do not know of what it is made and we believe it to be our own work; despair and time eat away the bonds of iron and steel, but they are powerless against the habitual union of ideas, they can only tighten it still more; and on the soft fibres of the brain is founded the unshakable base of the soundest of Empires.¹⁰⁶

Foucault immediately takes issue with the focus on merely ideas, which he thinks neglects how becoming a bearer of a power situation in which we are caught up gets inscribed into the whole body, not just the brain or mind. Still, the line of thought captures structurally what Foucault is concerned with: that it is both more efficient and more effective to bind us via our becoming the bearer of a power situation in which we are caught up than to exercise actual violence on us and force us to do certain things. And the line of thought in the passage above is mirrored in Foucault own striking phrase that in this power situation, ‘the soul is the prison of the body’.¹⁰⁷

The third aspect of why Foucault speaks of a greater intervention when it comes to modern age punishment—and the ‘form of power which makes individuals subjects’ in general¹⁰⁸—is something already alluded to: that this form of power operates in a more subtle way than the sovereign power that was dominant in earlier societies. In *The Will to Knowledge*, Foucault speaks of ‘a more devious and discrete form of power’.¹⁰⁹ What I want to emphasise here is that what makes, for Foucault, this form of power more devious is its more discrete nature—its (near) invisibility. If the key normative orientation animating his work is to keep domination to a minimum, then relations of power that succeed in becoming invisible as such are particularly dangerous, for their invisibility makes their contestation, and thereby resistance to them, more difficult. Insofar as we are dealing with the particular type of reality, where these forms of power are the ones that are socially operative to a greater extent than other forms of power (and to a greater extent than in earlier or different societies), attending to them, rather than outright domination, is what is more, indeed *most* pressing. This is especially so as the invisibility in question is about how relations of power become as if they are states of domination, as if they are so fixed that resistance is not possible. These forms of power threaten to realise the ‘military dream of society’ of the 18th century, whereby individuals become ‘meticulously subordinated cogs of a machine’, subject to ‘permanent coercions’ and ‘indefinitely progressive forms of training’, and resulting in ‘automated docility’.¹¹⁰

The problem is not docility as such—in a particular context and under particular conditions (say the free play involved in sexual intimacy), Foucault sees no particular problem with docility. And the challenge for critical enquiry is not a slave in chains—we do not need the efforts of someone like Foucault to see what is wrong there. The dangerous problem is the ‘*normalization of the power of normalization*’,¹¹¹ its operating with maximal discreteness. Here, something like Foucault’s work, animated as it is by the normative orientation to minimise domination and alert as it is to the subtle forms of power and their effects of domination, might help us to experience again how, and how much, we are governed in being constituted as the subjects, as the individuals that we are. For this, we need no transcendental arguments to ground our normativity but instead ‘problem-revealing analyses’.¹¹² Such analyses contribute to, and are part of, practices of freedom, helping us to experience differently the often obscured power relations we are subject to, and revealing the cracks in these ossified relations on which we might exert pressure in our pursuit of being not governed so much, in our pursuit of keeping (states and effects of) domination to a minimum.¹¹³

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ENDNOTES

¹ Habermas introduced the terms ‘cryptonormative’ and ‘cryptonormativism’ in a 1985 lecture (1984/1987: 276, 282, 284). Nowadays ‘crypto’ can have more positive connotations (depending on one’s view of ‘crypto-currencies’), but

Habermas (and others) clearly took a negative view of philosophers' being cryptic about their value or normative orientations.

