From the Depths to the Outside

Sovereignty, Subjectivity, and Resistance in Merleau-Ponty and Foucault

by

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Introduction

Michel Foucault thought that sovereignty – as both a political institution and a way of framing questions of legitimacy in general – is an element of our political and cultural history that we need to be able to think beyond. Although Foucault did not regard sovereignty as a purely negative force in our societies, he wanted us to be aware of the ways in which sovereignty’s institutionalization and its implicit rationality leads to significant dominations, occlusions, and blockages. For Foucault, this does not necessarily mean that we have to ‘smash the state’ and all forms of thinking associated with it, but that we need to understand sovereignty’s history, account for the political and epistemic hold that it has on us, and resist that hold when we need to.

Engaging in this project, however, is not as straightforward as it might seem. More often that not, sovereignty is understood as primarily a political concept. In our contemporary context, it usually indicates things like a state’s right (and ability) to apply its law to a particular territory, or the political independence of a group of people. However, to grasp sovereignty in its depths, we need to be able to see how sovereignty is not just related to states and political autonomy, but also how it configures a general account of power, truth, and subjectivity. Sovereignty, as Foucault conceives it, does not exist in a domain called ‘politics’ which is fundamentally separate from other domains; rather, it disperses throughout social and historical space without regard for the divisions that we might establish between ‘the political’, ‘the epistemological’, ‘the ethical’, or ‘the metaphysical.’ It is a general form of rationality that configures categories within and across all of these bounded
territories. For that reason, our project of understanding sovereignty and its contours cannot be limited to politics, but must follow sovereignty as it emerges in conceptions of political legitimacy, as well as social analysis, epistemic truth, and subjective experience. This is not to say that sovereignty as some self-sufficient force infiltrates our ways of thinking about problems within all of these domains; it is rather to attempt to show how sovereignty, as a general form of rationality, comes into connection with problems in these domains. For that reason, we are not interested in positing that political sovereignty is what generates a conception of epistemic sovereignty, or that a sovereign conception of subjectivity is at the root of both of these. On the contrary, we are interested in tracing sovereignty as it is woven within these domains and specify the precise way in which it is connected to problems in these domains. As we will see, certain notions of a true theory, of speaking truth to power, and of the subject’s basic intentionality are bound up in some way with sovereignty and the issues that it raises.

In fact, Foucault’s work in particular sheds light not only on the consequences of sovereignty as a way of negotiating social power, but also on the minute ways in which sovereignty embodies a form of rationality with consequences for both epistemology and metaphysics. This is particularly important to recognize in the context of our investigation, since Foucault was deeply concerned with the way that sovereignty and its logic was a stumbling block in the development of his own conception of philosophical critique and historical analysis. For Foucault, sovereignty is not simply a barrier to deepening political freedom, but also a barrier to developing his own conceptions of subjectivity, resistance, and normativity. The
majority of this essay will investigate this more ‘philosophical’ element of sovereignty while never leaving the political issues totally behind. In fact, one of the main points of this essay is that interrogating ourselves and trying to grasp how our thoughts and practices perpetuate forms of power is both a philosophical and a political task.

One of the crucial themes related to sovereignty is the status of the subject. Not only are the issues that sovereignty raises (like the nature of truth, the normativity of our claims and practices, and our understanding of power) themselves bound up with how we understand subjectivity, but our investigation of sovereignty will also require us to ask about the basic role that subjectivity plays in philosophical practice. Is the subject the sovereign source of meaning, intentionality, and truth? Or is the relation between the body and the world more fundamental than the subject, but nonetheless the ground of these same phenomena? If so, what does that mean for our understanding of critique, resistance and normativity? Or, on the contrary, does Foucault show us that the subject – echoing Nietzsche’s statement about God – is dead? Is the subject, then, a kind of historical fiction whose contingency we have to unveil? Or does Foucault’s conception of theoretical practice simply reconfigure the subject, such that our understanding of critique, resistance, and normativity will be reconfigured along with it?

To appreciate these questions, we will examine Maurice Merleau-Ponty’s phenomenology of the body alongside Foucault’s project. Merleau-Ponty not only articulates a conception of philosophy which takes the central role of the subject seriously (and for this reason can help us see what is at stake in thinking with and
without the notion of the subject as central for philosophy), but like Foucault, Merleau-Ponty is also trying to think beyond some of the same conceptual issues embedded in sovereignty related to norms, subjectivity, and critique. Even though Merleau-Ponty does not discuss political sovereignty and does not even articulate his phenomenology of the body in terms of sovereignty, his analysis, through its unspecified links to sovereignty, can help us to appreciate its significance for metaphysical and epistemological questions. And insofar as Merleau-Ponty belongs to the same epistemological history that is interwoven with the history of sovereignty, his analysis can also help us deepen our appreciation of how sovereignty operates as a historical form of rationality.

Although Merleau-Ponty, unlike Foucault, accords a certain kind of central status to the subject, his conception of the subject is ambiguously related to the conceptions that Foucault usually rejects. A sovereign, like certain interpretations of the subject, presides over a territory as its authority. But, as we will see, neither Foucault nor Merleau-Ponty thinks that subjectivity can be understood according to this logic, and neither of them thinks that its attendant implications are tenable for configuring the project of knowledge. In contrast, both thinkers take seriously the partial and situated nature of thought and critique, and for that reason do not establish foundational forms of authority. Instead, they both try to link knowledge with process of achieving a kind of practical capacity – either that of developing the resources for taking responsibility for who we are in our historical situation, or for activating historical critique in order to resist what we are. In the end, we will try to see how Foucault’s critique of sovereignty and his interlaced critique of the subject
accounts for more complications and goes further in articulating these issues than Merleau-Ponty’s, although it does not settle them.

In general, this essay is an attempt to raise and respond to the questions: what does it mean to think with and against sovereignty? What is sovereignty’s relation to conceptions of politics, of critique, and of ourselves? How can thinking against sovereignty help us to develop our understandings of subjectivity, resistance, and normativity? In other words, what are the concrete ways in which our analysis of sovereignty itself can allow us to resist its hold on us, so that we can develop new forms of critique and new conceptions of our possibilities? Although it is an attempt at asking and answering questions, this essay should not be read as an argument which starts from one point, and proceeds through others to reach an end. Rather, the essay starts in the middle of a problem, whose beginning and end lay below its horizons: this problem is the implications of sovereignty and its relationship to thinking about norms, resistance, and thought. The essay is a process of situating oneself with respect to that problem by examining the conceptual terrain that it inhabits and configures. Rather than closing off thought by directing it down a set path, this essay tries to map out a conceptual terrain in order to open up pathways, establish connections, and extend boundaries.¹ This might mean that the essay lacks a certain kind of focus – but it also refuses a narrow focus. It is exploratory.

“To write is to struggle and resist; to write is to become; to write is to draw a map” – Gilles Deleuze, *Foucault*

¹ For this reason, our map cannot be a ‘sovereign map’ which would fix boundaries from an external standpoint. Our mapping is rather a way of negotiating a terrain in order to establish connections and pathways, blockages and openings.
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Notes on the Text

Before we begin, I should note a few choices that I made in writing this essay. Throughout the essay, I use the pronouns ‘we’ and ‘our’ in addressing the reader. I hesitated in doing this, since I do not want to presume in advance that the reader and I are on the same page, or that the reader would feel comfortable being included in whatever ‘we’ is being established in the essay (especially since, in discussing sovereignty and its associated themes, it is limited to discussions by men in a Western European context). For this reason, this is always a very tentative ‘we,’ and its link to the reader is always up for grabs. It does not indicate my attempt to pull the reader into an already dominant discourse, but rather to acknowledge that, in my writing and someone else’s reading, the reader and I are engaged in a kind of collaborative project of understanding. In discussing Merleau-Ponty, though, I occasionally use ‘I’ in order to emphasize the tendency toward a first-person approach present in phenomenology.

Also, in discussing hypothetical people or subjects in general, I use the gender neutral pronouns ‘hir’ (pronounced like ‘here’) and ze. We should not ignore that both thinkers who I analyze use masculine pronouns to do this. In general, I find these pronouns less cumbersome than things like ‘his or her,’ or ‘he or she’.

Also, I use quotation marks (" ") to quote texts or statements, and single quotation marks (‘ ’) as scare quotes, or to reference a quote approximately.
Abbreviations

Works by Gilles Deleuze:
Foucault (F)

Works by Michel Foucault:
Aesthetics, Method, and Epistemology (AME)
Discipline and Punish: The Birth of the Prison (DP)
The Foucault Reader (FR)
The History of Sexuality: An Introduction (HS)
The Order of Things (OT)
Power (P)
Power/Knowledge: Selected Interviews and Other Writings 1972-1977 (P/K)
“Society Must Be Defended” (SD)

Works by Maurice Merleau-Ponty:
Phenomenology of Perception (PP)
Power, Right, and the Apparatus of Sovereignty

To start our investigation, we should both situate sovereignty in terms of Foucault’s understanding of its history and its place in our contemporary situation, and in terms of how it is related to his work as a whole. First, we will briefly examine how sovereignty emerges in Foucault’s work. Then, we can specify how to understand sovereignty as both a historical political practice and as a general theory of social relations and critique. Since, to appreciate the significance of sovereignty along both of these dimensions we need to have an understanding of its history, we will trace a brief account of the emergence of sovereignty, its modulations, and investment with other forms of power in the 18th and 19th centuries. After developing an appreciation for Foucault’s understanding of the location of sovereignty in European political history, we can turn more closely to an examination of sovereignty as a general form of rationality. This will lead us back into a discussion of its relation to Foucault’s methodological choices, and in particular into how he sees sovereignty as a problem for our understanding of power and right.

The Problematization of Sovereignty

In his critical discussions of sovereignty, Foucault notes that the King – or the central body possessing the legitimate authority to intervene in conflict – has often dominated our conceptualizations of power and right. This means that on the one hand, the theory of power takes sovereignty as its model, so that in describing power’s distribution, its effects, and its logic, its theorists use a model which takes some central authority (the state, the father, the ruling class, or another self-enclosed entity apart from the field in which power is exercised, and exercises its control over
it) as power’s cornerstone. Power, when understood in these terms, becomes essentially something that a powerful agent possesses and wields. On the other hand, it means that the theory of right becomes the project of understanding what could legitimate the exercise of such a sovereign power, such that the force that it employs can be sanctioned as authoritative. Its philosophical-juridical question can be formulated as: how can one be subject to a law that is not an imposition? In his critical assessment of this issue, Foucault tries to show that insofar as power is conceived according to the model of sovereignty, we will fail to account for currently practiced forms of power which are heterogeneous to its logic, and insofar as our confrontation with right is preoccupied with the question of possible legitimacy, we will fail to account for both the effects of domination proper to sovereignty as a form of power, and to the series of dominations inscribed in the forms of power that sovereignty renders invisible.

Foucault saw the issue of sovereignty as one of the main theoretical obstacles that he wanted to overcome in his analyses. And he thought that this task was urgent, since he saw the forms of power that the preoccupation with sovereignty obscures as deeply important for our understanding of contemporary societies – he once reproached his contemporaries saying, “In political thought and analysis, we still have not cut off the head of the king” (HS, 89). According to Foucault, then, in a sense sovereignty is exactly what we should not be thinking about. We should instead be thinking about the nature of the forms of power which the preoccupation with sovereignty has long obscured. So what reason do we have to bring this sovereignty back, and actually make it the focus of our discussion? If the theoretical task is to cut
off the head of the king, should we not just cut off the head of the king, and stop talking about sovereignty? This, however, would be moving too fast. And it would be moving too fast for the primary reason that although focusing narrowly on sovereignty might distract us from developing an awareness of other forms of power, sovereignty is still a concrete political and epistemological force in the contemporary world that we should understand. The sovereignty of the state over its subjects, the right of a people to sovereignty over themselves, the notion that politics is about defining and protecting rights (which would be guaranteed by the force of a neutral legal body), and the correlative idea that the goal of knowledge is the construction of a set of true beliefs with the authority to regulate statements have not disappeared. Turning a blind eye to sovereignty would also be moving too fast since sovereignty is not something that we can merely strike a blow at (as if it were an obstacle in our way), but a complicated apparatus that we need to understand so that we can contextualize it, grasp its multiple dimensions, and critique it where need be.²

Foucault himself is aware of sovereignty’s permanence and its complexity, and even admits that, although he is trying to distance himself from it, sovereignty is an issue that he is often struggling against. In an interview he says (in a quote that we will be able to appreciate more deeply later) that the conception of power as sovereignty (here articulated, “power as law and prohibition”) is something that was not simple to move beyond:

I had begun to write [The History of Sexuality] as a history of the way in which sex was obscured and travestied by this strange life-form, this

² For this reason, the problematization of sovereignty does not have to lead to a total rejection of rights and the state (in a way that might be politically immobilizing in our contemporary context), but rather can show us some of the issues at stake in thinking about a politics based on rights and the state, and can hopefully deepen our appreciation of what this sort of politics entails.
strange growth which was to become sexuality. Now, I believe, setting up this opposition between sex and sexuality leads back to the position of power as law and prohibition, the idea that power created sexuality as a device to say no to sex. ... I had to make a complete reversal of direction. I postulated the idea of sex as internal to the apparatus of sexuality, and the consequent idea that what must be found at the root of that apparatus is not the rejection of sex, but a positive economy of the body and of pleasure (P/K, 190).

Foucault’s own methodology, then, is shaped by its struggle against sovereignty as a privileged concept for social analysis and in the theoretical confrontation with right. Analyzing sovereignty, then, is also a way of getting a deeper understanding of the nature of the view that Foucault opposed, and can therefore help us follow his theoretical trajectory in order to appreciate his philosophical contribution. And since, for Foucault, forms of thinking are generally constituted in tactical relations to both supporting and opposing forces, bringing to light the conceptions that he is struggling against is particularly relevant for situating his own contribution.

As we will see, the role that sovereignty plays in Foucault’s own thinking does not amount to a clean break from an insufficient analytical model (a simple act of ‘saying no’). Foucault’s problematization of sovereignty actually constitutes a kind of ‘launching point’ for some of his deepest theoretical contributions, both political and epistemological. In his discussions of sovereignty, Foucault often focuses on sovereignty as a way of theorizing power, but he also claims that one of the crucial problems with sovereignty is the way that it structures our confrontation with problems of right, legitimacy, and truth. This ‘epistemological’ side of sovereignty, while deeply present in Foucault’s own work, is difficult to grasp. But is important to specify, since it is connected to many of Foucault’s important theoretical contributions: namely, the interconnection between power and knowledge, the
dissociation of truth and freedom, the role of subjectivity in philosophical analysis, and the possibilities of resistance and transformation.

The critique of sovereignty is therefore related to one of the aspects of Foucault’s work that has caused considerable controversy – namely, the nature of his positive conception of criticism. There is a tendency to read Foucault as engaged in a project to contextualize phenomena that are traditionally important for politics and philosophy (like sovereignty, the subject, the independence of knowledge from power, and so on) and to reveal their dependence on history and their contingency. According to this reading, Foucault himself does not affirm anything, but just constantly criticizes and historicizes things that other people believe in. However, if we examine Foucault’s problematization of sovereignty in detail, we can see that his work does offer a meaningful positive conception of philosophical and political engagement. Our investigation of sovereignty and its dynamics will hopefully reveal the contours of Foucault’s conceptions of resistance (or how we can make meaningful changes in systems of power and knowledge) and of normativity (or an account of how thought and practice can be accountable to something).\(^3\) So in our attempt to understand sovereignty, we should be examining it along both of these lines: as a way of understanding discursive formations and social relations more generally, and also as a way of configuring problems of right, legitimacy, and truth.

\(^3\) In the context of Foucault’s writings it is easy to see ‘resistance’ as something which is simply inscribed with an overall system of power, and as fundamentally reactive rather than transformative. For our purposes ‘resistance’ will indicate the possibility of meaningful intervention into systems of power and knowledge with the aim of transforming them. It is crucial to note that, in this sense, the way that we are examining resistance is very particular: resistance can take more forms than we can conceptualize, and we are focusing on how we can resist certain forms of rationality through the activity of thought. Similarly, it is easy to associate ‘normativity’ with norms and normalization, and consequently with the logic of disciplinary and biopower. If there is a meaningful conception of normativity in Foucault’s work, it needs be articulated outside of the logic of normalization.
What is an Apparatus?

In our effort to understand sovereignty, we need to specify how it is being objectified in our analysis. That is, when we discuss sovereignty, what sort of thing are we discussing? Are we discussing a normative ideal? A concept with definite parameters? A social institution? The ideological effect of a particular mode of economic production? Or maybe even the universal form of the aspiration to knowledge? When Foucault analyzes forms of rationality which are simultaneously conceptually articulated and materially instantiated in a social body, he often refers to them as ‘apparatuses.’ In an interview, Foucault gave a useful explanation of what he means by ‘apparatus’ that is worth quoting in its entirety:

What I’m trying to pick out with the term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of an apparatus. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements. Thus, a particular discourse can figure at one time as the program of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality. In short, between these elements, whether discursive or non-discursive, there is a sort of interplay of shifts of position and modifications of function which can also vary very widely. Thirdly, I understand by the term ‘apparatus’ a sort of – shall we say – formation which has as its major function at a given historical moment that of responding to an urgent need. The apparatus thus has a dominant strategic function (P/K, 194-195).

There is no straightforward English equivalent for the French term that Foucault uses, which is “dispositif”. “Apparatus” has become the standard English translation. The French term has the connotation not only of a device or mechanism with multiple intersecting parts, but also of a plan of action or of attack. The term has also been translated into English as “deployment” (as in a deployment of troops) which perhaps reflects the tactical element of the term more clearly.
An apparatus is defined as a system of relations which can be established between different social forces. Although this system of relations is fundamentally united by a kind of strategy, an apparatus does not function according to an overall, preconceived plan, but according to a dispersed and historically unfolding array of needs and objectives. The apparatus is not univocal, since (although it is ultimately specifiable according to a particular set of criteria) it can contain elements which operate at cross-purposes or which do not all reduce to a single, overarching unity. The apparatus is also never complete in itself, since it can ‘open out for itself a new field of rationality,’ or redefine itself due to either internal struggle or the emergence of new historical forces. In other words, apparatuses operate not according to the logic of the application of a set of ideas to a set of practices, but are themselves the operation of specific social practices in their immanent rationality and historical dynamism. For that reason an apparatus is neither material nor ideal; it does not exert a kind of ‘brute force’ on the social body by means of a strict deterministic causality, nor does it ‘float above’ this social body as its governing authority. Instead, an apparatus flows through social space, and is active as the agents who are woven within it embody, rearticulate, and rupture its rationality in their ongoing practices – a flow of governance embodied in action. As we will see later, the fact that apparatuses possess a certain kind of rationality (and consequently divisions between truth and

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5 This definition of apparatus makes an omission in this regard, since it does not specify economic relations as part of an apparatus. Foucault might occasionally underplay the determining factor of economic relations in his effort to distance himself from Marxism, but does often invoke them in explaining social phenomena (in fact, economic determinants form a crucial element of Foucault’s account of the genesis of biopower. See HS, 142). In any case, they should neither be seen as ‘the truth of all social relations,’ nor glossed over for superficial reasons.
falsity, intelligibility and non-intelligibility) is particularly important for understanding the relation of an apparatus to epistemological questions.

What does the status of sovereignty as an apparatus mean for an account of its history? In analyzing the history of the apparatus of sovereignty, we are not giving a causal account of the genesis of an individuated object, but tracing (from a kind of reverse perspective) the emergence, shifts, and developments of a particular cultural formation. It is important that the perspective that we are using in describing sovereignty is not trans-historical and neutral, but rather derives from the present and its concerns – for that reason the shape of our analysis is ineluctably influenced by present problems. This does not mean, however, that our analysis of sovereignty necessarily lacks rigor, since in tracing the movements of an apparatus, we are not trying to obtain a kind of disinterested knowledge, but trying to reveal the contours of a rationality to which we are still subject, and which we want to understand so that we might resist it. For this reason, the history that we give of it is not a “history of the past” but a “history of the present” (DP, 31).