- ² Fraser 1989a: 19. The language of 'value-positions' is Taylor's (1986: 163).
- ³ There is also the further issue that the three critics (or at least Taylor and Fraser) accuse Foucault of holding the overly negative view according to which there is no way out of our social world (Taylor 1986: 152), which is (tending towards) a 'total administration of life' (Fraser 1989a: 28). This concern is not directly related to the issue of crypto-normativity, and for that reason I don't list it in the list that follows. Still, I come back to it below in (the second section of) the main text.
- ⁴ Fraser 1989a: 18, 28f; Habermas 1984/1987: 275f, 282, 284; Taylor 1986: 73, 79, 80, 92ff. In Fraser's later work, she proposes to unearth an alternative normative orientation, to do with bodies and pleasures (see Fraser 1989b). Habermas considers this vitalist alternative but dismisses it as incompatible with Foucault's rejection of a naturalist metaphysics (1984/1987: 285f). However, this line of thought has been taken up again in recent scholarship (for an overview, see Mayes 2015: section 3).
- ⁵ Fraser 1989a: 33; see also 32; Taylor 1986: 92; and Habermas 1984/1987: 284.
- ⁶ Fraser 1989a: 29; Taylor 1986: 81; and Habermas 1984/1987: 84.
- ⁷ Taylor 1986: 69.
- ⁸ Habermas 1984/1987: 276, 286.
- ⁹ Taylor 1986: 83; Fraser 1989a: 19; Habermas 1984/1987: 276.
- ¹⁰ For a helpful and relatively recent survey of some of these responses, see Mayes 2015. One particularly helpful response is Kolodny 1996. Kolodny accepts, indeed emphasises, that Foucault has normative commitments, but rejects that this requires a normative theory; instead, Foucault's normative orientation concerns an ethics of character that cannot be fully codified into a theory. This is compatible with what I go on to suggest. I do, however, think that Foucault was even more overt about his normative commitments than Kolodny lets on; and that these commitments go beyond an ethics of character. Another helpful response is Han-Pile 2016. Like in my article, she defends Foucault as a negativist, who is best read as rejecting a certain demand of justification; and somewhat like Kolodny, she also emphasises that Foucault's normative commitments take the form of an ethos, an ethical sensitivity. However, she does not discuss the relationship of power and domination that I focus on; instead framing the issues around how Foucault can make normatively laden comparisons between different historical periods.
- ¹¹ Fraser, along with the other charges already introduced, objects that Foucault's work is too one-dimensional in thinking about social practices, using (as she thinks he does) an account of power that is meant to cover too heterogeneous practices, including too *normatively* heterogenous practices, which are either all accepted (on the normatively neutral reading of Foucault's work) or all equally condemned, when we ought to differentiate how bad they are (on the condemnatory reading). See Fraser 1989a: 31–33. Earlier responses have already stressed that Foucault, in introducing the distinction between power and domination, is rendering his work more coherent and less subject to the charge of being one-dimensional (see, for example, Lemke 1997/2014).
- ¹² Foucault 1984d: 18; see also 20. (There is an implicit contrast here to Habermas with his ideal of 'a perfectly transparent communication'; something which Foucault is rejecting as utopian in a pejorative sense.) The passage speaks against non-normative readings of Foucault's work, such as Patton 1994. As we shall see, even when it comes to power Foucault's account is best read as *not* straightforwardly normatively neutral, while domination is best read as having, for Foucault, negative value, as an evil, albeit perhaps not an absolute evil (I come back to that below in the main text).
- ¹³ Taylor 1986: 69. Insofar as Foucault describes—as we will see in more detail below—power relations that are not states of domination as 'not an evil' (1984d: 18), we are licensed to conclude that he would accept describing domination as an evil. Thus, 'evil' is not just Taylor's term, although Foucault tends to prefer the term 'intolerable'.
- ¹⁴ That the charge of *crypto*-normativity has persisted, is demonstrated by the fact that it continues to frame the discussion of Foucault's work in the writings of those who seek to defend a Foucaultian project (for example, Olssen 2021: especially Chapter 1); those who seek to endorse an alternative approach (for example, Papastephanou 2021; and Sayer and Morgan 2022: 449); and those who summarise the current state of the literature (for example, Mayes 2015).
- ¹⁵ Foucault 1975a/1977: 304; my emphasis.
- ¹⁶ Hans Sluga once suggested to me in conversation that 'normativity' (and 'normative') is too toxic a term and that we would do better to eschew it altogether. I agree that the dominant understanding of normativity is problematic and needs to be contested (more about which below). Still, it is, in my view, possible to resist it and put forward a different understanding. To anticipate what comes below in the main text, I think philosophical debates about 'normativity' have not yet reached a state of domination; for all their fixity, they can be pushed back towards freer play.

- ¹⁷ For excellent critical discussion of some of what is built into this framing—and left unexamined or imposed implicitly—see Vogelmann's Foucault-inspired work, especially 2017a and 2017b.
- ¹⁸ This is most explicit in Taylor's case – see Taylor 1986: 69, 102n51.
- ¹⁹ Metaethical Negativism is the view, according to which the negative, on its own, can, at least on occasion, give us sufficient reason to avoid it, without recourse to anything positive. For a defence of metaethical negativism, in the context of calling into question a charge against Adorno's work that is similar to the crypto-normativity charge levelled at Foucault's work, see Freyenhagen 2013, especially Chapter 8. See also Freyenhagen 2024. Han-Pile also invokes negativism in her defence of Foucault (2016: 91–2).
- ²⁰ Foucault 1976a/1978: 92–7.

There is a further question whether Foucault's conception of power stays the same throughout his whole works since 1961 or even throughout the 1970s and 1980s. Some of those who defend his conception, propose that he moved from a strategic conception of power shaped by the model of war to a different one, organised around the concept of governmentality, in the course of the 1970s (see, notably, Lemke 1997/2014; see also McNay 1994). There is significant evidence for such a shift in the pivotal lecture series *Society Must be Defended* that Foucault gave in 1975–76 (as one of the reviewers pointed out helpfully).

It would go too far here to settle issues of chronology and continuity. I do not deny that there might well have been a shift of this sort, but I maintain that for the broader issues I discuss in this paper, this does not make a significant difference. For one thing, the model of war that Foucault initially adopted and then came to criticise is, importantly, about what to do about power relations—whether to respond to them in terms of battle strategies or something different. However, this is not decisive, since how we respond to power relations is not altogether different from how we conceptualise them. More pertinent is perhaps the consideration that Foucault, in my view, does not come to reject the war model outright and completely in later work, but considers it to be insufficient in thinking about all forms of modern power relations. Most importantly, I want to *invite* us to read Foucault such that the normative orientation to keep domination to a minimum and broad understanding of power that are crucial to this paper remained the same across Foucault's work going as far back as at least *History of Madness*. (By broad understanding of power, I am referring here to three elements which I introduce later in the main body of this paper: (a) that power is understood as action upon action and, thereby, analytically distinct from violence; (b) that power relations involve some asymmetry or inequality and form a continuum with domination as its one extreme limit case; and (c) that particularly dangerous forms of power are those that are not visible as power relations, such that theorising has the urgent task of disclosing them as such relations.) To demonstrate this as a plausible interpretation of the varied texts (books, lectures, interviews, and other texts) is clearly not possible here, so it remains at the level of invitation.

Let me, however, take up briefly one issue, especially given that one reviewer raises this specific issue as part of raising rightly the general question as to how continuous Foucault's conception of power is between the early and mid-1970s and the final period of Foucault's work. Let us assume for argument's sake that Foucault shifted away from a war model of power to a different model of power sometime in 1975–6. Does this mean that his later characterization of power as action upon action and, thereby, analytically distinct from violence is inapplicable to the work before that? Specifically, when Foucault speaks about disciplinary power as micro-physics of power that focuses on the body (1975a/1977: especially Part Three, '1. Docile Bodies'), then this sounds like this later characterization is inapplicable.

In reply, I note that even in the case of disciplinary power, the way Foucault tends to describe how power relations unfold is about structuring our possible field of action, in terms of acting on us by enacting something, and as preventative. Fear of violence plays a role here, but in many cases, it is still not *actual* violence; and this is important for his account, including in marking contrast to when sovereign power—characterised as it is by public displays of actual violence—was dominant historically and socially, preceding the advent of institutions of disciplinary power like asylums and prisons. Similarly, I do not think that even insofar as Foucault dropped the war model of power in later works, he therefore dropped (or has to drop) a concern with invisible, insidious forms of power. If anything, making explicit that power is acting upon action is, exactly, about having a concern with how power can be invisible and insidious—as framing our option space, our possible field of action, not as opposing a specific action head-on.