Further, in designating sovereignty’s emergence, we are not trying to see at what point the apparatus comes into being in its complete form, but rather trying to determine the point at which a particular constellation of forces congeals with a specifiable importance and trajectory. For example, as we will see, sovereignty is a form of power fundamentally based on the institution of law. But sovereignty emerges much later than the institution of law. Rather than inventing law, the emergence of sovereignty rearticulates what it means for there to be laws in a way which is drastic and significant enough to constitute the ‘emergence’ of new social
forces. In general, as we trace the developments of the apparatus, the history that we give of it has to be commensurate with the effort to understand a series of practices which are themselves historical and changing, and which are not isolated, but come into contact with many different forces. For this reason, we need to see sovereignty in its many dimensions, and follow it as it traverses multiple domains of social life.⁶

There is an ambiguity, however, in Foucault’s discussion of sovereignty. On the one hand, sovereignty has a general logic that Foucault feels the need to reject in order to develop his own conception of historical analysis, and for that reason, he needs to move past the logic sovereignty in order to appreciate what it means to analyze an apparatus in the first place. But on the other hand, sovereignty is itself an active historical force which has a dynamic rationality, constitutes particular forms of subjectivity, and continues to operate in contemporary societies. So in a sense, rejecting sovereignty is a precondition for analyzing the apparatus of sovereignty. This perhaps explains why Foucault himself is not particular about calling sovereignty an apparatus, even though his account of its history fits with logic of how one would analyze an apparatus. The sovereignty that Foucault is adamant about rejecting is not the apparatus of sovereignty, but rather “the theory of sovereignty,” since this is the element of the apparatus of sovereignty which he concerned with thinking beyond. In our examination, ‘the apparatus of sovereignty’ will refer to the historical genesis of sovereignty, and its transformations in history. This essay will spend more time examining the theory of sovereignty, since it conceptualizes sovereignty’s implicit rationality, and thus a certain understanding of power, right,

⁶ How Foucault thinks we should study apparatuses is deeply related to his conception of how we should study forms of power and knowledge in general, and will hopefully be illuminated later on in this essay when we turn to these points in more detail.
and subjectivity. For that reason, the theory of sovereignty is the element of the apparatus which will reveal the problems that the bulk of this essay will examine. In order to appreciate the significance of sovereignty and the contours of the theory, though, we first need to understand the apparatus.

A History of the Apparatus of Sovereignty

Foucault discusses the history of the apparatus of sovereignty in multiple texts, and often with different concerns, points of emphasis, and conclusions. This elaboration of his account draws from multiple texts, not to attempt to pull them all together to construct a unified account, but to use the different analyses to develop an account of the concept which is both concretely historically grounded and illustrative of how sovereignty functions conceptually and politically. Even though Foucault’s histories have different focuses, they are not fundamentally disjointed. In general, Foucault emphasizes that sovereign power was a preeminent form of power in Europe during the feudal monarchy, and that it lost its preeminence after the development of modern social forms related to the development of industrial capitalism and the birth of particular institutions like hospitals, prisons, and factories. These modern social forms constituted new forms of power which were heterogeneous to the logic of sovereignty, and began to override sovereignty as the predominant form of the exercise of power.

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7 To give a quick sketch of the differences among Foucault’s accounts that show up here: in Discipline and Punish, Foucault focuses primarily on the spectacle of the king’s authority and his capacity for violence; in the first volume of The History of Sexuality he focuses on sovereignty as a theory of power and specifically its character as negative; in Society Must be Defended he focuses on sovereignty both as a theory of power and as a theory of right; in the lecture Truth and Juridical Forms, he focuses on sovereignty’s re-codification of law and on the idea of the juridical inquiry; and in The Order of Things he focuses on sovereignty’s complex relation to the modern subject.
Foucault argues that, initially, sovereign power arose in response to struggles between the dispersed, conflicting powers of the Middle Ages, and promised order through a unifying force that could adjudicate conflict and circumscribe the use of power by law. “Faced with a myriad of clashing forces, these great forms of [sovereign] power functioned as a principle of right that transcended all the heterogeneous claims, manifesting the triple distinction of forming a unitary regime, of identifying its will with the law, and of acting through the mechanisms of interdiction and sanction” (HS, 87). In general, Foucault also emphasizes how the development of sovereign power, although it suppressed social relations traditionally held to be irrational (like adjudicating disputes based on tests of force) was not part of the unfolding of a rationality which allowed western societies to see clearly for the first time how disputes should be settled or how conflicting powers should be harmonized (P, 48). Sovereignty not only emerged tactically in order to counter other forms of power, but is also itself a complicated form of political rationality which is not completely emancipatory or politically neutral.

According to Foucault, although sovereignty emerged during the genesis of feudal monarchies, it eventually became dissociated from the figure of the monarch. Crucially, however, these new manifestations of sovereignty maintained their conceptual links to the figure of the king in the sense that they also based themselves on the existence of a figure which unifies heterogeneity, which enforces its unity through law, and which forms the bedrock of the legitimacy of the social order. Foucault points out that especially during the Wars of Religion, sovereignty became a ideological tool not only for monarchists with various aims, but also for anti-
monarchists: “It was, in a word, the great instrument of the political and theoretical struggles that took place around systems of power in the sixteenth and seventeenth centuries” (SD, 35). Sovereignty continued to be a mobile ideological force in the eighteenth century, when it was a crucial element of anti-authoritarian theories of parliamentary democracy, which although staunchly opposed to the institution of monarchy, still based themselves on the authority of a pure and rigorous judicial system (ibid).

According to Foucault, one of the defining features of sovereignty throughout these transmutations is a kind of underside which derives from its necessary to maintain its own existence in the face of external threat. Foucault calls this “the right of death.” As he notes, the right of death means substantively that, when a sovereign’s existence is threatened (by something like regicide or the threat of external war, for example), it can legitimately take the lives of its subjects or sacrifice their lives in war (HS, 136). This right is an integral part of sovereignty’s political rationality – insofar as the sovereign entity is what guarantees the law and order that make the social order legitimate, it must maintain its existence at the pain of the very lives subject to it.⁸ This ‘pain’ historically takes the form of excruciating public torture (as in the case of Damiens the regicide which Foucault exhibits in detail at the beginning of *Discipline and Punish*), as well as indirect forms of “letting die.”⁹ In short, the sovereign right of death expresses the sovereign’s fundamental authority to

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⁸ We will see later, however, that the justification for the sovereign ‘right of death’ changes fundamentally when it is invested by different forms of power in the 18th and 19th centuries.

⁹ “When I say ‘killing,’ I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection and so on” (SD, 256).
decide what within a territory is either accepted or rejected – what lives and what dies.

After its period of preeminence, sovereignty as form of power undergoes considerable transformations, and is in many ways displaced by emerging forms of power which do not conform to its logic. Nonetheless, Foucault thinks that sovereignty persists through these developments not only as a concrete political practice, but also as the dominant theory for conceptualizing the exercise of power and for framing questions of legitimacy. In his analyses, Foucault points to two forms of power which invest and rearticulate sovereignty: these are the emergence of a form of power based on the administration and regulation of living bodies in the form of disciplinary power, and the biological management of a population for the purposes of its overall health in the form of biopower. These new forms of power are not based on discontinuous intervention in the name of law, but rather on the logic of continual surveillance, normalization, and the maintenance of life and its productive capacities. Rather than intervening in social space by suppressing illegality, these new forms of power invest living beings in order to measure them, hierarchize them, and render them useful (HS, 144). Speaking specifically of disciplinary power, but in a way that illuminates both forms, Foucault claims that disciplinary power,

…was a type of power that presupposed a closely meshed grid of material coercions rather than the physical existence of a sovereign, and it therefore defined a new economy of power based upon the principle that there had to be an increase both in the subjugated forces and in the force and efficacy of that which subjugated them (SD, 36).

Both of these forms of power do not rely on a central body which intervenes through law and in the name of order, but rather require dispersed techniques which render
visible, account for, and manage individuals and the general population. Whereas sovereign power is a form of power which threatens death from its position outside of a social body, these new forms of power spread throughout social space, encoding a form of power which does not primarily threaten death, but manipulates life.

While these biopolitical and disciplinary forms of power importantly overlap, their differences are important to note. The difference between the individual level and the level of the general population is part of what is crucial in distinguishing them.

I would say that discipline tries to rule a multiplicity of men to the extent that their multiplicity can and must be dissolved into individual bodies that can be kept under surveillance, trained, used, and if need be, punished. And that the new technology that is being established is addressed to a multiplicity of men, not to the extent that they are nothing more than their individual bodies, but to the extent that they form, on the contrary, a global mass that is affected by overall processes characteristic of birth, death, production, illness, and so on. So after a first seizure of power over the body in an individualizing mode, we have a second seizure of power that is not individualizing but, if you like, massifying, that is directed not as man-as-body but at man-as-species (SD, 242-43).

The relationship between these two forms of power reveals on the one hand a moment of individuation which isolates an individual and directs its energies to constituting it in a particular way, and on the other hand, a moment of totalization in the name of a transcendent ideal of overall health or organic functionality. These two forms of power consequently structure a dynamic which is simultaneously individuating and totalizing, and oriented toward both the micro-management of individual behavior and the maintenance of the health of a population.

Despite the development of these new forms of power, sovereignty persists on the level of both political practice and theory. In terms of political practice, the state
apparatus and the conception of law as grounded in a unified, neutral body which subjects must obey clearly did not disappear, and have not disappeared. In addition, the sovereign right over the life and death of its citizens still functions through these developments, although according to a different and potentially more catastrophic logic. After the development of disciplinary and biopower (and as we will be able to see, the development of biopower is particularly important in the rearticulation of this right), the sovereign right to life and death does not rely for its legitimacy on the maintenance of the sovereign’s existence, but on a theory of degeneracy and on the need to protect a population from the degenerate element within it (SD, 256). The sovereign, in this new articulation, is able to exercise its murderous right only on the condition that it exercises this right against a degenerate element of society in the name of the overall health of a population. In discussing the rationale for this transformation in the sovereign right to kill, Foucault writes, “The fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer” (SD, 255). Foucault thinks that the connection between this political rationality and state violence is present not only in its most overt and devastating manifestations like Nazism, but also in practices of criminal detention and conceptualizations of madness and mental illness (SD, 257).

\[10\] In this sense, refusing to integrate an analysis of sovereignty into a general understanding of Foucault’s work because of his insistence on overcoming the theory of sovereignty actually fails to recognize sovereignty’s connection to some of the main phenomena that Foucault is concerned with in contemporary societies: namely, criminality and psychiatric power.
As we’ve seen, the apparatus of sovereignty is not a self-enclosed set of ideas applied to reality, but a dense logic of conflicting strategies, wherein important continuities nonetheless remain and give structure to a single, specifiable trajectory. One of the elements of the apparatus of sovereignty which is particularly important for our purposes, and which we have not yet examined in detail, is the theory that emerges from it. Although the theory of sovereignty is a crucial element of Foucault’s work, in many respects his articulation of the development of the apparatus of sovereignty along its more political axis is clearer than his account of the theory of sovereignty. His account of how the theory emerges, what its support structures are, and why it has the hold on conceptions of politics and knowledge that it does in some ways leaves important questions open – particularly, the question of the relationship between sovereignty as an account of political legitimacy, and sovereignty as a conception of general epistemic authority.

Foucault claims that although sovereignty as the preeminent form of power is overridden by normalizing forms of power, the theory of sovereignty remains foundational for social analysis and for theories of right. Foucault thinks that sovereignty’s staying power is perplexing. At one point, he writes: “[Disciplinary power] is radically heterogeneous and should logically have led to the complete disappearance of the great juridical edifice of the theory of sovereignty” (SD, 36). What accounts for sovereignty’s permanence along this epistemological-theoretical line? In terms of its persistence as an account of political legitimacy, Foucault discusses a hypothesis which might account for sovereignty’s continuance. He claims
that, although disciplinary and biopower are not reducible to the logic of sovereignty, they nonetheless have at least two important ties to it. First, the democratization of sovereignty itself (in the form of the capitalist constitutional state based on popular sovereignty) was partially made possible by disciplinary coercion. Whereas the preeminence of sovereignty meant that power was exercised primarily by discontinuous negations by the sovereign (imposing taxes, enforcing the law), the institutions of disciplinary society enable a population of citizens to integrate more deeply into political processes through mechanisms like new forms of urban planning, statistical knowledge that provides a general account of social functioning, and capitalist modes of production and exchange. These changes enabled increased participation in political and economic processes (and thus lend support to the idea that sovereignty can be exercised, not by an individual, but by all thanks to the protection of the sovereign state) and at the same time, intensified monitoring mechanisms which could account for and regulate a population of citizens (SD, 37).

Second, he thinks that part of what makes this development of increased disciplinary coercion acceptable is the very discourse of sovereignty itself. The discourse of the law and the protection of rights attempts to preserve a fundamental element of freedom (in the form of the sovereign rights of the individual) which remains intact despite new mechanisms of coercion. Despite deepening powers of normalization and control, sovereignty nonetheless guarantees us that our rights will be protected by the neutral legal body and the force of the state (i.e. ‘although the police have increased surveillance, they are nonetheless here to protect my sovereign rights’) (ibid). Sovereignty, then is partially what allows disciplinary power to function, and
disciplinary power clings to it, so to speak, in order to perpetuate itself. We continue
to think in terms of sovereignty, then, because it is partially how our investment in
disciplinary society requires us to think.

But the theory of sovereignty, as we will see, is not only a theory of political
rationality, but also a theory of right, truth, and subjectivity. Another avenue that we
can take in understanding the hold that sovereignty might have on conceptions of
politics and knowledge is to explicitly examine the relationship between sovereignty
and theories of epistemology. This is to ask the question: does sovereignty persist
in contemporary conceptions of right, truth, and subjectivity because it is intimately
bound up with how we conceive of epistemic as well as political authority? This line
of thinking is present in Foucault, but is not deeply elaborated. In one articulation, he
hints a way in which sovereignty is related to a certain interpretation of the concept of
science.

What types of knowledges are you trying to disqualify when you say
that you are a science? What speaking subject, what discursive
subject, what subject of experience and knowledge are you trying to
minorize when you begin to say: ‘I speak this discourse, I am speaking
a scientific discourse, and I am a scientist.’ What theorectico-political
vanguard are you trying to put on the throne in order to detach it from
all the massive, circulating, and discontinuous forms knowledge can
take? … I see you assigning to those who speak that discourse the
power-effects that the West has, ever since the Middle Ages, ascribed
to a science and reserved for those who speak a scientific discourse
(SD, 10).

11 Although we shouldn’t hold the political and the epistemological to be radically separate (since they
both imply each other), we can nonetheless specify the epistemological in order to focus on issues
related to right, truth, and subjectivity more generally. This strategy does not need to be ‘idealistic’ in
the sense that it abstracts from the material forces which constitute us as subjects, since forms of
knowledge and epistemic authority are not abstract, but embedded in power and themselves perpetuate
power, and are for that reason no less important to analyze than forms of political rationality.
We should not only note that Foucault thinks that this conception of science emerges in the same time and place as sovereignty, but we can also see how a certain understanding of science is deeply bound up with the logic of sovereignty. The idea that the goal of science is to form a unified system of laws which could govern statements by eliminating false ones is strikingly analogous to the idea that the goal of politics is constructing a unified body of laws which can govern subjects by threatening expulsion, punishment, or death in the event of infraction. Like its more political manifestation, the sovereign as a scientific ideal also possesses the fundamental right of negation, forms a transcendent unity in opposition to heterogeneous multiplicity, and establishes the foundational legitimacy of an order. The connection between this form of sovereignty and political sovereignty, however, is not specified by Foucault.

One reason which Foucault curiously does not give for the permanence of sovereignty in its epistemic dimension might emerge from his earlier work on scientific discourse in *The Order of Things*. In this book, Foucault traces the development of a form of thought which has important ties to the idea of sovereignty. Foucault calls this form of thought “modern thought,” and argues that it emerges at around the same time as disciplinary and biopolitical technologies – namely, at around the end of the 18th century. Insofar as sovereignty is linked to this form of thought, it might play a deep role in our epistemological structure, even despite the heterogeneous political rationalities which emerge alongside it. Foucault might have ultimately come to disavow the elements of his earlier analysis which led to this
conclusion, and for that reason refused to mention this as a reason, but we should still keep it as an open hypothesis for further investigation.

Although what makes sovereignty persist along its epistemological dimension is in many respects still an open question, what is clear is that many contemporary articulations of politics continue to be preoccupied with questions about the proper limits of a central authority (in the form of the state or international legal bodies), and the nature and distribution of rights. And insofar as this is the case, sovereign power remains a form of power in that it is still constitutive of a particular hegemonic conception of political practice. This can prompt us to ask (although we will have to leave these questions open): to what extent is the political apparatus of sovereignty responsible for constituting the normativity which structures sovereign accounts of right and truth? What is the nature of other forces which are important to analyze, like those related to philosophical and scientific discourse? And what is the relationship between these two integrated constitutive forces? Our later elaboration of more of the epistemological and metaphysical consequences of sovereignty will hopefully indicate more pathways for answering these questions.

**Specifications of Sovereignty**

At this point, we should clarify more concisely what it means for an entity to be sovereign, so that we can better appreciate what it means to think with and without sovereignty. As we saw, sovereign power is a form of power which represents consensus in the face of discord, encodes its legitimacy in law, and intervenes in conflict by pronouncing that law and preventing its transgression. It is a transcendent, totalizing form of power which grabs hold of a field of activity, acts
negatively on that field by suppressing illegality, and sees nothing within that field as outside of its dominion. Although we saw that sovereignty shifts throughout its history and is composed of multiple elements, we can specify some of the crucial elements which constitute it.

1) Transcendence: Sovereign power acts over the social body, not within and through it. It forms a center outside and above the field over which it acts. This transcendence enforces an ontological division within society (or an individual) between an ideal unity and a concrete multiplicity, and confers authority to the ideal. From its position of authority, the sovereign pronounces what can and cannot be done across the vastness of its territory. We should for this reason pay attention to the way that the sovereign can be a king, but also a body of law, a conception of epistemic authority, or even ‘a mind’ which presides over the heterogeneity of sensation in its rationality.\(^\text{12}\)

2) Unity: Sovereign power is a power based on the authority of unity and consensus.

Foucault specifies that,

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\ldots \text{the theory of sovereignty assumes from the outset the existence of a multiplicity of powers that are not powers in the political sense of the term; they are capacities, possibilities, potentials, and it can constitute them as powers in the political sense of the term only if it has in the meantime established a moment of fundamental and foundational unity between possibilities and powers, namely the unity of power (SD, 43-44).}
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The multiple powers which can exist in a society are thus established as political or legitimate by the way in which they conform to the unity/consensus established

\(^{12}\) In a passage with interesting resonances, one of the major theorists of sovereignty Thomas Hobbes wrote in his *Leviathan*, “… Sovereignty is an Artificial Soul, as giving life and motion to the whole body” (Hobbes, 9). Here, Hobbes is referencing a social body rather than an individual body, but we should note this dynamic, since it will reappear in our analysis of Merleau-Ponty.
by sovereignty. This is not to say that actual, concrete unity must be achieved for sovereignty to exist, but that sovereignty is a form of power which fundamentally bases its legitimacy on the authority of a particular theory of unity, and the effort to achieve that unity. Even if sovereignty aims to include pluralism, it is inoperable without a unified system of laws that transcend whatever legitimate differences it embraces. Its slogan is for that reason “peace and justice” (HS, 87).