This leads to a final point that the reviewer raised rightly: in this paper, I do not comment on an important aspect of Foucault's account of power, namely, the different kinds of power Foucault distinguishes (notably, sovereign power, disciplinary power, and biopower) and the historical character of what makes a conception of power dominant at a particular time, such as, for example, Foucault's account of how disciplinary power emerged as the socially dominant one sometime in the late 18th century (see, for example, Foucault 2006: Lecture Two, 14 November 1973). I agree that there is this historical character, and that, more generally, the historical context of conceptualisation is of utmost importance for Foucault. However, the deep historical contextualism is something that is commonly emphasised about Foucault's work and I do not see the need to add to it here. Instead, I see my original contribution in reconstructing the noted normative orientation and broad conception of power that I want to invite us to view as running through Foucault's work,

despite acknowledging that he takes these matters up during different periods in specific ways that might not—at that level of specificity—always be compatible with each other.

- ²¹ Foucault 1984d: 19.
- ²² Foucault 1984d: 11. See also Foucault 1980b/1988: 2, 12.
- ²³ Foucault 1982: 217. See also Foucault 1980b/1988: 2.
- ²⁴ Foucault 1982: 217f, 220.
- ²⁵ *Ibid.*, 224.
- ²⁶ *Ibid.*, 220.
- ²⁷ Foucault 1984d: 19; translation amended.
- ²⁸ In the earlier text, he also speaks of ‘conduct’ (Foucault 1982: 220f).
- ²⁹ ‘Government’ and ‘governmental’ are meant here in Foucault’s technical sense, which includes not just (or even typically) what the government or the state does, but is much broader. ‘To govern, in this sense’, as he puts it at one point, ‘is to structure the possible field of action of others’ (Foucault 1982: 221). For detailed discussion, see Lemke 1997/2014 and McNay 1994. However, McNay seems to miss the tripartite distinction, when she criticises Foucault for not considering any intermediate cases between two extremes of social domination and open interpersonal power relations respectively (1994: 159). Perhaps, she is misled by what sounds first like a categorical two-fold distinction, when—as I go on to suggest—it makes best overall sense of Foucault’s position to ascribe to him a three-fold distinction within a continuum picture and with a range of intermediate cases.
- ³⁰ Foucault 1982: 221.
- ³¹ Foucault 1976a/1978: 95. On the next page, he emphasises that there is a ‘plurality of resistances each of them a special case: resistances that are possible, necessary, improbable; others that are spontaneous, savage, solitary, concerted, ram-pant, or violent; still others that are quick to compromise, interested, or sacrificial; by definition, they can only exist in the strategic field of power relations’ (*ibid.*, 96). Later, we see that there is plurality not just when it comes to resistance, but also when it comes to power relations (*ibid.*, 92).
- ³² Foucault 1984d: 12. Foucault continues: ‘This being the general form, I refuse to answer the question that I am often asked: “But if power is everywhere, then there is no liberty.” I answer: if there are relations of power throughout every social field it is because there is freedom everywhere’ (*ibid.*, pp. 12–3).
- ³³ *Ibid.*, 12. Foucault gives here the example of how someone (like his interviewer) who might initially be intimidated by talking to someone older (like Foucault as interviewee), but then, in the course of the conversation, this can reverse and lead the older person to be intimidated by the youth of the other. On reversibility, see also Foucault 1980b/1988: 2.
- ³⁴ That domination does not include freedom, resistance, and reversibility is suggested in passages like this one: ‘I don’t know anything about anthropology but we can imagine that there are societies in which the way one determines the behaviour of others is so well determined in advance, that *there is nothing left to do*’ (Foucault 1984d: 20; my emphasis; see also 13).
- ³⁵ For example, in the sentence continuing straight on from the one quoted in the previous endnote, Foucault says: ‘On the other hand, in a society like ours—it is very evident in family relationships, for example, in sexual and affective relations—the games can be extremely numerous’ (*ibid.*, 20; see also 18). Foucault elsewhere uses erotic relations characterised by a certain reversibility explicitly as example of more open relations of power (1980b/1988: 2, 11).
- ³⁶ Foucault 1982: 221.
- ³⁷ *Ibid.*
- ³⁸ Foucault 1984d: 12.
- ³⁹ Foucault 1983c: 378.
- ⁴⁰ Foucault 1976a/1978: 102. For another example of Foucault’s speaking of ‘effects of domination’, see 1984d: 18; and 1983c: 378.
- ⁴¹ Foucault 1982: 225.
- ⁴² ‘The more open the game, the more attractive and fascinating it is’ (Foucault 1984d: 20).
- ⁴³ Foucault 1978b: 384. See also: ‘On the critical side—I mean critical in a very broad sense—philosophy is precisely the challenging of all phenomena of domination at whatever level or under whatever form they present themselves—political, economic, sexual, institutional, and so on’ (Foucault 1984d: 20).
- ⁴⁴ Foucault 1982: 225; and 1980b/1988: 1f, 11.

- ⁴⁵ Foucault 1982: 223.
- ⁴⁶ Foucault speaks variously of ‘ceaseless struggles and confrontations’ (1976a/1978: 92); the ‘permanent political task inherent in all social existence’ (1982: 223); taking as one’s ‘model a perpetual battle’ (1975a/1977: 26); and the ‘perpetual question, which would be: “How not to be governed *like that*, by that, in the name of these principles, in view of such objectives and by the means of such methods, not like that, not for that, not by them?”’ (1978b: 384).
- ⁴⁷ Foucault 1982: 223. See also Foucault 1983a, where he says: ‘I would like to say something about the function of any diagnosis concerning the nature of the present. It does not consist in a simple characterization of what we are but, instead—by following lines of fragility in the present—in managing to grasp why and how that-which-is might no longer be that-which-is. In this sense, any description must always be made in accordance with these kinds of virtual fracture which open up the space of freedom understood as a space of concrete freedom, i.e., of possible transformation’ (36).
- ⁴⁸ Such evaluative distinction should, however, not be thought as providing a universal, transhistorical criterion of the type that critics like Habermas seem to be asking for (thinking it possible and desirable to identify and justify such criterion). It would go too far here to discuss this additional topic, but in Foucault’s case we are always speaking from within a particular situated and historical situation, where this situatedness tends to involve multiple, local communities, but perhaps at a limit might be understood in broadly Hegelian terms as being about us as moderns with ‘our impatience for liberty’ (Foucault 1984e: 50). If this is right (both as interpretation of Foucault and about us moderns), then there is a reason for why Foucault is often not that explicit about the normative orientation operative in his work and why he does not offer us a normative foundation for it beyond the reasons I enumerate elsewhere in this paper: the additional reason is that keeping domination to a minimum is not his normative orientation in particular; and in a sense it is also not one we choose and could simply drop, but our epoch’s normative horizon.
- ⁴⁹ Foucault 1983b: 231–2.
- ⁵⁰ Foucault 1984d: 18. See also the interview with B.-H. Levy, in which Foucault rejects the view that power is evil (1977a: 158).
- ⁵¹ See notably Foucault 1979, where he states that ‘I am not saying that power, by nature, is evil’, but ‘the power that one man exerts over another is always perilous’ (452). Elsewhere he notes that we need to question power relations continually, rather than accept them as self-evident (Foucault 1980b/1988: 12).
- ⁵² See: ‘I say that power is a relation. A relation in which one guides the behavior of others. And there’s no reason why this manner of guiding the behavior of others should not ultimately have results which are positive, valuable, interesting, and so on.’ (Foucault 1980b/1988: 12).
- ⁵³ Foucault 1980b/1988: 2.
- ⁵⁴ Foucault 1983d: 289. Foucault is introducing a distinction here, whereby sexual freedom should extend to the choice of sexual orientation, not necessarily to being permitted to perform certain acts.
- ⁵⁵ See endnote 48 above.
- ⁵⁶ Foucault 1984d: 13; see also Foucault 1977b: 141 f.
- ⁵⁷ Foucault 1982: 224. See also ‘One cannot impute to me the idea that power is a system of domination which controls everything and which leaves no room for freedom’ (Foucault 1984d: 13).
- ⁵⁸ Fraser 1989a: 28.
- ⁵⁹ Foucault 1976a/1978: 92, 102. (Foucault speaks here of ‘relations of force’, but, as he characterises ‘relations of power’ as ‘relations of force’, what he says about multiplicity applies to both. Elsewhere, he explicitly speaks of power as ‘manifold’, and as involving multiple forms of subjugation and subjection—see, for example, Foucault 1976c: 93, 96, 97.) See also: ‘ultimately what presides over all these [‘carceral’] mechanisms is *not* the unitary functioning of an apparatus or an institution’ (Foucault 1975a/1977: 308; my italics). On Adorno’s idea of administered society, see, for example, 1998: 193. Note, however, that in one sense the difference between Adorno and Foucault might be smaller than I just suggested (or even non-existent): For Adorno, the seamless totality of the administered society is both, in one sense, real (in that it structures people’s actual behaviour and consciousness); and, in another sense, an illusion, something that is only maintained insofar as people believe it to be true and continue to uphold it.
- ⁶⁰ Foucault 1975a/1977: 27. (It is unclear whether Foucault speaks “only” of ‘micro-powers’ here or also power relations in general, but I take it that he would endorse the latter, too.)
- ⁶¹ Foucault 1983a: 36.
- ⁶² Foucault 1982: 211.
- ⁶³ There is a clear sense here that Foucault is a methodological negativist, that is, Foucault is someone who starts with the negative (say, from conflicts) rather than the positive manifestation (say, social harmony) in his social philosophy. See,