3) Enclosure and Territoriality: A counterpart to unity is enclosure and territoriality. Given that sovereignty establishes an order of law that excludes any deep discord, it forms a conception which is totalized and complete, and thus bordered. Although the apparatus of sovereignty is not bordered (as we’ve seen, its history shows dramatic shifts in its different registers and its mobility across different social formations), the theory of sovereignty, and the exercise of its power is predicated on the existence of an enclosed system. Indeed, constituting the borders of sovereignty is one of the fundamental goals of its theorists in both a concrete and an abstract sense. Concretely, sovereignty is always exercised over a bounded territory, and has historically been concerned with adjudicating the size and scope of the territory over which it exercises power. More abstractly, the theory of sovereignty is constantly asking about a different sort of border: it asks, where is the division between legitimate and illegitimate drawn?

4) Fundamental legitimacy: Sovereignty is also crucially the fundamental ground of the legitimacy of the social order, or of any order at all. Foucault shows how, “the theory of sovereignty shows, or attempts to show, how a power can be constituted, not exactly in accordance with the law, but in accordance with a
certain basic legitimacy that is much more basic than any law and that allows laws to function as such” (SD, 44). Sovereignty thus constitutes the fundamental ground of normativity to which any claims to political or epistemological truth need to refer. There are different ways of articulating this basic legitimacy which sovereignty both conceptualizes and guarantees. Each strategy, though, aims to constitute a single standard. This does not mean that sovereignty constitutes a purely static structure (this is neither conceptually nor historically the case), but that it has a deep tendency to resist integrating forms of critique which attempts to step outside of its bounds. Since sovereign law is the basis for normative authority, critiques which threaten it from outside of its boundaries cannot be recognized as themselves possible within its normative framework. And, as we’ve seen, sovereignty’s difficulty integrating what is outside of it is not innocent – what threatens sovereignty is met by the uncompromising force of negation.

5) Law: Sovereign power rests on the idea that the just body of law – the body of law that does no violence and which a subject can freely assent to – is the goal of thought and action. The legitimacy it establishes is thus juridical in its expression. This means that the modality of sovereignty’s activity is speech – the sovereign law is a body of statements which are legitimately articulated in the confrontation with error.13 This also means that sovereign power is fundamentally discontinuous and negative. It acts to suppress illegality when an

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13 This idea leads us into an interesting contour of the sovereign conception of power. The sovereign conception does not allow for the idea that power is network-like, or a flow, since it presumes that power is essentially discursive in its use (HS, 90).
infraction occurs, and it suppresses illegality by invoking the authority of its law.

Its primary function is for that reason “saying no.”

_Sovereignty and Power_

With an idea of the emergence and historical deployment of sovereignty, and of some of the defining features of sovereignty itself, we can see more precisely how it configures a particular account of the operation of power, and what is at stake in rejecting this conception. This account of power as sovereignty is not as straightforward as it might seem (i.e. ‘it’s the king who has power’), since it involves not just a transcendent figure, but a particular relation to juridical discourse, to negation, and to the metaphysics of subjectivity.

The theory of sovereignty constitutes at least three specifiable ways in which power is exercised. First, the theory of sovereignty conceives of the exercise of power as something that is wielded by a powerful agent or group of agents who possess it. Theories of power which base themselves on an account of some sovereign entity (the state, the industrialized west, capital) and wields it over a particular group (the subjects which obey or are forced to obey) are perhaps the clearest example of a theory of power based on the presupposition of sovereignty. Although Foucault does not doubt that hegemonies are established in society which command a certain kind of obedience (indeed, the state, the industrialized west, and capital all in different ways exert disproportional influence on the exercise of power), he does not think that the logic of the operation of power is reducible to the model sovereign/subject or to the logic of command/obedience. In fact, for Foucault, power operates on a different level altogether than the level on which commands can be
spoken and obeyed. Second, the theory of sovereignty allows us to conceive of power as something that each individual possesses, either in the form of a sovereign right to power (which ze can alienate to the state for the sake of order) or in terms of a sovereign will over its use (i.e. we all have power, and can employ it as we see fit).¹⁴

Finally, since sovereignty is based on the enforcement of law, it is a form of power based on negation. The fundamental act of power is consequently ‘saying no’ to illegality, and, if this power is itself illegitimate, its fundamental problem is that it represses that which it says no to.

Foucault often uses these conceptions as a foil to illuminate his own conception of power. For Foucault, power in general is not a substantial thing that one can possess or have taken away. In fact, it is not something which exists outside of particular subjects at all – a subject cannot possess power and wield it over another subject, or confront power as if it were something of a different order than itself. But if power is not something which an individual has and can use for or against another individual – if it does not exist in a relation between subjects – on what level, then, is power exercised? For Foucault, rather than being something substantial which can be used, power passes through individual subjects, and constitutes them as the subjects that they are. Power indicates the force relations which constantly act, not directly upon individuals, but upon the sphere of possible action which invests and gives form to subjectivities. For this reason, power is not fundamentally ‘brute force,’ but rather a kind of inter (and intra) personal flow. Foucault writes,

[Power] operates on the field of possibilities in which the behavior of active subjects is able to inscribe itself. It is a set of actions on possible actions; it incites, it induces, it seduces, it makes easier or

¹⁴ This is why, for Foucault, power is distinguished from capacities or abilities. See (P, 339).
more difficult; it releases or contrives, makes more probable or less; in the extreme, it constrains or forbids absolutely, but it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action. A set of actions upon other actions (P, 341).

Power operates not on the level of the clash of physical bodies, but on the level of the normative regulation of possibilities, which occurs in all of the minute ways that Foucault outlines (incitement, seduction, etc.). It is consequently in ‘the normative sphere,’ wherein the possibilities and impossibilities of action are continually negotiated, that power is exercised. Power itself is consequently not a single entity, but is rather a way of indicating whatever material and discursive relations of force conduct the activity of subjects in a way that produces possibilities, impossibilities, restrictions, openings, and so on.

Power is consequently not in the command of anyone, be it a sovereign state or a sovereign individual. Power is the general sphere in which social intelligibility is constituted. For this reason, the fundamental trait of power is productivity – it does not fundamentally negate or deny, but constructs. In Foucault’s sense, then, power relations denote something very concrete and basic in social existence. And this basic element of social life provides the ground for a certain kind of political project.

Foucault writes,

To live in society is, in any event, to live in such a way that some can act on the actions of others. A society without power relations can only be an abstraction. Which, be it said in passing, makes all the more politically necessary the analysis of power relations in a given society, their historical formation, the source of their strength and fragility, the conditions that are necessary to transform some or abolish others. For to say that there cannot be a society without power relations is not to say either those which are established are necessary, or that power in any event constitutes an inescapable fatality at the heart of societies, such that it cannot be undermined. Instead, I would say that the analysis, elaboration, and bringing into question of power
relations and the ‘agonism’ between power relations and the intransitivity of freedom is an increasingly political task – even, the political task that is inherent in all social existence (P, 343).

What it means to analyze relations of power, though, is not self-evident. For this reason, we need to try to grasp what it means for thought to be accountable to something – then, we can better understand what meaningful resistance within relations of power and knowledge entails. To understand this more clearly, we need to see what kind of normativity is structured by sovereignty.

*Sovereignty and Right*

Sovereignty does not only structure a theory of power, but also a theory of right, and therefore gives a particular account of the meaning of normativity. Since the term ‘normativity’ is not necessarily clear, we should briefly specify what it means for us to analyze an account of it. There can be many interpretations of normativity, but for our purposes, normativity will not mean ‘what all norms have in common’ or ‘what is right as opposed to wrong about power’ or ‘that which commands obedience’ – rather, normativity will indicate an account of what it means for thought and practice to be accountable to something in a way that guarantees a certain type of legitimacy. Later, we will flesh out why this interpretation of normativity is significant, but we should mention it now to clarify how the theory of sovereignty configures an account of normativity in this sense.

The sovereign conception of right and normativity is deeply tied to the sovereign conception of power. The theory of right, when it is configured by the logic of sovereignty, is fundamentally an effort to discern what could legitimate the
exercise of a central power – in other words, right becomes a way of grounding the 
authority of whatever entity is taken to be sovereign (the king, the state, a science, the 
mind, and so on). As we noted above, a key element of the normativity embedded in 
sovereignty is its unity and neutrality. Sovereign right is fundamentally based on the 
authority of a unity which transcends heterogeneity. This transcendence, however, 
cannot be conceived of as an act of violence, but must justifiably command 
obedience.\textsuperscript{15} Although there are multiple ways of conceiving of what guarantees the 
legitimacy of this obedience, sovereign accounts of right are by definition focused on 
giving such an account. As we mentioned earlier, the fundamental question that they 
ask might be, ‘how can one be freely subject to a law’? Importantly, once the 
foundational legitimacy of the sovereign has been established, sovereign right is 
articulated through law, and acts by pronouncing the truth of the law when confronted 
with error. The goal of the theorization of right is, for that reason, the construction of 
a system of laws which will inhere in this basic legitimacy. The normativity that it 
establishes is consequently foundational at its base, and juridical in its expression. Its 
normativity is the normativity of the command, and of just obedience and regulation.

Foucault’s reasons for thinking that we should abandon conceptualizing right 
in terms of sovereignty are not always clear. We might, for example, be anxious 
about how Foucault’s claim that we should think of right outside of the logic of 
sovereignty is itself legitimate in terms of something that ‘one ought to believe.’ This 
could mean that, in asking for reasons to accept this conceptual move, we might be 
tempted to seek them in terms of the logic of how our statements can conform to

\textsuperscript{15} This is true for both a conception like Hobbes’ and a conception like Rousseau’s – for Hobbes, 
although the sovereign does not represent the general will as in the case of Rousseau, the order that it 
puts into place nonetheless commands legitimate obedience because it enforces peace.
some unified account of truth. The problem then, is how we can articulate Foucault’s response to sovereignty as a theory of normativity in a way that does not circumscribe it within this very same of logic of sovereignty, and of holding a central power accountable to a juridical set of norms.

Although to fully appreciate what is at stake in Foucault’s conception of normativity, we will need to explore other elements of his analyses, we can specify the basics of his conception here. Foucault is concerned with realizing a strategic shift in our posture toward the phenomenon of right, due to the way in which the framework of sovereignty leads to the effacement of the reality of domination proper to the exercise of power in our societies.

To say that the problem of sovereignty is the central problem of right in Western societies means that the essential function of the technique and discourse of right is to dissolve the element of domination in power and to replace that domination, which has to be reduced or masked, with two things: the legitimate rights of the sovereign on the one hand, and the legal obligation to obey on the other. The system of right is completely centered on the king; it is, in other words, ultimately an elimination of domination and its consequences (SD, 26).

The normative problem with sovereignty is not consequently not a juridical one – Foucault is not saying that the sovereign conception of normativity is false for itself not inhering in some unified structure of authority which we can obey. Instead, the normativity of Foucault’s own claims is thought out on the level of tactics and strategies, counter-posed to power in concrete situations. Foucault claims that, in contrast to thinking of right in juridical terms, we should see that,

The system of right and the judiciary field are permanent vehicles for relations of domination, and for polymorphous techniques of subjugation. Right must, I think, be viewed not in terms of a
legitimacy that has to be established, but in terms of the procedures of subjugation that it implements (SD, 27).

For Foucault, this does not mean that rights and laws are all bad, but rather that right and law as a form of rationality is not purely emancipatory, but itself conceals forms of domination which need to be understood. The theoretical problem that we confront is for that reason not how to constitute sovereignty and obedience to it, but rather, how to account for domination and subjugation in order to constitute the possibility of resisting them. If we ignore this task, we will tacitly perpetuate the forms of domination inscribed in the apparatus of sovereignty. The force of rejecting a form of power (or a form of knowledge) is not derived from the true or false, from the possible or impossible, but from the logic of struggle and resistance. Ultimately, for Foucault, thinking in terms of sovereignty is strategically unwise in the confrontation with power, and it is strategically unwise because it methodologically leaves relations of domination uncriticized and stifles actual resistance to the forms of subjugation that they propagate.

Ultimately, Foucault is not concerned with how we circumscribe normativity within some fixed logic, but how we can extend the boundaries of thought, so that possible critique can be expanded. In other words, he is concerned with how we can use thought to become different in a meaningful sense, and in a sense which multiplies the possibilities of resisting, experiencing, and living. Now that we have more of a grasp on the theory of sovereignty and its implications, we can deepen our

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16 Here is one example of a dynamic which should be noted: “When we talk about courts we’re talking about a place where the struggle between contending forces is willy-nilly suspended: where in every case the decision arrived at is not the outcome of this struggle but of the intervention of an authority which necessarily stands above and is foreign the contending forces … all these ideas are weapons which the bourgeoisie wants to have believed in relation to justice, to its justice” (P/K, 27).
appreciation of its relationship to epistemological questions, and in particular to see how the notion of subjectivity relates to power, to truth, and to resistance. In order to do this, we should see how the apparatus of sovereignty (and apparatuses in general) has a particular relationship to subjects and to subjectivity which we need to explicate. Then, we can more fully grasp what is at stake in thinking with and against sovereignty, and in constituting conceptions of normativity and resistance outside of its logic.
Sovereignty, ‘The Subject’, and Subjectivity

In the last chapter, we articulated the history and specifications of the apparatus of sovereignty, showed how the theory of sovereignty configures a certain account of power and right, and hinted at what it might mean to think past sovereignty in articulating these phenomena. We left somewhat open the question of the relationship between sovereignty in its political dimension and sovereignty in its epistemological dimension, and did not establish how sovereignty relates to questions concerning the constitution of forms of subjectivity. The purpose of this chapter is to follow up on those lines of thought by articulating the connection between sovereignty and subjectivity more explicitly, with the hope that we can reveal more deeply what is at stake in the relationship between sovereignty and epistemological questions. We will consider two ways of approaching the relationship between sovereignty and subjectivity in Foucault’s writings: the first traces a homology between ‘the subject’ and ‘the king’ by showing how both concepts share similar characteristics, and in particular, constitute similar stumbling-blocks for thinking. This will show the way in which the themes of sovereignty and subjectivity are intertwined in Foucault’s thought. The second examines the apparatus of sovereignty as a subjectifying force – or in other words, it examines the way in which sovereignty as a truth-discourse and a form of power constitutes determinate ways of being a subject. To engage in the latter investigation, we will try to see how the themes of power and right that we already examined are related to subjectivity, in order to better understand the relationship between an apparatus and the subjectivities that it constitutes. This analysis will also enable us to deepen our appreciation of a question
that we looked at in the last chapter – namely: what are the consequences of the way that the apparatus of sovereignty constructs a form of rationality in general?

Given that this chapter shifts its focus to the topic of subjectivity (while nonetheless remaining in the same general domain), it should be clear what is meant by subjectivity. But what does it mean to specify what is meant by subjectivity in the context of Foucault’s writings, when one of his central claims is that particular forms of subjectivity and ‘the subject’ itself are historically and socially constituted? To specify the meaning of subjectivity, do we not need to first refer to a concrete historical epoch, when power and knowledge constituted forms of subjectivity in a determinate way, and then determine the meaning of subjectivity in that context? And if the meaning of subjectivity shifts continually throughout history and culture, should we not for that reason give up on the project of tying all of these accounts together to form some ‘core’ of subjectivity which remains constant throughout their mutations? At times, Foucault seems to talk about subjectivity as if it were simply an effect of historical processes. In Discipline and Punish, for example, Foucault begins by discussing the hypothesis that the modern ‘soul’ – or the “non-corporeal” element of human beings which holds their conscience, desires, psyche, etc. – is the effect of a particular form of power over the body. He goes onto show how the modern soul – as a non-necessary but nonetheless materially effective element of modern societies – becomes the target of modern penal practice. He writes,

This real non-corporeal soul is not a substance; it is the element in which are articulated the effects of a certain type of power and the reference to a certain type of knowledge, the machinery by which the power relations give rise to a possible corpus of knowledge, and knowledge extends and reinforces the effects of this power. On this reality-reference, various concepts have been constructed and domains
of analysis carved out: psyche, subjectivity, personality, consciousness, etc. (DP, 29-30).

Here, it might sound like Foucault is saying that “subjectivity” as a mode of understanding ourselves emerges due to the contingent operations of power and knowledge, and that consequently, the meaning of subjectivity should be understood by discerning its relation to the apparatuses that produce it and the consequences of its deployment in history. Focusing on this line of thought might lead us to regard subjectivity as a kind of ‘discursive object,’ which (although it is historically very important) has the same fundamental status as any other discursive object that Foucault analyzes.  

Although Foucault never wanted to give a theory of the subject that would, from a standpoint outside of history, try to discern the fundamental characteristics of subjective experience, he also gives us reasons to think that subjectivity as a phenomenon is actually more fundamental to his thinking than this line of thought supposes. He once wrote, in a kind of retro-active statement of purpose, “[I]t is not power, but the subject, that is the general theme of my research” (P, 327). Following up on this idea, we can ask: is there not a sense in which subjectivity is not simply a fleeting effect of a more fundamental phenomenon (i.e. the historical transformations of power-knowledge), but is actually a pervasive element of Foucault’s own positive thinking? If this is correct, then where does “subjectivity” fit into Foucault’s thinking, and how does it operate? Is there a sense in which the conception of power-knowledge that Foucault develops actually depends on a conception of subjectivity,


17 The first volume of The History of Sexuality also can support this interpretation. See Foucault’s discussion of the way that religious confessional practices and scientific knowledge intersect to constitute “a science of the subject” which is dependent on the particular way in which truth functions in our societies in HS, 59-70, esp. 64.
perhaps in the basic sense that power, in order to function, requires beings for whom things like normativity and resistance are possible? If so, what is the relationship between, on the one hand, this general conception of subjectivity and the particular configurations of it by different apparatuses and technologies (or, in other words, how do we articulate the relationship between subjectivity in general and the historical forms of subjectivity which power-knowledge constitutes); and on the other hand, between ‘subjectivity’ in this sense, and ‘the subject’ which Foucault adamantly rejects? And finally, to what extent could this positive account of subjectivity help configure an account of resistance which would help us make sense not only of Foucault’s own work, but of the possibilities of meaningful intervention into systems of power and knowledge in general? To what, if anything, would this resistance be accountable? To start to answer these questions, we should first see the interweaving of sovereignty and subjectivity to understand better what is at stake.

The Subject and the King

Before his discussions of the apparatus of sovereignty and the analysis of power, Foucault had already been trying to understand the connection between sovereignty and subjectivity. In The Order of Things Foucault develops an account of the modern subject, which he calls “man”.

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18 This claim does not deny that “subjectivity” as a way of understanding ourselves is fundamentally a historical emergence, and thus bound to a particular historical and cultural setting. It does ask, though, whether or not a conception of subjectivity is fundamentally operative in Foucault’s work (which is itself historically and culturally situated), and whether or not a conception of subjectivity could function as a tool for conceiving of resistance and normativity.

19 In The Order of Things, Foucault locates the shift to the modern episteme at the last years of the eighteenth century, with the emergence of the Kant’s theory of the subject, and certain changes in the human sciences of biology, economics, and linguistics which are also involved in the complications of basing an account of the limits to knowledge on an empirical understanding of finitude. I maintain the gendered use of this term to leave open the question of whether or not the notion of ‘man’ as Foucault analyzes it is itself gendered.
subjectivity is its attempt to understand subjects as simultaneously finite, living beings and knowing beings. Whereas earlier forms of thought could conceive of the finite and fleeting character of life and generated theories of knowledge, modern thought poses the relationship between finitude and knowledge in a unique way. A question arises for modern thought which does not emerge previously, which is: given that we are finite, our knowledge cannot be absolute, but must have certain limitations – how can we understand the nature of these limitations so that we can ground a legitimate knowledge within their scope? Modern thought then proceeds to articulate how the possibilities of knowledge are circumscribed by man’s finitude itself. Foucault points out that, ultimately, this understanding of finitude must be an empirical understanding (for example, of the restrictions of embodiment, the laws of the production of material life, or the constitutive power of historical languages), and that this empirical knowledge, in turn, comes to demarcate the possibilities of knowledge as a transcendental authority.