for example, when he describes his approach as ‘taking the forms of resistance against different forms of power as a starting point. To use another metaphor, it consists of using this resistance as a chemical catalyst so as to bring to light power relations, locate their position, find out their point of application and the methods used. Rather than analyzing power from the point of view of its internal rationality, it consists of analyzing power relations through the antagonism of strategies’ (Foucault 1982: 211).

⁶⁴ See, notably, Foucault 1975a/1977: 30. See also Foucault 1978a: 244–5.

⁶⁵ See, for example, Macey 2019: especially Chapter 11 (‘Intolerable’), 257–89.

⁶⁶ Foucault 1969b and 1972.

⁶⁷ See, for example, Foucault 1984a: 52 f.

⁶⁸ Foucault 1978a: 240. We can think here of the contrast to, for example, Habermas’s work, who seeks to distinguish even *within* his published work quite starkly between the philosophical writings and the political writings as public intellectual; and would presumably count interviews among the non-philosophical writings.

One might think that a further category—in addition to books and interviews—are Foucault’s lectures, particularly those he gave at the Collège de France. As relevant as the lectures are for other contexts in interpreting his work, for the specific dialectical purpose at issue here—for addressing the question of whether or not to discount what he says in the interviews—the lectures as a category are not directly relevant. Still, I recognise that the lectures are an important part of Foucault’s overall work, and a fuller engagement would require discussing them in more detail. I draw on them on occasion in this paper, but more in-depth engagement with them is beyond the scope of it.

⁶⁹ Foucault 1978a: 240.

⁷⁰ *Ibid.*

⁷¹ ‘I also put forward some thoughts on method in articles and interviews. These tend to be reflections on a finished book that may help me to definite another possible project. They are something like a scaffolding that serves as a link between a work that is coming to an end, and another one that’s about to begin’ (*ibid.*).

⁷² Foucault 1984b: 257.

⁷³ See, for example, Oksala 2005: 71n2. See also Foucault 1969a/1989: 17 and 18, where he speaks of ‘rectification’, ‘correction’, and ‘internal criticisms’, not just elaboration.

⁷⁴ Foucault 1978a: 246. Importantly, experience here refers to ‘limit experiences’, i.e. experiences of ‘wrenching the subject form itself’, not ‘lived experiences’ in the phenomenological tradition regarding everyday life and what we already are (*ibid.*, 241).

⁷⁵ ‘I don’t accept the word “teaching.” A systematic book employing a generalizable method or offering the demonstration of a theory would convey lessons. My books don’t exactly have that particular value’ (*ibid.*, 245; see also 244). Demonstration or truth book are continuous, systematic accounts of knowledge. They are modelled on something like a transfer of something (say knowledge or justification) developed separately from the process of writing them. More traditional philosophical treatise might be what Foucault has in his sights.