The empirical understanding of the limitations of life, labor, and language consequently grounds the transcendental regulations governing the possibilities of man’s knowledge. This simultaneously empirical and transcendental authority, although not absolutely sovereign (since it is finite), is, so to speak, nonetheless ‘sovereign to its territory’ in the sense that it prescribes absolutely what can and cannot be known or done ‘in the world of man.’ Man, or the modern subject, is in a sense homologous to the sovereign – it establishes the ground of fundamental legitimacy by fixing the rules of right.\textsuperscript{20} A fundamental task of knowledge becomes

\textsuperscript{20} We can also point to Foucault’s analysis of the painting “Las Meninas” to show the connection that Foucault wants to draw between sovereignty and the subject. Foucault shows, how by a kind of visual
establishing the bounded territory in which knowledge claims can surface as legitimate or illegitimate. Although man cannot achieve complete self-knowledge, he can nonetheless know that, in his finitude, the concrete limitations of knowledge can be known, and the legitimacy of a knowledge can be established. In one articulation, Foucault designates man as an “enslaved sovereign” – although he is fundamentally subject to finitude, this finitude itself can become the ground of certain limitation and true law (OT, 312).

Although Foucault’s thought undergoes considerable transformations after *The Order of Things*, the issue of the relationship between sovereignty and subjectivity does not disappear. In a lecture given four years after the publication of *The Order of Things*, for example, Foucault articulated how the problem of eliminating “the subject in its unity and sovereignty” was a major methodological project (P, 10). There are also important conceptual similarities between the sovereign and the subject which are perhaps more straightforward than the modern subject’s relationship to its finitude. As we noted in the last chapter, sovereignty has a close allegiance to certain conceptions of the mind which see it as the locus of rationality and meaning – in this sense, the subject would be the fundamental source of the unity of experience. Like the sovereign, the subject in this sense is self-enclosed, inhabits the body but is fundamentally of a different order than the body, and regulates the potential anarchy of the body through the authority of rational law.

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21 There is another trajectory in modern thought, however, which has a more ambiguous relationship to sovereignty, since it denies that any certain legitimacy for knowledge and its boundaries can be achieved. This trajectory is more closely related to Merleau-Ponty’s view and we will analyze it in Chapter 4.
The subject, like the sovereign, then, is a transcendent figure which embodies fundamental legitimacy. And we should not cast aside the fact that being ‘a subject’ is not just a relation that one has to thought, but also to sovereign authority in general.

Another example of the homology between the subject and the king in Foucault’s work is the way in which the methodological importance of overcoming both sovereignty and the subject follows a very similar logic. Sovereignty and the subject are related not only in terms of their tendency to establish themselves as the fundamental ground of legitimacy, but are also related in terms of what (perhaps for that reason) they do not allow us to think. We can compare two passages: In an interview, Foucault says, “One has to dispense with the constituent subject, to get rid of the subject itself, that’s to say, to arrive at an analysis which can account for the constitution of the subject within a historical framework” (P/K, 117). Here, what is important about eliminating the constituent subject is that it enables us to develop a conception of philosophical analysis which is better able to grasp the constitution of forms of subjectivity in history – that is, it does not take a particular account of the subject as the base for any understanding at all, but allows us to see how different forms of subjectivity emerge in their own specificity. Similarly, thinking past sovereignty allows us to see how minute effects of power constitute subjects within a discursive field. “In other words, rather than asking ourselves what the sovereign looks like from on high, we should be trying to discover how multiple bodies, forces, energies, matters, desires, thoughts, and so on are gradually, progressively, actually and materially constituted as subjects, or as the subject” (SD, 28). Both sovereignty and the subject lead to a kind of distraction: they lead us to disregard the minute
ways in which forms of experience are given shape by *forces* which make these forms of experiencing into what they are. Insofar as both concepts present their self-understanding as the rule (the subject in the form of its being source of the limitations of knowledge, and the sovereign in terms of its similarly being the absolute foundation of right), they enact a kind of monopoly on legitimate understanding, and do not allow us to see how these forms and others are constructed by complex, material mechanisms. It seems like one strategy for understanding what Foucault is up to, then, is to say that the concepts of sovereignty and “the subject” operate in the same way in Foucault’s thought, and to say that Foucault’s discussions of the importance of eliminating sovereignty is a way of articulating what it means to eliminate the subject in a particular domain of analysis, namely the analysis of relations of power.

**Power, Knowledge, and Subjectivity**

Although there is a certain homology in the relationship between the subject and the sovereign in Foucault’s thinking, we would be wrong to restrict the relationship between sovereignty and subjectivity to this level. In discussing the general relationship between power and subjectivity, Foucault writes,

…these [power] relations go right down into the depths of society … and that they do not merely reproduce, at the level of individuals, bodies, gestures and behavior, the general form of law or government; that, although there is continuity (they are indeed articulated on this form through a whole series of complex mechanisms), there is neither analogy nor homology, but a specificity of mechanism and modality (DP, 27).

Power does not directly instantiate a specific form of thinking in those who are subject to it, but is rather the deployment of various mechanisms which have the
capacity to govern subjects not only by preventing or commanding, but also by inciting responses and structuring the ways that these subjects understand their possibilities for action. Although sovereignty as a way of theorizing power does make the mistake of seeing its particular law reproduced in the subject by repeated, negative enforcement, to view sovereignty as a historical force in this way would be inconsistent with Foucault’s general conception of the operation of power. And insofar as we are attempting to understand the apparatus of sovereignty as a historically existent form of power which still has sway over contemporary conceptions of resistance and normativity, we need to understand its operation in terms which are appropriate to the analysis of an apparatus. Drawing out the relation between sovereignty and subjectivity on the level of homology (although this homology is present in Foucault’s work) might risk falling back into the conception of power as sovereignty and fail to analyze sovereignty adequately. If there is a homologous relationship between the two terms, then this homology would have to derive from the way in which the apparatus of sovereignty has certain effects of subjectification.

To draw out the relationship between sovereignty and subjectivity not as a homology, but rather in terms of the constitution of subjectivity in the apparatus of sovereignty, we should first try to understand in a more specific way what it means for apparatuses to constitute subjectivities. To do this, we need to remind ourselves that power and right are not only concepts related to politics; they are also deeply related to questions about the nature of thought and normativity. As we noted in the last chapter, although the notion of power often connotes a social relation between
individuals, for Foucault, power runs deeper than that. Power, as we saw, operates on the level of the social negotiation of normativity. For that reason, power is integrally connected to the functioning of an apparatus. As the action upon action, power is what constantly mobilizes the flow of the apparatus – it indicates the force by which the subjects who are part of the apparatus constantly perpetuate and rearticulate it. Right is the ‘veridical mechanism’ of the apparatus – it is the aspect which structures the possible and the impossible, the included and the excluded, the easier and the more difficult. Right is what makes the apparatus both rational and normative. We can perhaps see a bit more clearly now why power and right (or in other words, power and knowledge) are inseparable, both conceptually and causally – relations of force depend on the division between legitimate and illegitimate in order to be able to govern, and relations of right are not pure divisions which only illuminate the truth, but themselves need to be seen as elements which perpetuate forms of power, and are given shape in relations of force and strategy. According to Foucault, “Power cannot be exercised unless a certain economy of discourses of truth functions in, on the basis of, and thanks to, that power” (SD, 24). The apparatus, as a materially effective form of rationality, is consequently intertwined with power and knowledge, which are the fundamental elements of its functioning – power as the force of the action upon action, and knowledge as the inseparable mechanism which enables governance by dividing the legitimate from the illegitimate.

So far, we have an understanding of the relationship between an apparatus, power, and knowledge, but how does the interaction of these elements relate to subjectivity? How is this interaction of power and knowledge not an autonomous

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22 Chapter 4 will elaborate why this is so in greater detail.
realm outside of any ‘subjects’? Although we will see that it makes sense to see a particular account of ‘the subject’ as produced by power and knowledge, a certain sense of subjectivity is an integral part of the operation of power and knowledge themselves. Power and knowledge actually find a certain kind of inherence in subjects – to be more specific, power and knowledge only operate for beings who can take up norms in thought and action.

We might raise a question, though: if these subjects are constituted by relations of power and knowledge, why should we think that these ‘subjectivities’ are not ultimately objects, caught in the causal force of power-knowledge, responding to norms as a billiard ball responds to a cue? In other words, what does it actually mean for these subjectivities to take up norms? One response to this question might say that subjects are subjects because they have the capacity to understand and follow norms with a kind of self-possession, rather than submitting passively to them as a causal force. This, however, would not quite be Foucault’s response. For Foucault, power does not operate on individuals as an external force, but produces individualities through normative restrictions. So it cannot be that an individuated subject recognizes a norm which it can obey, but that, to be a subject one must only recognize the normativity of restrictions and respond, in a certain sense, freely. Foucault notes this:

A power relationship, on the other hand, can only be articulated on the basis of two elements that are indispensable if it is really to be a power relationship: that ‘the other’ (the one over whom power is exercised) is recognized and maintained to the very end as a subject who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible interventions may open up (P, 340).
But this freedom is not the freedom of an individual, in perfect possession of himself, recognizing a law that ze can obey, or a rule that ze can follow. This freedom only indicates that there is a subjectivity which can recognize norms, given that this subject’s experience is itself norm-governed. Subjects can never be outside of power and knowledge (since they are given shape in it), and can thus never be free from its causal force in a kind of pure recognition of a norm.23

When we analyze the relationship between an apparatus and the forms of subjectivity that are constituted in it, we can never specify this subject-constitution fully (too many apparatuses intersect to form a particular subjectivity, and there is no sovereign unity which gives form to either the apparatus or a subject in a way which allows us to specify their total shape). Rather, when we analyze apparatuses, we should try to see which particular types of subject formation they instigate, and what is at stake in the forms of subjectivity that they constitute. In specifying how an apparatus constitutes subjectivities, we need to specify how it functions as particular strategy for the government of subjects, and, in so doing, constitutes particular ways of being a subject.

*Juridical Subjectivity*

The apparatus of sovereignty leads to a particular general conception of subjectivity which is, at base, juridical.24 To specify what this means, we need to analyze not how sovereignty as a form of power duplicates itself in the subject, but

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23 We might say that Foucault is not fundamentally interested in the question of how we get from ‘what one is caused to do’ to ‘what one ought to do’ but rather in the question of how we get from ‘what one is caused to do’ to ‘how one can cause oneself to become something new.’

24 Foucault does not use the term juridical subjectivity in the way that I am using it. The notion of a juridical subject appears a few times in his work with different meanings – my use of the term is specific to how sovereignty has particular effects of subjectification which are related to its juridical conception of normativity and power.
how, as an apparatus and thus a form of rationality, it constitutes subjects. Foucault
never gave a full description of the way in which sovereign power produces a
particular form of subjectivity. However, he often discussed the role of intellectuals
vis-à-vis juridical conceptions of normativity, as well as the ways in which certain
logics of subjective constitution were under the dominion of a conception of power as
sovereignty. Sovereignty constitutes *juridical* forms of subjectivity because these
forms are premised on the primary division between an authoritative legal body on
the one hand, and an obedient (or disobedient) subject on the other. Foucault writes,
“Confronted by a power that is law, the subject who is constituted as subject – who is
‘subjected’ – is he who obeys” (HS, 85). This conception of subjectivity has multiple
implications which do not need to a total, single account, but rather to an array of
accounts united in a general fashion. It configures certain ways of conceiving of the
subject’s constitution and the normativity of the subject’s claims and actions. It is
produced by the way in which the apparatus of sovereignty, as a material practice
enacted by agents, configures a rationality by which subjects understand their
possibilities and limitations.

1) The juridical subject defines itself in relation to a unified body of law which
embraces its truth. Since law is the form of its truth, a juridical subject acts
through the law to express this truth. A fundamental element of juridical
subjectivity is thus its emphasis on the subject as ‘a speaker of the truth,’ where
this truth is fundamentally dictated in confrontation with an error.

It is possible to suppose that the ‘universal’ intellectual, as he
functioned in the nineteenth and early twentieth centuries was in fact
derived from a quite specific historical figure: the man of justice, the
man of law, who counterposes to power, despotism and the abuses and
arrogance of wealth the universality of justice and the equity of an ideal law (P/K, 128).

The juridical subject thus structures its truthful activity through speech in relation to a universal system of laws. A juridical subject, in this sense, is fundamentally ‘a civil servant of the state’.

2) Juridical subjectivity leads to the conception that the constitution of subjectivity is accomplished by a sovereign authority which acts through the medium of law. As we have been hinting at, this sovereign can take the form of a transcendental ego which regulates sensation according to the system of rules that constitute the unity and intelligibility of experience. However, even if we displace the constitutive force of subjectivity from the interiority of the mind to worldly, bodily, and social forces, this conception may still apply. In other words, the authority of a rule-governed system can be conceived of as the material-discursive tactic by which subjectivities are given shape and produced. Subjects become the subjects that they are because of their subservience to a coherent system of norms which functions according to a law-like regularity. Foucault thinks that this conception can go down two paths. The first is a kind of affirmation of law: subjectivity is constituted in a law-like manner, and functions in a law-like manner. If this is positive, then law is seen as the proper form of truth, and critique is seen as legitimate insofar is it confirms either reasserts the law, or challenges the law for the sake of another law which would be more just. On the other hand, the fundamental law-like element of subjectivity can also be viewed negatively, and lead to a kind of resignation to the law – “you are always-already trapped” (HS, 83).
3) Another element of juridical subjectivity is how it configures the way a subject understands hir freedom. The juridical account of subjectivity preserves a stratum within the subject that is, in a sense, outside of the reach of power, and which power represses in its negative moments, and liberates in its positive moments. This stratum is external to power in the sense that power acts upon it as an already-formed entity, and in the sense that it is intelligible apart from its relationship to power. On the one hand, this can lead to a conception of the subject as a ‘man of justice’ speaking truth to power, but it can also lead to an understanding of subjectivity which focuses on the way that power, as a negative force applying its law, represses that fundamental stratum. This consequence of juridical subjectivity is most clearly elaborated in the first volume of *The History of Sexuality*, where Foucault investigates whether or not sexuality is a power-independent truth which is fundamentally repressed by forms of power. The hallmark of this repressed subject is that ze is denied access to this fundamental truth about itself, and needs to constitute a form of social life in which this stratum is revealed and given liberty. A subject’s truth and its freedom, in this view, are inseparable.

*Subjectivity and ‘the Subject’*

As we can see, it would be wrong to simply associate the subject with the king, since the apparatus of sovereignty also constitutes subjects who are jurists, ‘men of justice’, bound in resignation to the law, and repressed. Nonetheless, aspects of the subject-sovereign homology resurface in these accounts, given that juridical
subjectivity also involves the same goals that are immanent to the normativity structured by sovereignty.

In the last chapter, we hinted at the notion that much of what Foucault wants to reject about ‘the subject’ can be understood by seeing how sovereignty as an apparatus constitutes a juridical subjectivity. As we can already see, the logic of social analysis, political critique, and subject-constitution that Foucault develops does not rely on this juridical conception. Foucault’s conception does not lead to an account of normativity based in juridical truth, but rather to an account which attempts to actualize resistance; he does not think subjectivities are constituted by coherent bodies of laws, but by multiple apparatuses which intersect with one another in social space; he does not think that there is a fundamental truth of subjectivity separate from power, since power and knowledge are what shape subjectivity in the first place. However, although in many ways isolating, understanding, and therefore constituting the possibility to think past juridical subjectivity does allow us to see many of the contours of Foucault’s approach more clearly, there is an element of his discussion of subjectivity which is missing. How do we actually understand positively the relationship between perceptual experience and these conceptions of power, knowledge, and apparatuses? And what is the role that this basic level of experience plays in our conception of knowledge, normativity, and resistance? Would this provide us of a sense for the term ‘subjectivity’ which power and knowledge require, and thus allow us to further isolate ‘the subject’ as an object of critique? Can it ground resistance, or is it fundamentally unable to?
Another element of ‘the subject’ which Foucault rejects can be evinced in the following quote: “There are two meanings of the word ‘subject’: subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power that subjugates and makes subject to” (P, 331). In analyzing sovereignty and juridical subjectivity, we have isolated this first element of the notion of being ‘a subject’ – that is, the notion that, in being a subject, one is subject to an authority and understands oneself through that authority. But ‘the subject’ is also attached to itself in a certain way. How do we understand the significance of this element of ‘the subject’ and its consequences?

To do this, we should try to see how Merleau-Ponty, who does give us a positive description of the body’s perceptual capacity, might offer tools for conceptualizing these issues, and also, in his own way, might give us tools for seeing how sovereignty’s logic is intertwined with the theory of the subject in general.
Existential Phenomenology: The Body, Lived Experience, and the Cogito

Why Merleau-Ponty?

At this point, we should try to discern the nature of the dialogue between Foucault and Merleau-Ponty, and then ask how Merleau-Ponty’s existential phenomenology advances our attempt to understand the dynamics of sovereignty, its intersection with subjectivity, and its relation to ‘the subject’. On the one hand, we might think that a dialogue between Merleau-Ponty and Foucault basically comes down to brute opposition. Merleau-Ponty’s theoretical activity was deeply shaped by two traditions that Foucault consistently rejected: Marxism and phenomenology. Foucault thought that these traditions represented some of the fundamental problems that he was attempting to overcome with his own work – in particular, the parallel problems that we have been examining: the conception of power as sovereignty and the conception of the subject as central for philosophy. Foucault was not ambiguous about his effort to move away from these conceptions, either. In addition to voicing multiple critiques of the role of Marxism in contemporary politics, he did not hesitate in distancing himself from phenomenology. In the preface to the English edition of The Order of Things, he wrote,

Discourse in general, and scientific discourse in particular, is so complex a reality that we not only can, but should, approach it at different levels and with different methods. If there is one approach that I do reject, however, it is that (one might call it, broadly speaking, the phenomenological approach) which gives absolute priority to the

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25 We should not take Foucault’s criticisms of Marxism to indicate a rejection of the entire tradition, especially not of some of the major tools that Marx himself developed. In an interview, he said, “It is impossible at the present time to write history without using a whole range of concepts directly or indirectly linked to Marx’s thought and situating oneself within a horizon of thought which has been defined and described by Marx. One might even wonder what difference there could ultimately be between being a historian and being a Marxist” (P/K, 53). Like Marx, Foucault emphasizes the materiality of processes of subjectification, and shares Marx’s historical-political focus on the emergence of the society that is constituted along with capitalism.
observing subject, which attributes a constituent role to an act, which places its own point of view at the origin of all historicity – which, in short, leads to a transcendental consciousness. It seems to me that the historical analysis of scientific discourse should, in the last resort, be subject, not to a theory of the knowing subject, but rather to a theory of discursive practice (OT, xiv).

Insofar as phenomenology aims to develop an account of what it means to be a knowing subject in order to evaluate claims to knowledge – and consequently elevates its particular conception of subjectivity to the sovereign conception in which all accounts of right find their ground – should we say that the fundamental question between these two thinkers is whether or not such a sovereign conception of subjectivity is possible? The interrogation of Merleau-Ponty would then become an attempt to figure out whether or not his conception, in its effort to render subjectivity bodily and lived, achieves this goal of sovereign universality, and whether or not his conception withstands Foucault’s critical assessment of sovereignty as an inadequate way of conceiving of power and right. Starting down this path has two major complications, however. The first is that it would put us in the position of the arbiter of the true and the false vis-à-vis the potential of a sovereign conception of truth (i.e. by presuming that I can know absolutely the possibility or impossibility of this conception) and would thus fail to take Foucault’s critique of sovereignty seriously.26 By aiming to pronounce the limit between the possible and the impossible, this path would ask us to assume the goal of constituting the borders within which claims to knowledge can be legitimate. The second is that Merleau-Ponty’s work is in significant tension with the idea of a knowing subject which could inhabit that

26 The possibility is still open, though, that Foucault’s critique of sovereignty is itself untenable, but we should not evaluate his critique vis-à-vis Merleau-Ponty’s conception by tacitly disavowing it, since we would fail to concretely examine its implications.
sovereign space, since part of what it means for subjectivity to be bodily and lived is that sovereign conceptions of it are untenable. In fact, if we compare the conception of subjectivity that Merleau-Ponty articulates to ‘the subject’ that Foucault wants to reject, we will see that Merleau-Ponty is struggling to move beyond some of the same theoretical difficulties that Foucault is also working against.

For Merleau-Ponty, a subject is not transcendental in relation to a field of events, but is rather given shape in an immanent relationship to the world, to history, and to society. Merleau-Ponty’s subject is also ambiguously related to the more traditional phenomenological conception that subjectivity is the locus of all meaning (i.e. an account which “places its own point of view at the origin of all historicity”), since for Merleau-Ponty we are fundamentally both passive and active in relation to meaning. Merleau-Ponty also dissociates subjectivity from sovereignty by articulating a conception of subjectivity that does not require an account of sovereign unity and authority, but is fundamentally practical, situated, and appreciates the ambiguity of experience and the openness of its possibilities.

Focusing on the way in which Merleau-Ponty’s account of subjectivity also diverges from the notions that Foucault criticizes, we can explore the dialogue between these thinkers in another way. Many things which Foucault discusses are not elaborated in Merleau-Ponty’s account (for example, the mechanism by which the subject is constituted in history), so we can ask whether or not Foucault’s research does not completely negate, but actually productively continues, re-works, and extends Merleau-Ponty’s research. This avenue seems fruitful, since we might think that each in a way makes up for the lacks of emphasis in the other – Merleau-Ponty
give us a positive description of the body’s perceptual capacity which Foucault does
not elaborate, and which could illuminate some of his thoughts (or presuppositions)
about subjectivity and the body; and Foucault gives us an elaboration of some of the
mechanisms which Merleau-Ponty does not discuss, given his different theoretical
preoccupations (like the relation of discourse to speech, the mechanism of the
constitution of subjectivity in history, the consequences of disciplinary and
biopolitical technologies in this constitution, etc.). And insofar as Foucault’s thought
also relies on conceptions of subjectivity (which emerge in multiple ways as his
thinking develops), we can bring Merleau-Ponty’s insights to bear on this conception,
and perhaps critique it for avoiding crucial questions – like perhaps how to account
for the subject as cogito, not in order to explain the intelligibility of power and
knowledge in reference to an account of the foundational structure of subjectivity, but
in order to articulate in more depth the relationship between a subject and the
power/knowledge structures which shape it.

This avenue, although charitable to both thinkers, is not unambiguously
productive. It may be that, despite Merleau-Ponty’s own effort to move away from
conceptions that Foucault wants to reject, Merleau-Ponty’s analysis is fundamentally
tied to a way of thinking from which Foucault wants us to emerge. And if we decide
that this way of thinking is worth rejecting, we can see whether or not Foucault either
moves us beyond it or compels us enough to strive to move beyond it in a way that he
was unable to. In this case, we can still use the phenomenological account of
subjectivity as a foil to illuminate Foucault – and the reason for choosing existential
phenomenology rather than some other foil is not arbitrary. The phenomenology that Merleau-Ponty develops is also a particularly useful as a point of contrast, since it brings issues of thought, norms, and agency down to a level which is familiar and graspable – in understanding thinking, I focus on my relationship to my immediate external surroundings as the *cogito*. But this is not the abstract *cogito* of the mind implanted in a body, but rather the concrete *cogito* which is the body itself. I can bring myself to the experience of understanding particular objects (the table), and the observation of my own body (my hands on the keyboard), but also the way I live my body in continually evolving, meaningful situation (pressing my fingers down on the right keys, clacking sounds, my feet under the desk which I can visualize although I don’t see them). If Foucault gets us to question subjectivity in a more radical way than Merleau-Ponty was able to, we can use the existential-phenomenological account as a concrete vantage point from which to see the contours of his conception.

First, we need to examine Merleau-Ponty’s positive account, to see how it might give us resources to think about the problematics of the relationship between sovereignty and subjectivity. Then we can clarify the nature of this dialogue, and see how it contributes to our understanding of sovereignty, and its relation to subjectivity. 

*Sovereignty and* Phenomenology of Perception

It is not surprising that there are resonances between Merleau-Ponty’s and Foucault’s conceptions of subjectivity, given that Merleau-Ponty is also engaged in a conceptual struggle against sovereign conceptions of subjectivity and philosophical analysis. Merleau-Ponty’s adversaries are not political theories preoccupied with the

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[27] Foucault himself argued in *The Order of Things* that phenomenology represented a kind of culmination of the problems raised by our current epistemic structure.
foundation of sovereign authority or the nature of rights – they are rather ways of theorizing our engagement with the world, or in other words, the phenomenon of perception. But like the conceptions based on sovereignty that we have examined earlier, these conceptions, called objective thought and analytical reflection, are also conceptually rooted in some account of a sovereign entity which is complete in itself, unified in a body of law, the fundamental ground of legitimacy, and the bearer of the truth which the subject can in principle dictate when it confronts error.28

In the preface to Phenomenology of Perception, Merleau-Ponty foregrounds the relationship between his conception of subjectivity and these two conceptions. In trying to explicate the nature of phenomenology, he distinguishes his conception from objective thought on the one hand, which conceives of subjectivity as a process governed by mechanistic causal interactions which take place in a world of fully constituted objects; and, on the other hand, from analytical reflection, which detaches subjectivity from lived experience by claiming that the subject itself must constitute this experience in its entirety, and thus fails to see the ambiguity and uncertainty proper to a subject’s immanence to the world and to history. Although we might say that objective thought prioritizes the sovereignty of the ‘objective world’ and analytical reflection prioritizes the sovereignty of ‘the subject,’ both of these conceptions, as theories of perception, configure accounts of both objectivity and subjectivity. And although they are named differently and have different historical antecedents as Merleau-Ponty conceives of them, they share a certain affinity with

28 Objective thought and analytical reflection are called by many different names in Phenomenology of Perception. Merleau-Ponty commonly refers to objective thought as science, objectivism, and empiricism, and refers to analytical reflection as philosophy, intellectualism, and rationalism. For convenience’s stake, we will stick to ‘objective thought’ and ‘analytical reflection.’
one another. In fact, in multiple parts of the text, Merleau-Ponty actually articulates these two conceptions together in order to show their common presuppositions. Here calling them simply ‘science’ and ‘philosophy’ Merleau-Ponty writes, “Science and philosophy have for centuries been sustained by unquestioning faith in perception. Perception opens a window onto things. This means that it is directed, quasi-teleologically, towards a *truth in itself* in which the reason underlying all appearances is to be found” (PP, 62). When we see the nature of the “truth in itself” that these theories presuppose, its links to the conception of sovereignty that we have been developing can be clarified in more detail. “What happens is that what exists for us only in intention is presumed to be fully realized *somewhere*: there is thought to be a system of absolutely true thoughts, capable of coordinating all phenomena, a geometrized projection which clarifies all perspectives, a pure object upon which all subjective views open” (PP, 46). This truth exists in a sovereign position external to (and of a different order than) a subject, and in the form of “true thoughts” about objects (i.e. dicta), it governs the legitimate activity of a subject. Objective thought, which takes for granted that the world itself provides conditions for this truth, and analytical reflection, which presupposes that this sovereignty can be found in a subject, both on the one hand presuppose the possibility of such a sovereign authority, and on the other hand, ground their accounts of subjective experience and normativity on this conception.

The differences of focus between these conceptions, though, are important, since they not only denote different historical lineages (psychology on the one hand, and idealist philosophy on the other), but also important conceptual clarifications. As
we will see, they point to completely different philosophical worldviews, and
distinguishing Merleau-Ponty’s conception from both of them is important for
understanding his own view. *Phenomenology of Perception* aims to show, via an
exploration of the conceptual complications of both of these views, how they cannot
account for the phenomenon of perception, and are inadequate to understand
subjectivity. In the course of the book, these two conceptions serve as constant
reference points, and help articulate the various phenomena which Merleau-Ponty
discusses. For our purposes, we can articulate the way that they configure the
spatiality of the body and its motility (i.e. its capacity for motion), since this will
ground our later discussion of intentionality and the *cogito*.

**Objective Thought: The Sovereignty of the Objective World**

Objective thought configures an account of the spatiality of the body and its
motility first by regarding the body as primarily an element of ‘objective space’ – or,
space understood from an external vantage point in which the parts that inhabit it are
all arranged vis-à-vis one another. Merleau-Ponty often associates this conception of
space with the perspective of geometry, and in one articulation calls it “a spatiality of
position” – that is, an account of space that is fundamentally concerned about an
object’s *location* in a given field (PP, 115). Second, objective thought conceives of
the ‘body schema’ – or that which determines the body’s intelligibility and makes
motility possible – as regulated by the repeated association of the body’s various
parts. The body’s intelligibility to itself as mobile and something of which ‘I am in
possession’ confirms an essentially *de facto* reality; the repetition of the multiple
associations that coordinate the parts of my body is assumed as given and
unambiguous. Merleau-Ponty writes: “When the term body schema was first used, it was thought that nothing more was being introduced than a convenient name for a great many associations of images, and it was intended merely to convey that these associations were firmly established and constantly ready to come into play” (PP, 113). Putting together these elements, objective thought leads to a conception of the body’s motility based on the notion that my body, although unlike other objects in many ways, is fundamentally an object situated with respect to others according to a kind of universal geometry, and that my body is intelligible for me as a coherent entity that I can move due to the repeated associations that are produced between its parts.

We already briefly drew out the connection between the conception of truth that objective thought presupposes with sovereignty, but we can also illuminate how the conception of the body’s spatiality and motility is configured in more concrete ways by the logic of sovereignty. One of the issues with objective thought is the way in which it presumes the possibility of and justifies adopting a perspective in reference to the body which is itself ‘disembodied.’ What is meant by this can be seen in the way that Merleau-Ponty distinguishes his conception of spatiality from the objective conception. Whereas Merleau-Ponty refers to objective space as a spatiality of position, he contrasts it to his own conception of spatiality as the spatiality of a situation. This latter conception is an account of space that does not focus on the arrangement of objects, but on what kind of configuration a body inhabits, given this body’s specific potentiality for movement. It understands space from the perspective of a body for which space is experienced as a field in which it can move. Objective
thought displaces this lived experience of space with a universalizing, detached standpoint which does not see from a concrete situation, but from a point of view in which all particulars find their place. And further, since objective thought strives for this perspective of ‘the universal geometer’ it consequently establishes itself as the fundamental, singular viewpoint in which all objects find their proper place. In its account of space, objective thought reproduces an element of sovereignty, which is the presumption of absolute and foundational unity – in this case, the fundamental presence of all objects and their “truth-properties,” (and this includes not just ‘things,’ but bodies that move and perceive). Merleau-Ponty often brings this point out by bemoaning the way in which the perspective of the scientist is often not recognized as a perspective at all, and seen to be the only, rather than a particular ground for the presence of objects.  

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Analytical Reflection: The Sovereignty of the Subject

In articulating the nature of bodily spatiality and motility, analytical reflection stresses that the de facto association of the body’s elements is not sufficient to explain its coordination. Whereas objective thought is comfortable taking the de facto repetition of associations as given, analytical reflection requires that there be an intellectual synthesis that precedes the body’s actual movement and interaction with things in order for the empirical body to be movable at all. “… the spatial and temporal unity, the inter-sensory or the sensori-motor unity of the body is, so to speak, de jure, that it is not confined to contents actually and fortuitously associated in the course of our experience, that it is in some way anterior to them and makes their association possible” (PP, 114). The subject needs to have, anterior to

29 See PP, 240 for a clear example.
movement, the conditions of the intelligibility of the particular body which it ‘possesses.’ Spatiality as well, then, is not experienced, but part of the *de jure* structure which governs experience. In a sense, analytical reflection’s conception of spatiality is akin to that of objective thought. Merleau-Ponty notes later on in the text in a comparison between objective thought and analytical reflection, “And yet it remains true to say that intellectualism too provides itself with a ready-made world … The whole system of experience – world, our body and empirical self – are subordinated to a universal thinker charged with sustaining the relationships between these three terms” (PP, 241). Space for analytical reflection also relies upon something like a “universal thinker” for whom space is part of a “ready-made world” laid out as a complete totality. Analytical reflection’s conception of space, however, configures space not as part of a reality fundamentally external to the subject, but “as the indivisible system governing the acts of unification performed by a constituting mind” (PP, 284). This conception sees space as constitutive of the possibility of connections between objects at all – in other words, space is that by which we are able to differentiate and identify objects and their position relative to one another. Analytical reflection thus sees space and the intelligibility of the body as deriving from the constituent forces of a foundational subject. This subject is distinct from the empirical body, and is that “universal thinker” which makes the body movable and the world an intelligible space in which to move.

In this conception, the tie to sovereignty and the subject’s sovereignty in particular can be made clear. The body schema is configured as a kind of sovereign regulator, literally distinct from the moving body itself. This sovereign regulator
constitutes the intelligibility of the body according to a set of rules, which determine
the proper association among its parts. Here, we have a conception of the constituent
power of subjectivity as law, and the movable body is constituted in a relation of
obedience to this law. And in a different way, analytical reflection also establishes an
account of fundamental legitimacy. The fundamental intelligibility of the body’s
motility, and of the synthesis of the objective world in which the body moves,
happens according to a single, unified system of de jure conditions. As Merleau-
Ponty notes, according to analytical reflection “… one thing alone makes sense: the
pure essence of consciousness” (PP, 144).

The Body and Lived Experience

Merleau-Ponty’s own conception of the spatiality and motility of the body as
lived is in some ways a significant theoretical departure from these approaches. One
way to frame his departure is that, on the one hand, he is trying to overcome the
problem that these approaches both share: namely, their shared tendency to occlude
the situated character of perception by requiring its conditions of intelligibility to
reside either in a fully formed objective world, or a fully formed world constituted by
a universal subject. In other words, he is trying to overcome the impetus to base an
account of perception on the presupposition of sovereignty. At the same time, he is
trying to work through the histories of objective thought and analytical reflection, to
rearticulate the phenomena that they are concerned with from his existential-
phenomenological vantage point. The account of perception that he offers
consequently emerges out of both empirical psychological research and a
reinvestigation of the idealist and phenomenological tradition in philosophy. Out of
this dual discursive economy, Merleau-Ponty shows how conceptions of perception based on objective thought and analytical reflection do not account for important phenomena that are integral to our perceptual capacity.

To illustrate his own conception of the spatiality of the body and its motility, Merleau-Ponty analyzes a case of “morbid motility” – he interrogates psychological research done on a man, Schneider, who was wounded in the back of the head by an artillery shell in World War I, and who has a particular way of relating to his environment after his injury. With his eyes closed, Schneider is unable to perform ‘abstract movements’ – or movements “which are not relevant to any actual situation, such as moving arms and legs to order, or bending and straightening a finger” (PP, 118). However, Schneider is easily able to perform ‘concrete movements’ like blowing his nose or swatting a mosquito when it bites him. Schneider evidently has an ease with practical, habitual, or concrete actions that he does not have with actions that are less tied to actuality. In fact, when asked to perform certain concrete movements which are more involved, he does not simply perform the task asked of him, but rather acts out the whole situation in which the particular task takes place. When asked to pretend to comb his hair, for example, he pretends to hold a mirror in front of him with his left hand to help find his bodily orientation (PP, 119). Merleau-Ponty infers from this that the awareness of our bodies (or the knowledge required for our body to be an intelligible entity movable in space) is fundamentally a practical, situational skill. The awareness of our bodies is not an intellectual operation, since it emerges primarily from an orientation which happens before abstract cognitive processes. “My body has its world, or understands its world, without having to make
use of my ‘symbolic’ or ‘objectifying function’” (PP, 162). And the awareness of our bodies can neither be an issue of fortuitous causal relations, since this awareness is not the mechanics of an object, but the intelligibility of a body to itself. Instead, the intelligibility of our body is part of a lived structure of meaning which we continually assume in perception and action.

What makes the body intelligible and movable in space is its fundamental ability to orient itself in a situation. This ability is, so to speak, the ‘core’ of subjectivity; it designates the body’s fundamental intentional relationship to a world. This ability does not depend on a prior intellectual synthesis of the parts of the body, but indicates the deepest element of subjective experience – namely, its inherence in a meaningful field. The ‘body-schema’ is consequently not located in ‘the subject’ anterior to the empirical body, but is the coordination of the lived body which is inseparable from its relationship to a concrete situation. In a way, Merleau-Ponty’s conception of the body schema is similar to that of analytical reflection; like analytical reflection, his account sees a certain normative intelligibility of the body as necessary, and consequently does not see an account of the body schema based on empirical association as sufficient. This intelligibility, however, does not follow from the necessity of sovereign law, but emerges on the basis of both the body’s fundamental intentional relationship to things and on the basis of a sedimented structure of habits and patterns which allow the body to orient itself in meaningful situations. This sedimented structure “is not an inert mass in the depths of our consciousness” but is itself continually rearticulated in action, as our body moves and
explores (PP, 150). It is never fixed, complete in itself, or transparently reflective of a pre-constituted world – it is the ongoing rearticulation of interactive skills.

Further, this sedimented structure is also not an ‘intellectual’ structure, but involves the body in its entirety, as well as objects in the world. These ‘non-intellectual’ elements do not require meaning to be imputed to them by a particular consciousness, but are themselves meaningful components of lived experience. That all of the elements of a situation are all imbued with meaning is part of what makes a situation navigable and a body an intelligible thing to move. Objects elicit perceptual responses without our having to intellectually grasp them as a coherent totality. We are not fundamentally passive to the meaning that they impute to us, but, at the same time, we do not need to grasp them as complete to be able to comport ourselves with respect to them. It is not an abstract intellect which is at the core of subjectivity; rather “The world-structure, with its two stages of sedimentation and spontaneity, is at the core of consciousness” (ibid). At the core of consciousness is not a self-sufficient set of rules or series of mechanisms which generate the transparent thought of a world, but a “network of intentions” which articulates itself in an ongoing relationship to concrete situations. In one helpful articulation of this thematic, Merleau-Ponty writes,

… the life of consciousness – cognitive life, the life of desire or perceptual life – is subtended by an ‘intentional arc’ which projects round about us our past, our future, our human setting, our physical, ideological and moral situation, or rather which results in our being situated in all these respects. It is this intentional arc which brings about the unity of the senses, of intelligence, of sensibility and motility (PP, 157).
The ineradicable basis of subjectivity is the way in which the experience of a thinking subject is subtended by all of the dynamic cultural, historical, and personal formations which shape its experience, and form it into a unified, coherent body which can move, desire, speak, and think. With this insight, we are in a better position to see where spatiality fits into Merleau-Ponty’s view. We’ve already established that this spatiality is a spatiality of a lived situation and an orientation rather than a position, but we can clarify further the consequences of thinking of it in that way. For Merleau-Ponty, space is ‘realized’ in a sense, in motion – that is, because my body can move, it can inhabit space by taking up space as a structure of its experience: “…it is clearly in action that the spatiality of our body is brought into being” (117).

Space is not the container that the body inhabits, but an aspect of the body’s fundamental intentional relationship to the world, which does not rest in a pure consciousness, but is the form of experience of a motile body. It too is an aspect of that ‘intentional arc.’

To clarify this conception of spatiality, and also his idea of subjectivity more concretely, we should see how this conception is related in general to the relationship that Merleau-Ponty articulates between the idea of the ‘objective world’ and the body. Merleau-Ponty argues that bodily awareness and motility actually does not happen in the ‘objective world’ at all, but rather in the ‘phenomenal world.’

He finds it [the spot where the mosquito bit him] straight away, because for him there is no question of locating it in relation to axes of co-ordinates in objective space, but of reaching with his phenomenal hand a certain painful spot on his phenomenal body, and because between the hand as a scratching potentiality and the place stung as a spot to be scratched a directly experienced relationship is presented in the natural system of one’s own body. The whole operation takes place in the domain of the phenomenal; it does not run through the
objective world … It is never the objective body that we move, but our phenomenal body, and there is no mystery in that, since our body, as the potentiality of this or that part of the world, surges toward objects to be grasped and perceives them (PP, 121).