⁷⁶ ‘I haven’t written a single book that was not inspired, at least in part, by a direct personal experience. I’ve had a complex personal relationship with madness and with the psychiatric institution. I’ve also had a certain relationship with illness and death. I wrote about the birth of the clinic and the introduction of death into medical knowledge at a time when those things had a certain importance for me. The same is true of prison and sexuality, for different reasons’ (*ibid.*, 244).

⁷⁷ ‘[...] for me my books are experiences, in a sense, that I would like to be as full as possible. An experience is something that one comes out of transformed. If I had to write a book to communicate what I’m already thinking before I begin to write it, I would never have the courage to begin. I write a book only because I still don’t exactly know what to think about this thing I want so much to think about, so that the book transforms me and transforms what I think. Each book transforms what I was thinking when I was finishing the previous book. I am an experimenter and not a theorist. I call a theorist someone who constructs a general system, either deductive or analytical, and applies it to different fields in a uniform way. That isn’t my case. I’m an experimenter in the sense that I write in order to change myself and in order not to think the same thing as before’ (*ibid.*, 239f; see also 242, 243, 244; and Foucault 1984e/1992: 8f).

⁷⁸ ‘They [i.e., Foucault’s books] are more like invitations or public gestures. [...] An experience is something that one has completely alone but can fully have only to the extent that it escapes pure subjectivity and that others can also—I won’t say repeat it exactly, but at least encounter it—and go through it themselves’ (Foucault 1978a: 245; see also 242, 243, 244). Indeed, Foucault seems to even tie the success of his books to readers’ having transformative experiences: He reports that in response to *Discipline and Punish*, ‘different readers—in particular, correctional officers, social workers, and so on—delivered this peculiar judgment: “The book is paralyzing. It may contain some correct observations, but even so it has clear limits, because it impedes us; it prevents us from going on with our activity.” My reply is that this very

reaction proves that the work was successful, that it functioned just as I intended. It shows that people *read it as an experience that changed them*, that prevented them from always being the same or from having the same relation with things, with others, that they had before reading it.' (*ibid.*, 245–6; my italics; see also 242, 243).

⁷⁹ *Ibid.*, 240. See endnote 77 above for the full quotation.

⁸⁰ Foucault 1983a: 39; see also 38; and Foucault 1982: 208.

⁸¹ Foucault 1982: 209.

⁸² See also Kolodny 1996.

⁸³ Foucault 1978a: 256; italics in the original.

⁸⁴ Kuhn 2012.

⁸⁵ Foucault 1978a: 256.

⁸⁶ *Ibid.*

⁸⁷ In a Wittgensteinian frame, such reflection concerns, ultimately, certainties (as different from scientific knowledge) about our form of life; that is, it concerns that which 'lies beyond being justified or unjustified; as it were, something animal' (Wittgenstein 1969: §359). In Foucault's more historical frame, the certainties in question are historically indexed to specific epochs or discursive practices—they are historical *a priori*s—but this leaves intact that they lie beyond being justified or unjustified. We can test their limits and seek to move beyond them, but neither that nor holding on to them can be a matter of justification.

⁸⁸ See, notably, Foucault 1978a: 240, 288–90, and 294.

⁸⁹ Foucault 1984e/1992: 9; my italics. See also 1984b: 263–5.

⁹⁰ See, notably, Foucault 1976b: 131–33.

⁹¹ See, for example, Foucault 1975b: 62; and 1980b/1988: 13.

⁹² On the absence of a pre-given 'we', see Foucault 1984c: 385; see also Butler 2002.

⁹³ On this, see Foucault 1976b: 126–133.

⁹⁴ Foucault 1982: 209. For a related, albeit different, argument that Foucault's approach is more critical than Habermas's, see Tully 2008: especially 73, 94–101. Tully's main focus is the form of the subject that Habermas does not only leave unscrutinised, but also cannot, within the confines of his theory, take a critical stance on.

⁹⁵ Foucault 1984f: 45.

⁹⁶ See also Tully 2008: especially Section 6; and Lemke 1997/2014: especially 23. Interestingly, Lemke suggests a parallel here to Horkheimer and Adorno, notably by quoting, as the epigraph for his study (*ibid.*, v), a key passage in their *Dialectics of Enlightenment* in which they discuss critically something like what Foucault later described as the intellectual blackmail of being either for or against the Enlightenment.