The phenomenal world is not an ideal world in relation to a real world, but the world insofar as my body as the active potential for movement is oriented toward objects, which are themselves active potentialities in relation to my body. The perceiver and the perceived world are thus not a self-aware subject on the one hand and a fully constituted world on the other, but are both co-constituted in the ‘phenomenal world,’ wherein my body continually interacts with a meaningful space. The ‘objective world’ is not separate from the subject, but in a sense, a correlate of the perceiving body as a part of the network of intentions that constitutes meaning. “The thing, and the world, are given to me along with the parts of my body, not by any ‘natural geometry’, but in a living connection comparable, or rather identical, with that existing between the parts of my body itself” (PP, 237).

*The Cogito, Meaning, and Potentiality*

One of the elements of Merleau-Ponty’s conception of subjectivity that distinguishes it from the sovereign conceptions that he criticizes is the pervasiveness of meaning. The phenomenal world is not an objective world, because it is laden with active potentialities which relate to my body and give it sense. This meaning is never fully given in a world of objects, nor is it fully graspable by a single consciousness. But there is a crucial vacillation in Merleau-Ponty’s account of meaning. On the one hand, Merleau-Ponty sometimes discusses meaning as something imputed to things by the structure of the body, and at other times,

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30 How this conception accounts for error is an interesting question, but one that we will not explore directly in detail here.
discusses meaning as something that outruns the body, and which cannot be accounted for on the basis of its foundational structure. At one point, substantiating the former thesis, he writes,

Our body, to the extent that it moves itself about, that is, to the extent that it is inseparable from a view of the world and is that view itself brought into existence, is the condition of possibility, not only of the geometrical synthesis, but of all expressive operations and all acquired views which constitute the cultural world (PP, 451).

This passage makes it seem like there is some essential meaning-bearing element in the body (however inarticulate and inchoate) which it imposes onto things in order for them to make sense. In this sense, the body would retain the privileged position that ‘the subject’ retains in analytical reflection – that is, it would be the fundamental source of legitimacy and intelligibility. It would be a self-enclosed entity univocally active in relation to perception. The active potentialities which sustain my relationship to things and coordinate the sense of my lived experience all fundamentally derive from my body.

But by looking at Merleau-Ponty’s conception as a whole, we can see that this would not be able to account for other fundamental elements of his theoretical apparatus. For Merleau-Ponty, we also encounter meaning passively – we can never escape meaning, and we can never be fully in control of it. One way to look at the way that Merleau-Ponty understands our relationship to meaning is to look at his discussion of the meaning of language. Merleau-Ponty writes, “Neither the word nor the meaning of the word is in fact constituted by consciousness” (PP, 468). The meaning of a word does not derive from the mental synthesis of contents of experience, which exists only for a subject who grasps this synthesis; the meaning of
a word is rather “a motor presence of the word which is not the knowledge of the word” (PP, 469) – that is, the word is not fundamentally present to consciousness, but is rather a tool that allows my body to find itself in an already meaningful space. It is, … a certain use made of my phonatory equipment, a certain modulation of my body as a being in the world. Its generality is not that of the idea, but that of a behavioral style ‘understood’ by my body insofar as the latter is a behavior-producing power, in this case a phoneme-producing one (ibid).

The meaning of a sign is not generated by the conscious intention of a subject, but is rather grasped as part of the world-structure, which the body is embedded in, but does not totalize.31

Nonetheless, although Merleau-Ponty’s conception of meaning does not require a rigid separation between the word and the world in the sense that the word is the meaning-bearing element, and the world is the recipient of meaning, his conception does posit that there is a kind of ‘primordial silence’ on the basis of which thought-contents find sense.

Thus language presupposes nothing less than a consciousness of language, a silence of consciousness embracing the world of speech in which words first receive a form and meaning … Behind the spoken cogito, the one which is converted into discourse and into essential truth, there lies a tacit cogito, myself experienced by myself” (ibid).

It is actually fundamental to Merleau-Ponty’s view that there is a realm anterior to thought which has a determining relationship to thought-contents. In order for thought to make sense, there must be a tacit cogito which simultaneously inheres in itself and the world. But for Merleau-Ponty, we cannot actually have knowledge of this tacit cogito until it is expressed in some way. “What is believed to be thought

31 For a helpful account of Merleau-Ponty’s treatment of this issue throughout the developments in his work see Stephen Watson, “Pretexts: Language, Perception, and the Cogito in Merleau-Ponty’s Thought” in Merleau-Ponty: Perception, Structure, Language.
about thought, as pure feeling of the self, cannot yet be thought and needs to be revealed … the tacit cogito is a cogito only when it has found expression for itself” (PP, 470). Although we cannot know the tacit cogito unless it has found some kind of expression for itself, it nonetheless denotes the fundamental relationship that the body has to itself and to things. As we will see in the next chapter, the consequences of this relationship are crucial for understanding Merleau-Ponty’s conception of normativity, as well as his relation to Foucault.

The cogito, for Merleau-Ponty, then, is not the cogito of pure self-possession, but one of mobile potentiality. As Merleau-Ponty says, the body is fundamentally exstatic – that is, it is oriented in a relationship of potentiality toward the world. The cogito is for that reason not fundamentally an ‘I am’ but an ‘I can.’ At the basis of Merleau-Ponty’s philosophy, then, it is not a central cogito, but a field or situation: it is the body-in-a-world, which does away with the split between the real world and the ideal realm of consciousness, and inhabits the phenomenal world which is pervasive with meaning and imbued with potential. We do not need to posit that intelligibility derives from a constituting mind; rather, intelligibility derives from the body’s fundamental inherence in a meaningful field. For Merleau-Ponty, the inherence of the body’s conceptual capacities in a meaningful field is not is true only for space, but also for time, “They [temporal protentions and retentions] do nor run from a central I, but from my perceptual field itself, so to speak, which draws along in its wake its own horizon of retentions, and bites into the future with its protentions” (PP, 484).

Up to now we have mostly focused on the body and its relation to a field which has only included language and things. However, it is crucial to Merleau-
Ponty’s view that the *cogito* is also centrally bound up with other people and history.

The body/world structure which grounds meaning is not restricted to the thought of an individual, but is always historical and intersubjective. He writes,

True reflection presents me to myself not as idle and inaccessible subjectivity, but as identical with my presence in the world and to others, as I am now realizing it: I am all that I see, I am an intersubjective field, not despite my body and historical situation, but on the contrary, by being this body and this situation, and through them, all the rest (PP, 525).

Thought is not the thought of a self-enclosed mind, but is rather realized in a historical and social setting, as individual subjects find their way within this setting and realize themselves through it. As we mentioned earlier, history and society are a part of the ‘intentional arc’.

Conclusions

Objective thought and analytical reflection both presume a kind of fundamental ground, using either the visual metaphor of a universal perspective or the constituting power of pure consciousness. Merleau-Ponty’s understanding of perception allows us to avoid positing this fundamental ground by understanding our fundamental presence to the world and the ground for perceptual knowledge on the basis of their body’s interaction within a world whose meaning can never be totalized by the body’s structure. For this reason, ambiguity, incompleteness, and uncertainty are not merely the opposite of a truth to be found elsewhere – they are ineradicable. Nonetheless, for Merleau-Ponty there is a kind of fundamental ground for perceptual knowledge, namely, our fundamental ex-static intentionality shaped by the intentional arc – “The primary truth is indeed ‘I think’, but only provided that we understand thereby ‘I belong to myself’ while belonging to the world” (PP, 474). However, this
basic level at which the body inheres in the world and itself must remain fundamentally without content until the bodily cogito finds expression for itself. For that reason, this basic level of experience can not be known through itself, but only as it is mediated by a form of expression, and can never be known completely.

Although Merleau-Ponty himself is struggling to move beyond sovereignty as a form of rationality, does ‘the subject’ not retain a certain privileged place in his analysis as the body’s fundamental mode of inherence in the real? And what is the consequence of this priority? Is this priority of the fundamental inherence of the body in the world, although it cannot be specified in itself, compatible with Foucault’s conception? Or, as we mentioned at the end of the last chapter, does it attach the subject to itself in a way that Foucault might find problematic? If that is true, does it show a way in which Foucault’s critique of the subject moves beyond both juridical accounts and Merleau-Ponty’s account? In what way would this conceptual move be related to sovereignty, and to our understanding of subjectivity, resistance, normativity, and critique?
Resistance, Normativity, and Critique

The point of this chapter is to examine Foucault and Merleau-Ponty’s problematizations of sovereignty in conjunction with one another, and to conclude by showing what conceptions of subjectivity, resistance, and normativity emerge from this mutual assessment. First, we will try to understand how Merleau-Ponty’s account of subjectivity diverges from the apparatus of sovereignty by comparing it explicitly to juridical subjectivity. Although Merleau-Ponty’s account of the bodily cogito in some ways does not amount to a juridical subjectivity, his account is ultimately closely (although not fully) tied to the logic of repression. But the way in which Merleau-Ponty’s approach is linked to repression is not as clearly bound up with sovereignty as it is with another conceptual problem that Foucault is concerned with, namely a ‘doubling effect,’ which we will specify. Although Merleau-Ponty’s account does not establish a fundamental ground of normativity in the terms of a unified body of sovereign law, the way that his account of subjectivity leads to this doubling effect limits the scope of intelligibility and therefore limits the possibilities of criticism and resistance. As we will see this doubling effect is at the core of Merleau-Ponty’s notion of self-understanding and the goal of thinking. Articulating Merleau-Ponty’s limitations will then allow us to see how Foucault’s critique of ‘the subject’ and his conceptions of resistance and normativity do not emerge straightforwardly out of his critique of the theory of sovereignty, although they are nonetheless deeply related to the issues that his critique involves. In the last part of the chapter, Foucault’s own positive conception of the meaning of resistance and normativity beyond sovereignty can be clarified in more detail.
As we have seen, a crucial element of juridical subjectivity is the relationship between a subject and a unified body of law. This relationship can take two forms (which are not mutually exclusive). First, a juridical subject can see itself as primarily subject to a body of law in the sense that this law provides the form of the truth that the subject must know and obey. Second, a juridical subject can understand itself as subject to the law in a more radical way by seeing law, or a system of necessary rules, as that which governs the intelligibility of experience. According to this second conception, thought is not just governed, but is also fundamentally based in a body of law. These, however, are clearly not Merleau-Ponty’s views. As we saw in the last chapter, these views adequately characterize certain crucial elements of objective thought and analytical reflection, but do not characterize the view that Merleau-Ponty himself develops. First, for Merleau-Ponty, there is no sovereignty – either in the form of a transparently knowable world or a full, complete consciousness – with which a particular subject can identify. Objective thought and analytical reflection both make the mistake of occluding the fundamentally situated character of perception with a totalizing account of normativity and intelligibility. Analytical reflection also makes the second claim – namely, that the intelligibility of experience requires a set of sovereign rules under which sensations must be organized. But for Merleau-Ponty, the first is a prejudice that phenomenology can teach us to look beyond by revealing the irreducible ambiguity and partiality of lived

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32 Here, we can invoke not only Merleau-Ponty’s account of analytical reflection, but also Kant’s notion that experience must be subsumed under a set of categories. This is not surprising since, for Merleau-Ponty, analytical reflection comes out of the neo-Kantian tradition present in France during the time that he was writing.
experience, and the second is a form of thinking about thought and the body which abstracts from the core of subjective experience – namely, its intentional relationship to a meaningful space, which is primary to any abstract, rule-governed understanding. For Merleau-Ponty, subjects are constituted in an exploratory, potential relationship to their world, wherein novelty and threats to the unity of a system of rules are omnipresent.

Given that Merleau-Ponty’s conception of subjectivity also rejects these elements of the apparatus of sovereignty, we can use his conception to reactivate and give more substance to our earlier discussion of power and right and their relations to subjectivity. In what ways does Merleau-Ponty’s conception of the bodily *cogito* also help us to think past how sovereignty constitutes these phenomena, and, for that reason, how does it resonate with the inchoate understanding of subjectivity present in Foucault? When Foucault discusses the formation of subjects, he argues that the possibilities of subjects are given shape in relations of power that do not inhere in some over-arching unity. For Foucault, subjectivities are produced by multiple, intersecting apparatuses, each of which has a strategic, dynamic rationality. Although we cannot completely grasp the force of subject-constitution in its entirety, we can trace how subjects are given form in these rationalities. And further, these subjectivities can themselves become transformative elements of apparatuses, and help to form part of the historical dynamism of social practice. Even though Merleau-Ponty does not discuss these issues in terms of relations of power, and even though for him relations of right are not as fundamental to the constitution of subjects as they are for Foucault (we will see the consequences of this in more detail soon), his
view shares an affinity with Foucault’s in its rejection of a sovereign stance toward subject formation.

To bring out these issues, we can use our earlier elaboration of Merleau-Ponty to clarify his general view of rationality and its relation to the constitution of a subject. Although Merleau-Ponty at times suggests that the body itself provides a kind of sovereign unity which presides over experience, the body’s inherence in culture and history (and therefore its inherence in a field which is already meaningful) belies this line of thought. For Merleau-Ponty, subjects are never fully-formed, but are rather given shape and meaning by the way that their fundamental ex-static character interacts in a field of rationality. It is important that this field of rationality does not exist in an ‘intellectual’ or abstract domain apart from the world, but is the nature of the phenomenal world itself. As Merleau-Ponty puts it, “The phenomenological world is not pure being, but the sense which is revealed where the paths of my various experiences intersect, and also where my own and other people’s intersect and engage each other like gears” (PP, xxii). This rationality is not constituted univocally by a single consciousness, but emerges out of the interactions of particular bodies, histories, and experiences in a way that can never be reduced to a unified totality. Although this rationality gives general form to our understanding, it can only be experienced partially, and can only be accounted for on the basis of this experience. “Rationality is precisely proportioned to the experiences in which it is disclosed. To say that there exists a rationality is to say that perspectives blend, perceptions confirm each other, a meaning emerges” (PP, xxii). For Merleau-Ponty we cannot give a full account of rationality, or view rationality from a perspective
outside of it – we can only disclose its operation by interrogating our particular lived experience. Since we cannot conceptually grasp the full contours of rationality, there is a kind of fundamental mystery to its operation, but this does not mean that rationality is fundamentally unclear. For Merleau-Ponty we know rationality elusively, but nonetheless intimately; it is the sense that our body and our world have as active networks of potentialities, which, although experienced, can never be understood transparently or finally.

Subjects are not fundamentally constituted by systems of laws, but by their partial relations to an unthought formation which provides the ground of sense. For Merleau-Ponty, this unthought formation (or the sedimented body/world structure) is not simply a shadow that follows us, but is part of what shapes the thoughts that we have, the justifications that we make, and the resistances that we pursue. “All cognitions are sustained by a ‘ground’ of postulates and finally by our communication with the world as primary embodiment of rationality” (PP, xxiii). It is important for Merleau-Ponty’s view, then, that there be a fundamental core of subjectivity (namely, its ex-static intentionality subtended by the arc of the unthought) which although not thought in itself, nonetheless has a determining relationship to thought contents. It is this primary intimacy with the world and rationality which gives sense to and shapes subjectivity. In the last chapter, we showed how Merleau-Ponty’s conception of the tacit cogito, which indicates the unthought relationship that our bodies have to the

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33 The language of “the unthought” derives from Foucault, and is not Merleau-Ponty’s terminology. When Merleau-Ponty discusses the forces which give shape to thought, he talks more about sedimented structures, and the body’s intentionality being subtended by an “intentional arc.” I hope that the discussion below, which brings Merleau-Ponty into dialogue with Foucault’s discussion of the idea of the unthought, will make clear that using Foucault’s terminology illuminates rather than distorts Merleau-Ponty’s view.
world, is anterior to the explicit, thinking cogito, and forms the basis on which thought contents make sense.

In terms of the question of right, we can also see that the normativity immanent to Merleau-Ponty’s account is not juridical in nature. The theoretical task for Merleau-Ponty is not to constitute a universal, neutral body of law which can regulate subjects, but to reawaken the unthought ground on which the presuppositions of intentionality are based. Phenomenology does not teach us how to think the thought of the universal legislator, but reveals for us “the mystery of the world and of reason” so that we can reconstitute ourselves in relation to the ambiguities and nuances that phenomenology discloses (PP, xxiv). Normativity is consequently structured by its accountability to lived experience as disclosed by phenomenological interrogation. But because lived experience always outruns us and is always open to being reconstituted by this same phenomenological interrogation, thought can never be fully or finally normatively accountable. There is no final say as to whether or not claims to knowledge inhere in some fundamental ground of normativity.

In other words, normativity is not grounded in a pre-existing truth, but arises out of a kind of existential project. For Merleau-Ponty, this project is the attempt to relate the analysis of our unthought, sedimented understanding to the practice of self-awareness and of assuming responsibility for who we are. “I am a psychological and historical structure, and have received, with existence, a manner of existing, a style. All my actions and thoughts stand in a relationship to this structure, and even a philosopher’s thought is merely a way of making explicit his hold on the world, and what he is” (PP, 529). When Merleau-Ponty discusses how our body’s spatiality is
articulated and how we become aware of our bodies as movable, for example, he is not referring us to some demonstrable, transparent truth, but revealing to us in thought the unthought formations which ground who we are. In describing the spatiality of our body and the body’s relations in the world in general, we are not involved in a kind of disinterested inquiry, but trying to grasp conceptually what we are implicitly. Phenomenological clarification does not happen on the basis of a neutral, sovereign subject at all, but on the basis of a subject already constituted in relation to its unthought, implicit background. The upshot of phenomenological analysis is consequently not the achievement of sovereign truth, but the capacity to become aware of these unthought structures which give shape to who we are. In turn, this awareness can enable us to assume responsibility for ourselves and the situations we face. According to Merleau-Ponty (and the existential tradition more generally), phenomenology cannot tell us how to act or what to do – in other words, it cannot give us any kind of final normative assurance – but it can provide us the awareness necessary to confront our obstacles. “Whether it is a question of things or of historical situations, philosophy has no other function than to teach us to see them clearly once more” (PP, 530).

Merleau-Ponty’s subject is in a sense liberated from the law and the injunction to obey and speak its truth. Its fundamental task is to clarify itself to itself in order to assume a certain kind of responsibility. But we might ask: despite the ways in which Merleau-Ponty’s conception diverges from sovereignty, does his account of subjectivity not ultimately bring him back into the apparatus of sovereignty, given that his account of the bodily cogito might be ultimately predicated on the existence
of a fundamental core of subjectivity which can be repressed by occlusion and error? We can ask, then: what is the relationship of this fundamental core to the notion of liberation? And in what ways might Merleau-Ponty’s account of subjectivity and phenomenology more generally be bound to the technology of removing repression? What kind of problems would these tendencies bring to Merleau-Ponty’s view?

*Juridical Subjectivity: The Body, Repression, and Confession*

To raise this issue, we can investigate whether or not Merleau-Ponty articulates a conception of subjectivity that Foucault criticizes explicitly in volume one of *The History of Sexuality*, and which we have already seen the contours of in our earlier discussions. In this book, Foucault argues that although different aspects of sexuality are denied or prohibited by bourgeois, capitalist societies, sexuality is not fundamentally repressed by the stringency of this form of social organization. Instead, sexuality becomes reconstituted by the forms of power which emerge with the development of industrial capitalism, the modern state, disciplinary institutions, and the development of new forms of knowledge about the body. The forms of knowledge and power which develop around sexuality during this period such as psychiatry, psychoanalysis, political programs that aim to regulate the health of families, and the increased sexualization of children’s and women’s bodies34 by no means push sexuality aside – sexuality actually becomes a crucial locus of the exercise of power. In fact, the form of power which develops around sexuality is part of the genesis of the disciplinary and biopolitical forms of power that we sketched earlier, in the sense that this form of power is based on techniques for making

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34 This sexualization was encouraged primarily by forms of knowledge that developed around women, children, and the family. See HS, 104 for Foucault’s account of this phenomenon.
subjects visible to a power which individuates them in their own particular sexual experience, and normalizes them in reference to some standard of optimality or health (HS, 143). Foucault is therefore wary of political projects that attempt to overthrow the repressive force of bourgeois society in the name of a liberated, full sexuality, since he wonders whether or not this project, rather than actually realizing a truth about us (namely, our need to fulfill our sexual essence), might instead be bound to a fundamentally normalizing form of power.\(^35\)

In order to understand how disciplinary and biopower construct rather than deny the sexual body, Foucault claims that we need to rid ourselves of the prejudice that sexuality is fundamentally repressed (which, as we’ve seen, is a form of thinking which is bound up in the logic of sovereignty). Does Merleau-Ponty’s account of the subject fit into this logic – namely, into the idea that the fundamental problem to overcome is the repression of a true core which must be liberated? This is not fundamentally a question about Merleau-Ponty’s political stance toward these issues, but rather asks a question about whether or not, at the base of Merleau-Ponty’s philosophy, there is some account of the truth of human realization which is denied by certain forms of error, occlusion, or negation. If this is true, then the political-theoretical task that his conception gives us is to diagnose and remove this repressive force. Resistance would then become fundamentally linked to the notion of diagnosing a power-independent truth which a subject can speak and which ze can pose against power using the authority of that truth.

\(^{35}\) It is noteworthy, though, that when Foucault points to the possibility for resisting the forms of power related to sexuality, he does this in the name of affective ideals. He writes, “The rallying point for the counter-attack against the deployment \([\text{dispositif}]\) of sexuality ought not to be sex-desire, but bodies and pleasures” (HS, 157).
One way to understand Merleau-Ponty’s conception of subjectivity is that he is opposing the fundamental affective, sensual character of the body to the stringency of rule-governed conceptions of behavior in the form of objective thought and analytical reflection. In this sense, we might say that Merleau-Ponty is trying to liberate the body from the abstract, overly ‘rationalistic’ systems which occlude its fundamental corporeal, exploratory nature. Indeed, Merleau-Ponty does think that subjectivity is sexual at its foundations, and the conception of the body’s intentionality that he develops is deeply related to sexuality. In *Phenomenology of Perception*, Merleau-Ponty relates his understanding of subjectivity to Freud and psychoanalysis. He writes,

> For Freud himself the sexual is not the genital, sexual life is not a mere effect of the processes having their seat in the genital organs, the libido is not an instinct, that is, an activity naturally directed towards definite ends, it is the general power, which the psychosomatic subject enjoys, of taking root in different settings, of establishing himself through different experiences, of gaining structures of conduct (PP, 183).

This account of sexuality is fundamentally linked to the body’s basic intentionality which objective thought and analytical reflection obscure. For Merleau-Ponty, our affective relationship to ourselves, others, and things is a fundamental element of all experience. It is a part of the “intentional arc” that we noted earlier – or in other words, it is part of our fundamental orientation toward the world. Is the significance of Merleau-Ponty’s treatment of sexuality that the sexual core of subjective experience (which had been obscured in previous attempts to understand perception) has now been pulled into the light of day, and can be recognized and liberated?

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36 Although we’ve seen that his account is more complex than this (and we will explore this complexity in more detail), it is worth noting this dynamic and questioning how it functions.  
37 For Merleau-Ponty, this also includes the synthesis of geometrical objects (PP, 447-51).
As we’ve seen, though, Merleau-Ponty is not interested in using phenomenology to establish new certainties (like the truth of our sexual essence), but to explicate the structures that give us shape so that we can clarify our situation and take responsibility for it. His claim is more accurately that sexuality is an element of perception that has been obscured by previous analyses, but that this does not lead straightforwardly to the idea that we need to liberate it. Rather, we need to recognize that sexuality is a part of us, and to appreciate its consequences for our current situation. The sexual element of intentionality is not disclosed to us as our immutable core, but is something which we can only know based on a concrete historical and cultural situation; and it is not something that we need to wave in front of a power to reveal its violence, but something that we need to first clarify and assume responsibility for.

Nonetheless, Merleau-Ponty’s account of how we achieve this responsibility for ourselves resonates with the logic of overcoming repression in an important respect. There can be many techniques for overcoming repression, but one which is historically operative in terms of sexuality is the confession, which has a certain paradoxical structure. Confession, at least in its modern form, is an attempt to reveal a truth about us which is fundamentally opaque.\(^\text{38}\) Sex, in its view, is an affective force which we do not grasp in the clarity of conscious experience, but which rather operates on the level of unthought drives. In order to know this force, we need to be able to speak about it – to render sex into discourse in order to grasp the hold it has on us. But this sexual force is at the same time that which conditions us at our depths,

\(^{38}\) In volume one of *The History of Sexuality*, Foucault traces the development of the confession from medieval religious practices to modern techniques of psychoanalysis. The account of confession that we’re examining is more closely linked to its more recent forms.
and is for that reason the basis of any self-undertstanding at all. So sex is
simultaneously the ground upon which we know, and the object which we must
know. Foucault writes,

> And so, in this ‘question’ of sex … two processes emerge, the one always conditioning the other: we demand that sex speak the truth (but, since it is the secret and is oblivious to its own nature, we reserve for ourselves the function of telling the truth of its truth, revealed and deciphered at last), and we demand that it tell us our truth, or rather, the deeply buried truth of that truth about ourselves which we think we possess in our immediate consciousness. We tell it its truth by deciphering what it tells us about that truth; it tells us our own by delivering up that part of it that escaped us. From this interplay there has evolved, over several centuries, a knowledge of the subject (HS, 69-70).

Is this not precisely the structure of phenomenological interrogation? This truth to be revealed is not a shining light which is obscured only by a negative force, but is rather a deeply hidden truth which requires a certain technique in order to uncover – as we saw, for Merleau-Ponty, the tacit cogito is anterior to the explicit cogito, and although it can only know itself as explicated, it nonetheless structures the nature of the explicit cogito. Phenomenology does not overthrow repression in a single blow, but rather articulates a complex relationship between thought and its unthought impetus, with the aim of self-understanding and opening up the possibility for allowing what was hidden in the depths of the unthought to surface more clearly.

Merleau-Ponty’s account of subjectivity resonates with the understanding of sex implicit in the practice of confession since it too regards our affective/intentional relationship to ourselves, others, and things as the foundation for knowledge about ourselves. And like confession, it also constructs a technique for achieving a kind of knowledge about our unthought motivation. Phenomenology and confession are thus
techniques for uncovering a certain kind of obscure truth, which, despite its fundamental obscurity, can be brought into the light of understanding. But what is the nature of this technique which clarifies our obscure truths? Importantly, for both phenomenology and the confession, we know the unthought through the mediation of our experience. It is on the basis of discourse about experience (the disclosure of phenomena, free association, the divulgence of memories) that we can come to grasp the unthought formations which structure this very same experience. These confessional strategies, in sum, can help us reconstitute ourselves on the basis of a hidden truth which simultaneously prefigures the empirical contents given to experience, but yet can only be understood by interrogating these same empirical contents.

This means that the primary elements of the apparatus of sovereignty as a subjectifying force – namely, that of the juridical conception of subject-constitution, the juridical conception of normativity, and the notion of overthrowing a repressive power to reveal a pure core are not quite what Merleau-Ponty is articulating. However, Merleau-Ponty does employ a certain kind of ‘confessional’ technique, which aims to constitute self-knowledge by clarifying the obscurity of the unthought. This self-knowledge is not a sovereign kind of self-knowledge, but one which is incomplete, partial, and always able to be reconstituted. But nonetheless, is there not something about the nature of this confessional strategy employed in Merleau-Ponty’s work which leads to complications in conceptualizing resistance? Even though

There are clearly differences, not only between the many actual techniques of psychoanalysis, but also between the technique of psychoanalysis and phenomenology. However, we should see that the fundamental strategy of revealing an opaque truth through discourse – where this truth derives from our unthought, affective relationship to things, ourselves, and others – is common to many interpretations of both.
Merleau-Ponty’s subject is not the sovereign, self-transparent *cogito* which contains the locus of all intelligibility in the form of law, does the relation of the bodily *cogito* to its unthought ground reinscribe some of the same issues at stake in sovereignty?

*Doubling*

To see more clearly the nature of the sovereignty that Merleau-Ponty might reinstate, it will be helpful to go back to *The Order of Things*, and to Foucault’s explicit discussion of some of the problems with phenomenology. In *The Order of Things*, Foucault tries to situate phenomenology within the framework of the modern *episteme*. He argues that phenomenology is bound to the notion of the subject as ‘man,’ and in particular to the notion that man’s finitude is a simultaneously empirical and transcendental ground for knowledge. One of the consequences of the understanding of the subject as ‘man’ in modern thought is that the subject is divided into two realms: one which is on the side of the empirical, actual ego, and the other which is on the side of a non-present, but constitutive ground (in Foucault’s account these are the transcendental, the unthought, and the retreat of the origin). The logic of explication in the techniques of confession and phenomenology both share an affinity to what Foucault thinks is one of the complications with modern thought, which arises from the relationship that it must articulate between these two elements of man. For our purposes, we can focus on the way that modern thought articulates the relationship between the *cogito* (or our explicit, self-conscious understanding) and its unthought (or the historical, embodied, non-thematic understandings which give shape to conscious awareness).

If phenomenology has any allegiance … it is to interrogation concerning man’s mode of being and his relation to the unthought
(OT, 325) … in Husserl’s analyses it was the implicit, the inactual, the sedimented, the non-effected – in every case, the inexhaustible double that presents itself to reflection as the blurred projection of what man is in his truth, but that also plays the role of a preliminary ground upon which man must collect himself and recall himself in order to attain his truth. For though this double may be close, it is alien, and the role, the true undertaking, of thought will be to bring it as close to itself as possible (OT, 327).

The strategy of confession is remarkably similar to the structure of the relationship between the cogito and the unthought in the modern episteme. There are actually two issues with this relationship that need to be specified: the first is that it leads to an epistemological configuration in which knowledge aims to but cannot be grounded, and the second is that it leads to a ‘doubling effect’ which limits the possibilities of resistance. First, we should note what is fundamental to both of these issues (and it is actually the same issue that we have already pointed to above in our discussion of confession). In phenomenology, the analysis of actual experience is supposed to provide a ground for an understanding of the unthought structures which give form to this experience. Consequently, the unthought can only be grasped in terms of how it is presented to the cogito. But this presentation is not one of pure transference – it is essentially an opaque relation, upon which a particular technique of divulgence must be constructed. We can see, however, that the initial presentation of empirical contents to the cogito and the technique of analysis itself are not autonomous instruments in relation to the unthought, but are already constituted in an unclear way by the unthought structure. And from the other direction, the cogito can

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40 It is important that, by the cogito, we do not mean experience in general as opposed to its unthought, but a particular interpretation of experience. After all, phenomenology’s definition of experience depends not just on the structure of a cogito, but crucially, on this cogito’s relation to the unthought. And as we will see, Foucault tries to think past the issue of doubling by reinterpreting the notion of experience, its relation to the unthought, and to critique.
never be itself understood without some appreciation of its unthought ground. This leads us to the first problem: although both the \textit{cogito} and the unthought attempt to explain each other, each can only ‘re-ground’ the other. The unthought can only be known by what is presented to the \textit{cogito}, and the \textit{cogito} (as no longer sovereign to the totality of experience) can only know itself by bringing the unthought closer in to it explication or uncovering. Phenomenology thus leads to a kind of back and forth motion, since both the \textit{cogito} and the unthought need the support of the other to constitute the genuine knowledge that phenomenology aims to establish, but neither can provide it.

But this back and forth motion is not all that is at issue with this interplay. If it were, we might ask, ‘even though we need each structure to needs to illuminate the other, is there anything actually wrong with that? Does analyzing the unthought on the basis of experience not allow us to clarify experience, such that we can actually come to know things about ourselves because of this dialogue?’ However, the consequence of Merleau-Ponty’s conception of subjectivity is not just this back and forth motion, but also a doubling effect which limits the productivity of this relationship between the \textit{cogito} and the unthought. But what is the nature of this ‘doubling’? One commentator, Gilles Deleuze, argues that throughout Foucault’s work, he had always been concerned with the idea of doubling which he articulates in \textit{The Order of Things}. This doubling is not ‘making two,’ but a kind of ‘doubling over.’ As Deleuze notes,

\footnote{Foucault often talks about the doubles as a kind of shadow image of man (the transcendental in relation to the empirical ego, the unthought in relation to the \textit{cogito}, the retreat in relation to the return of the origin), but the double is also the activity of doubling (which as Deleuze notes is like “the act of doubling in sewing: twist, fold, stop, and so on” (F, 98)).}
The double is never a projection of the interior; on the contrary, it is an interiorization of the outside. It is not a doubling of the One, but a redoubling of the Other. It is not a reproduction of the Same, but a repetition of the Different. It is not the emanation of an ‘I’, but something that places in immanence an always other or a Non-self (F, 98).

Doubling, then, is a way of rendering something other within a particular logic – it does not try to reach an outside which is different, but doubles an outside into its own interiority. We can specify this movement more precisely in terms of the relation between the cogito and the unthought. On the one hand, the unthought is external to and of a different order than the cogito, and, in order to be grasped, has to be doubled within the logic of the cogito’s self-presence. It is true that the analysis of the unthought extends the cogito’s awareness (and in this sense doubling does not lead to a total rigidity), but this increase of awareness is only possible on the basis of a primary mediation by the cogito. On the other hand, the cogito is likewise doubled into the unthought, in the sense that the cogito can only know itself insofar as it grasps what structures it but always evades it. At the heart of phenomenology is actually a kind of ‘double doubling’: the subject as cogito becomes that on the basis of which the unthought must be explained, and consequently cannot think itself radically: it ‘doubles’ any attempt for something exterior to its perspective to intrude upon it. And, from the other direction, the cogito itself is doubled into the logic of the unthought, which means that whatever is presented to the cogito must be seen as in some way expressive of its unthought ground. This oscillation back and forth between the cogito and the unthought leads to a form of thinking which is not just a constant shuffle between two forms, but also leads to a deeper ‘doubling of the outside.’ This form of thinking does not allow us to interrogate either the cogito or
the unthought radically, since it always asks us to analyze the one on the basis of the other without forcing us to confront how both have already been constituted. For that reason, doubling does not enable us to give a deep enough answer to questions about the relationship between thought and its constitution: how do we understand the various transcendental or pre-reflective structures which constitute us as the subjects that we are? How can we resist that which has made us what we are in order to reach new and possibly more adequate ways of thinking? Doubling – since it conceptually excludes the possibility of a form of thought which is not intelligible to the self-presence of a particular cogito, nor in any way accountable to the way that this very same cogito conceives of what is implicit in its thought – cannot allow us to really delve into these questions. In turn, the question that Foucault might pose to the doubles is therefore: ‘how can we constitute a form of thought which does not rest so easily with such exclusions?’

It might seem like doubling has little to do with the apparatus of sovereignty that we have been analyzing, and that may be true. Doubling clearly does not presume the sovereignty of a body of law, nor does it presume the sovereignty of the power which represses a fundamental truth. Foucault’s argument is rather that doubling institutes ‘a thought of the same’ or ‘an anthropological sleep.’ He writes,

The anthropological configuration of modern philosophy [or the configuration which leads to the doubles] consists in doubling over dogmatism, in dividing it into two different levels each lending support to and limiting the other: the pre-critical analysis of what man is in his essence becomes the analytic of everything that can, in general, be presented to man’s experience (OT, 341).

Doubling leads to a configuration wherein the possibilities of knowledge are limited ‘pre-critically.’ What does this mean substantively? This means not only that
phenomenology cannot radically critique what makes particular forms of experience and unthought formations intelligible for a particular cogito, but, in a related way, that phenomenology is destined to become ‘empirical despite itself’ – since its understanding of subjectivity can only be ever be “pre-critical,” its conception can ultimately constitute no more than a description of a certain empirical domain. For Foucault, despite the fact that phenomenology tries to constitute an a priori investigation into the structures which shape experience, it “has never been able to exorcise its insidious kinship, its simultaneously promising and threatening proximity, to empirical analyses of man” (OT, 326). Even though phenomenology attempts to constitute the possibility of a radical critique of scientific knowledge (in the sense that the clarity it provides can allow us to go beyond ‘what is said’ to become aware of the nuances of our relationship to ourselves, others, and things and assume responsibility for them) it nonetheless can ultimately only provide empirical analyses of human behavior, can then endow these empirical analyses with the status of transcendental limitation. For phenomenology and for modern thought in general, “All empirical knowledge, provided it concerns man, can serve as a possible philosophical field in which the foundation of knowledge, the definition of its limits, and, in the end, the truth of all truth must be discoverable” (OT, 341). From Foucault’s perspective, then, it is no surprise that Merleau-Ponty, in Phenomenology of Perception, finds empirical psychological research done on perception so illuminating for his phenomenology of the body.42

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42 This is not to cast that scientific research aside, but, in a sense, to ask it to account for its history – it points out another way in which doubling compels us to circumscribe thought within the bounds of what can be empirically presented to a particular cogito, without ever being able to adequately account for why it has come to have things presented to it in that particular way. Phenomenology, for this
The question that Foucault wants to pose in response to this dilemma can be articulated in the following way: how can we avoid presupposing a conception of the possibilities of experience in our attempt to achieve self-knowledge and constitute resistance? This does not mean that we should search for a philosophy without any presuppositions, but rather that we should search for a form of critique which allows us to appreciate the intricate contingency that has made us what we are, and to constitute the possibility of resisting what we are in ways that could open up new ways of thinking, of organizing society, or of living a life. The question that doubling poses to us, however, cannot be easily avoided: given that these forces which we want to know (and perhaps alter) are the very forces which condition us at our depths, how can the problems, dominations, and occlusions immanent to these forces arise for us as something which might conceivably be ‘not-us,’ and which we are able to critique? How can we open ourselves up enough to appreciate how we might become different?

*Experience and the Irreducibility of Thought*

How can we begin to think past this problem of doubling, both in order to develop a more adequate account of resistance, and to ensure that Foucault’s own analyses do not themselves lead to doubling? Foucault’s strategy to overcome doubling is to first suspend the *cogito*. In an essay relating phenomenology to the historian of science Georges Canguilhem, Foucault wrote, “Although phenomenology brought the body, sexuality, death, and the perceived world into the field of analysis, the *cogito* remained central to it; neither the rationality of science nor the specificity of reason, does not allow us to develop practices of resistance which we can use to critique ourselves radically.
of the life sciences could compromise its founding role” (AME, 477). The problem that Foucault isolates in this passage is that for phenomenology, “the cogito remained central,” and that it could not give up its “founding role” to “the rationality of science.” What does this mean? As we saw above, as long as phenomenology gives the cogito a central place in knowledge (that is, as long as it makes the cogito and its relation to the unthought the locus of primary intelligibility and the definition of experience), phenomenology will double the unthought into the cogito’s logic, and will require that the cogito, in turn, be doubled into the unthought to know itself.

To counter this tendency, Foucault wants to find a way of studying knowledge which does not require that knowledge first be presented to a thinking subject in the form of lived experience. For Foucault, this means that we should not claim that we know the unthought only through our own oblique experience of it, and by the awareness we can achieve by holding close to the meaning of our experience – instead, we need to be able to grasp the unthought in way that does not rely on its presence within a subject, but rather appreciates the historical, extra-individual forces which themselves shape these subjects. In a sense, this means that we need to shift from phenomenology to epistemology43 – in other words, from an analysis which is based on an account of the nature of the cogito and its relation to the unthought, to an account of the unthought which suspends forms of experience in order to trace their emergence within the historical dynamism of rationality. For Merleau-Ponty, the cogito was displaced by an unthought structure which held its necessarily elusive truth; for Foucault, the cogito is displaced by the historical deployment of rationalities

43 This ‘epistemology’ would be a kind of historical epistemology, in the sense of Canguilhem or Gaston Bachelard, for example.
which permeate it at its depth. The *cogito* for Merleau-Ponty is the necessary entry point into the unthought (since, as we saw earlier, the ‘I think’ – as an ‘I can’ which inheres in a body and a world – is the fundamental truth and the basis of perception); for Foucault, the *cogito* is an unnecessary presupposition which obscures the analysis of the unthought by doubling the exteriority of the unthought into a never fully interrogated understanding of the possibilities of experience.