⁹⁷ Foucault 1982: 209.

⁹⁸ Foucault 1975a/1977: Chapter 1 'The body of the condemned', 3–31, especially 1–16. The phrase 'penal style' comes from 7.

⁹⁹ *Ibid.*, 8.

¹⁰⁰ *Ibid.*, 75, 138. Foucault, however, is not suggesting that it is possible or desirable to go back. His point is about enabling us to view our present more critically, not to recommend seeking to return to a previous social arrangement.

¹⁰¹ *Ibid.*, 82.

¹⁰² '... controls become thorough, penal interventions at once more premature and more numerous' (*ibid.*, 78). See also: 'The right to punish has been shifted from the vengeance of the sovereign to the defence of society' (*ibid.*, 90). There is one complication here: while the number of actual interventions has gone up in modern societies, it could be argued that the liability of being arbitrary interfered with, has gone down in such societies as compared to the absolutist monarchies that often preceded them, given the greater due process and other legal protections that have come in since. This complication invokes a republican view of freedom. Foucault's relationship to such a view would be worth investigating, but this is a matter for another occasion.

¹⁰³ *Ibid.*, 17–19, 99–101, 127, 128.

¹⁰⁴ *Ibid.*, 29.

¹⁰⁵ *Ibid.*, 201. Strictly speaking, Foucault writes this about the inmates of the Panopticon, but insofar as that structure embodies the very principle of the kind of power he is interested in, and insofar as he thinks this kind of power has been defused from prisons to society at large (see, for example, *ibid.*, 216, where he speaks of it as 'disciplinary society'), his

statement can be extended to hold for all individuals in this society. Already in his first book on madness, Foucault indicates that the shift to modern governmentality (to use a term he introduced later) was in making individuals themselves the bearer—the subjects in both sense—of the power situation in which they are caught: What is distinctive about modern psychiatry is that it operates in a way that mobilises the self in being governed, such as in an episode he relates from Tuke, where a new asylum inmate was led to (promise to) restrain himself in future, such that self-constraint became an act of his own conscience (1961, 1972/2006: 484f; see also 487, 497).

¹⁰⁶ Foucault 1975a/1977: 102 f.

¹⁰⁷ *Ibid.*, 30.

¹⁰⁸ Foucault 1982: 212.

¹⁰⁹ Foucault 1976a/1978: 11; see also 86. Importantly, Foucault, unlike Habermas, does not think that we can identify, oppose, or overcome such power relations only by appealing to the utopia of a perfectly transparent communication (to return to the first passage quoted). That is, for him, a problematic utopia; and, while transparency in communication is, indeed, needed to counter power relations that tend to become invisible, there is no need or real advantage in invoking that ideal, but instead a range of dangers that we do better to avoid (notably the danger of thinking of communication or truth-telling in particular as something that is completely separable, at least in principle, from power relations).

¹¹⁰ Foucault 1975a/1977: 169.

¹¹¹ *Ibid.*, 296; my italics.

¹¹² Foucault 1978a: 286. See also: ‘People have reached political and moral adulthood. It’s up to them to choose, individually and collectively. It is important to say how a certain regime functions, what it consists in, and to prevent a whole series of manipulations and mystifications. But the choice has to be made by people themselves’ (*ibid.*, 294; my italics).

¹¹³ For critical comments and helpful suggestions, I am grateful to an anonymous referee of this journal and to Plamen Andreev, Maite Rodríguez Apólito, Matteo Falomi, Lorna Finlayson, Tobias Heinze, Marie-Claire Melia, Clara Moreton, Karen Jiset Saavedra, Jörg Schaub, Scott Seton, Felix Yeung, and others members of the Critical Theory Colloquium at Essex as well as to Polona Curk, Steve Gormley, Frédéric Gros, Patrice Maniglier, and especially Dan Watts.

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How to cite this article: Freyenhagen, F. (2026). "A minimum of domination"—the overt normative orientation of Foucault's work. *European Journal of Philosophy*, e70067. <https://doi.org/10.1111/ejop.70067>