But how do we actually suspend the *cogito*? To suspend the *cogito*, Foucault posits that, in an analysis of the unthought, no form of experience can be taken as foundational, but rather all forms of experience must be open for questioning. In other words, we cannot allow a particular form of experience to be taken as the ground for an appreciation of what constitutes us as what we are. This does not mean that a thinker ever escapes the particularity of hir experience altogether, but rather leads to a hypothesis which, in one articulation, Foucault calls the irreducibility of thought.

Singular forms of experience may perfectly well harbor universal structures; they may well not be independent from the concrete determinations of social existence. However, neither those determinations nor those structures can allow for experiences (that is, for understandings of a certain type, for rules of a certain form, for certain modes of consciousness of oneself and of others) except through thought. There is no experience which is not a way of thinking, and which cannot be analyzed from the point of view of the history of thought; this is what might be called the principle of irreducibility of thought (FR, 335).

For Foucault, experiences are always ways of thinking. This means that ‘experience’ can never be posited on the level of the body’s fundamental communication with the world in its rationality; instead, experiences are always constituted by certain ‘rules of

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44 As we saw, this general problem was part of what was at issue with the sovereign-subject homology.
intelligibility’ which produce inclusions and exclusions, and for that reason can never
denote a kind of basic presence. These rules of intelligibility are not reducible to a
sovereign set of rules (since they are embedded in dynamic ensembles of force
relations), nor do they necessarily take the form of discursive commands (since they
involve inciting and inducing subjects to see themselves in some ways rather than
others). Furthermore, these rules are not sovereign in the sense that they can never
be postulated as the necessary foundation of intelligibility, but are merely part of the
historical processes which regulate flows of intelligibility. It is important that the
contingency of these rules is not guaranteed by some account of truth – that is, we do
not know that all rules or modes of understanding are contingent in the sense that we
can know that without them experience would continue to be intelligible – rather,
Foucault posits this contingency in order to increase the possibility for resistance.
Likewise, the irreducibility of thought does not indicate the fundamental structure of
the real (since we cannot say absolutely that there are no universal structures to
experience, which would reach beyond the contingency of the flows of governance),
but is a strategy for maximizing the domain open to critique. For purely strategic
reasons, then, we cannot enthrone any governing body which will regulate thought,
and which itself would be outside of criticism and would determine its possibilities.
And for equally strategic reasons, we cannot double our understanding of the

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45 It is crucial to Foucault’s view that we do take the irreducibility of thought to be a perspective which
focuses on the ‘rational’ to the occlusion of the ‘corporeal’: “… I do not envisage a ‘history of
mentalities’ that would take account of bodies only through the manner in which they have been
perceived and given meaning and value; but a ‘history of bodies’ and the manner in which what is
most material and vital in them has been invested” (HS, 152). Foucault is trying to grasp the way in
which the very material of bodies is discursively articulated – not the way in which an ideology is
imposed upon a set of independent material beings.
unthought into the logic of a *cogito*, since this *cogito*’s experience cannot determine in advance what might be the nature of its unthought constitution.

Experiences are not therefore ‘that on the basis of which we reach the unthought’, but instead, we analyze the unthought as always already ‘thought.’ In a sense, for Foucault, there is no unthought; there is only the historical positivity of forms of thinking which come into relation with one another and form the flows of intelligibility which shape subjectivities. Whereas for Merleau-Ponty, thought is grounded in the inchoate rationality which is the deepest sense of lived experience, for Foucault, thought is more fundamentally related to divisions of right which produce exclusions and inclusions, and which conduct the action of subjects.

‘Thought,’ understood in this way, is not, then, to be sought only in theoretical formulations such as those of philosophy or science; it can and must be analyzed in every manner of speaking, doing, or behaving in which the individual appears and acts … thought is understood as the very form of action – as action insofar as it implies the play of true and false, the acceptance or refusal of rules, the relation to oneself and others (FR, 335).

Thought is not consequently embodied in a basic level of experience, but in action; and thought is the aspect of action which relates it to a particular normative rationality – in other words, to “the play of true and false, the acceptance or refusal of rules, the relation to oneself and others.” Thought is what we are doing as we act within apparatuses, as we are acted on by and enact relations of power, and as we produce and reproduce knowledge. Again, the main point that we need to emphasize to understand Foucault’s conception is that positing the irreducibility of thought leads to

46 It is crucial to Merleau-Ponty that thought and experience are always active as well – our basic intentionality, after all is ex-static and exploratory. Nonetheless, Merleau-Ponty’s conception does lead to the acceptance of a fundamental ground of presence, which, in itself having no content (as ‘silent’), needs to be explicated, and thus structures normativity on a technique for coming close to this fundamental presence. For Foucault, in contrast, activity and fluidity go ‘all the way down.’
an conception where escaping thought into something anterior to it which is not thought, and makes thought inhere in some world-structure is untenable. Thought, as the historical deployment of governing frameworks manifested in action, is, so to speak, ‘at ground level,’ (meaning that we can never posit any ground level – there is no riverbank, but only a river).

Another way to articulate this issue is that whereas for Merleau-Ponty we need to understand the unthought structures hidden behind empirical contents, Foucault is only concerned with positivities – in particular, historical posititivities which operate through relations of force, relations of continuous adjustment, and through unanticipated emergences or ‘events’. This focus on the positivity of the object of his analyses is something that is present in Foucault from *The Order of Things* up to his analyses of apparatuses and power/knowledge formations. In *The Order of Things*, Foucault opposes his project to histories of science which focus on trying to examine the ‘unconscious’ of scientific knowledge. This kind of analysis tries

…to restore what eluded that [scientific] consciousness: the influences that affected it, the implicit philosophies that were subjacent to it, the unformulated thematics, the unseen obstacles; it describes the unconscious of science. This unconscious is always the negative side of science – that which resists it, deflects it, or disturbs it. What I would like to do, however, is to reveal a *positive unconscious* of knowledge: a level that eludes the consciousness of the scientist and yet is part of scientific discourse (OT, xi).

The reason that this ‘unconscious’ is positive is that it is not given shape by the relation between what is presented in the domain of consciousness and what is hidden but nonetheless determines that consciousness; the unconscious is positive because it is the rationality which is present *in the very existence of the discourse itself,* and
which is both actualized and constantly rearticulated in the movement of that
discourse. For Foucault, these positivities are the pre-reflective, transcendental forces
which regulate thought and action. They are not ‘in our heads’ but in our practices.\footnote{This does not mean that traditionally subjective categories like memory and forgetting, for example, are irrelevant. On the contrary, they need to be reconfigured on the basis of how individual thinkers interact within these broad, non-personal flows of governance.}
Knowledge, and consequently power, are elements of a positivity which does not
need to inhere in a knowing subject to take shape. Knowledge can therefore be
understood as external to subjectivity in the sense that it cannot express a subject’s
fundamental power of knowing or inhering in a world, even though at the same time,
knowledge (understood differently) permeates subjectivity to its depths.

This means that, for Foucault, in analyzing knowledge (and for that reason
power), we need to analyze it relationally and tactically, based on its relations within
a field of apparatuses.\footnote{Foucault would agree with Merleau-Ponty that in analyzing rationality, we can never have an experience of its completeness. However his account of knowledge differs radically in the respects that we are examining.} It might make more sense to think of power than knowledge
in terms of tactics and strategies, but Foucault thinks that knowledge is equally
analyzable based on these tools. He writes, “Knowledge is not a faculty or a
universal structure. Even when it uses a certain number of elements that may pass for
universals, knowledge will only belong to the order of results, events, effects” (P, 14).
Since knowledge is not the basic faculty which tethers us to the world, but is rather
always invested with the historically dispersed governing framework of thought and
action, in order to ‘know’ knowledge we do not need to plunge into ourselves, but
instead see the relations and tactics immanent to knowledge. In a statement about
power which can for that reason also apply to knowledge,\textsuperscript{49} Foucault writes “Power relations are both intentional and non-subjective. If in fact they are intelligible, this is not because they are the effect of another instance that ‘explains’ them, but rather because they are imbued, through and through, with calculation” (HS, 95). Resistant, critical thought thus needs to grasp the strategic relations that give rise to forms of knowledge and power – that is, to veridical practices, which in themselves are neither true nor false, but which coalesce in social, practical situations in a way that govern and shape subjectivities.

We are now in a position to see why the theme of sex took on such importance for Foucault. Is sexuality not precisely the point at which thought dissolves into something which is richer, deeper, and incommensurable with its abstraction? And is it not our affective connection to ourselves, others, and things in general, which is the deepest, most fundamental element of all experience? Does this connection not indicate a closeness which verges on absolute coincidence (or even a ‘belonging’)? Might sexuality, perhaps even in both of these senses, be that fundamental element, that fundamental inherence in a real which is not thought, but thought-of? But, in the other direction, is sex not also at the same time constantly traversed by relations of power, such that separating it from its articulation in social space pulls us into a web too entangled to unravel?

Sexuality must not be thought of as a kind of natural given which power tries to hold in check, or as an obscure domain which knowledge tries gradually to uncover. It is the name that can be given to a historical construct: not a furtive reality that is difficult to grasp, but a great surface network in which the stimulation of bodies, the

\textsuperscript{49} It would not be accurate to say that everything that applies to power applies to knowledge – the point is that both power and knowledge can be understood in terms of tactics and strategies which are immanent to their operation.
intensification of pleasures, the incitement to discourse, the formation of special knowledges, the strengthening of controls and resistances, are linked to one another, in accordance with a few major strategies of knowledge and power (HS, 105-06).

And, along the same lines, is knowledge not only that which draws us close to the object, but also that which blurs it, distorts it, and mangles it? Is there not also a sense in which, “Knowledge can only be a violation of the things to be known, not a perception, a recognition, an identification of or with those things” (P, 9). Although this statement is drastic (i.e. “can only be”), does it not alert us to the distance that we need to be able to maintain from those structures which seem so internal and visceral (so us), but which nonetheless harbor their own dangers, occlusions, or errors?

Foucault’s response is not to deny these structures by assuming the authority of knowledge, but to tactically operate without these presumptions, by regarding thought as both irreducible and positive.

Resistant Thought and the Labor of Thought on Itself

In a certain respect, though, it might seem unintelligible to suspend the cogito. How can we avoid the inevitability of the presence of the self to itself and to things? Is not the basic form of experience this presence of oneself to one’s surroundings?

To be clear, suspending the cogito does not deny that there is a certain kind of perceptual knowledge – what it does is refuse to base perceptual knowledge on the fundamental presence to a reality (however inchoate and obscure) which needs to be uncovered, and instead situates perceptual knowledge within the historical flows of intelligibility that govern thought. This does not mean that all perceptual knowledge is illusory; it means that perceptual knowledge never designates a fundamental presence to things, but always primarily indicates a mode of being configured, a
particular and inevitably exclusive mode of seeing and speaking. Although the irreducibility of thought does lead to an understanding of the ineluctable partiality of thought and experience, we might also worry whether or not situating a particular cogito primarily within these historical flows actually ends up disavowing the individual partiality of a thinker by placing experience within a broad extra-personal formation. This is an important point which is worth responding to in detail, since it illuminates what is at stake in the activity of resistant, critical thought, and shows how this form of thought helps us move past the problems of sovereignty and doubling.

It is crucial that the experience of the resistant thinker is never beyond the domain of critique – in fact, resistant thought is deeply tied to a thinker’s effort to become aware of the particularity of hir own mode of experience enough to disassociate hirself from it and to better appreciate the possibilities for changing it. For that reason, we should worry that if we try to suspend the cogito too quickly, we might run the risk of rendering our own perspectives invisible by assuming that, since we have adopted this new methodological stance (i.e. the irreducibility of thought), our particular mode of experience too is already ‘in play.’ When Foucault suspends the cogito and thereby puts all forms of experience into play, this should not be understood as an attempt to escape his own experience, or as an act that is accomplished in a single move. Instead, suspending the cogito is a kind of attitude toward oneself, which tries to ‘hold oneself at a distance’ in order to allow as much room as possible for one’s possibilities to surface. In fact, suspending the cogito can never be a finished act – as soon as one posits that hir form of experience has adequately been ‘put into play’, ze forecloses the possibility of becoming again. So
part of what is always at stake in resistant thought is the ability to continually distance oneself from what oneself so that one’s self-questioning does not become circular, but extends to an outside.

How do we achieve that kind of distance, which allows us to constitute a form of thought which can resist what we are? It would be extremely counter-productive to try to give a totalizing answer to how one can constitute resistant thought or create experiences which distance oneself from oneself. Instead, to understand a certain way of constituting resistant thought (in order to better understand what the idea means) we can point to a way in which Foucault articulates this issue in his own writing. This can show us how the relationship between individual experience and the historical labor on thought it is implicit in his methodology.

When Foucault talks about his own writing, he is straightforward about the fact that he does not try to construct general theories, or give totalizing accounts of a particular social issue. For this reason, he does not hold himself to any general ‘Foucaulian doctrine,’ but allows his thought to change radically as it encounters new obstacles. He said in an interview, “What I think is never quite the same, because for me my books are experiences, in a sense, that I would like to be as full as possible” (P, 239). Although this might sound kind of egotistical, the point of constructing these experiences through writing is not just to gratify Foucault (although that is part of it), but rather to create the possibility for collective change.

In the book, the relationship with the experience should make possible a transformation, a metamorphosis, that is not just mine but can have a certain value, a certain accessibility for others, so that the experience is available for others to have … this experience must be capable of being linked in some measure to a collective practice, to a way of thinking (P, 244).
Here, we can see the dynamic that is at work between the individual and collective level of experience. Since, as we saw above, experience is always a way of thinking, it is always constituted by apparatuses which have a collective dimension – experience is always itself related to others, since it is in the action upon action that normative possibilities for thinking are given shape. Nonetheless, in writing (and perhaps in other forms of resistance as well) one must always engage in a kind of primary ‘struggle with oneself.’ This struggle is a struggle to both create and be sensitive to experiences which distance oneself from oneself, in order to open up new pathways for thinking and living. Although an individual struggle and a collective struggle never absolutely coincide, they are never completely separate. The goal of resistant thought is to struggle with oneself in a way that opens up the possibility for both an individual and collective resistance by understanding the nuances and problems with the collective forms of thinking to which we are subject. So even though we can posit thought as irreducible (in a way that seems to deny the importance of the category of experience), ‘experience’ is actually a crucial element of Foucault’s conception of resistance. But this ‘experience’ does not reflect the same kind of experience that Merleau-Ponty discusses in terms of the body’s basic intentionality. In a helpful manner, Foucault actually relates his understanding of experience to the phenomenological understanding of experience in that same interview.

[Phenomenology attempts to recapture the meaning of everyday experience in order to rediscover the sense in which the subject that I am is indeed responsible, in its transcendental functionings, for founding that experience together with its meanings. On the other hand … experience has the function of wrenching the subject from...
itself, of seeing to it that the subject is no longer itself, or that it is brought to its annihilation or its dissolution. This is a project of desubjectivation (P, 241).

The experiences that writing or other forms of resistance create are not the kind of experiences which attach oneself to oneself in a relationship of responsibility, but allow oneself to dissolve oneself for the sake of the possibility of a new self (and not just a new ‘personality’ but new stance toward criminality, punishment, or sexuality, for example). These experiences are crucial elements of resistant thought, since they are what create fissures in forms of thinking, which can provide a thinker with a more nuanced stance in hir labor upon thought. This does not mean that we should reject the practice of developing self-awareness and of assuming responsibility for the forms of thinking that we perpetuate, but that we cannot make self-awareness (or the relation to experience where “the subject that I am is indeed responsible”) the basis for our account of critique.

Experiences which dissociate the subject from hirself, however, do not encompass Foucault’s understanding of resistance. Experiences open up new possibilities, but they alone do not constitute the labor of thought upon itself which is the fundamental goal of Foucault’s historical critique. For Foucault, this labor of thought on itself is accomplished through the analysis of historical positivities which is not done for the sake of establishing a scientific knowledge of the past. It is rather done in order to understand the pathways, blockages, dominations, weak and strong points, and possibilities for productive change present within these positivities, which are isolatable domains within the very governing frameworks in which we think and live. Experiences of dissolution are integral, but cannot alone map out the
material/discursive space of our governing positivities. This mapping is a particular mode of intellectual resistance, and is the goal of Foucault’s historical critique.

Although we won’t have time to examine it in too much detail, we can specify its general nature. In a helpful passage, Deleuze contrasts Merleau-Ponty’s conception of intentionality to a different kind of ‘intentional connection’ which Foucault’s historical critique develops. As we’ve seen, Merleau-Ponty articulates a conception of intentionality based on the interweaving sense of the body with its world, both of which are fundamentally imbued with a kind of unthought rationality. Commenting on this conception, Deleuze writes, “Intentionality is still generated in a Euclidean space that prevents it from understanding itself, and must be surpassed by another, ‘topological’, space which establishes contact between the Outside and the Inside, the most distant, the most deep” (F, 110). In critical thought, we are not trying to establish the intentional connection between the body/world and its objects, but establishing a topological connection between the most distant (that which we cannot as of yet think or recognize – the outside, new possibilities, the achievement of resistance), and the most deep (that which we forget that we remember: not the ‘unthought,’ but the shape of a positivity which tactically structures our thinking). In a sense, then, Foucault’s critical gesture is to bring us ‘from the depths to the outside’ – his aim is, on the one hand, to activate that which we forget that we remember, in order to demonstrate its contingency and its particular relations to that which supports it, and, on the other hand, to constitute the possibility of moving beyond it by directing us ‘outside’ of the present. For this reason, resistant thought does not fundamentally operate on the level of power, or the government of action: it does not
govern the activity of subjects, but finds ways to multiply their capacities for resistance by expanding their possibilities. It is not the instantiation of thought in subjects, but the labor of thought on itself, which allows individual experiences of becoming to relate to collective practices of change.

However, although resistant thought is not fundamentally a governing force, it can never be purely emancipatory or independent of power. All knowledge, even critical knowledge, produces inclusions, exclusions, dominations, and perpetuates positive and negative effects of power. For this reason, part of what is always at stake in resistant thought is continually developing an understanding of the very practices of resistance that it itself excludes. This does not lead to a kind of intellectual paralysis, but rather to ‘a constant checking’. Along these lines, we can raise general questions for Foucault’s approach as we have articulated it here: What are the occlusions that it makes? For example, Foucault’s form of resistance is highly dependent on erudition. In what ways might it devalue forms of resistance which are more immediate, especially in a cultural context where these forms of resistance may already be generally devalued? What kind of relation between intellectual and non-intellectual resistance does it enforce, and what are the concrete effects of that relation for the perpetuation of forms of power? The merit of Foucault’s approach is not that it avoids exclusions, but that part of its self-conception is the importance of accounting for these exclusions.

_Against Sovereignty and Doubling: The Normativity of Resistance_

To finish, we can specify in more detail to what Foucault’s understanding of critique is accountable. Given his skepticism toward universality, knowledge, and
our affective belonging to the world, it might seem like he has eliminated many of our tools for conceiving of how thought and practice can be accountable to something in a way that produces legitimacy. To examine this question, we can specify the way in which the other two accounts of normativity that we examined structure the relationship between normativity and resistance. Juridical accounts of normativity see resistance as meaningful insofar as it is normative; for the exercise of powers to be legitimate, their exercise must be mediated by the authority of sovereign law. According to the juridical conception, then, to resist is to speak the normative truth, and we can know when and how to resist based on this more fundamental account of truth which takes a juridical form. Merleau-Ponty, in contrast, sees normativity as part of an existential project, on the basis of which paths of resistance can be chosen. This project does not enthrone a unified conception of truth, but rather attempts to achieve a primary clarity on the basis of which one might resist. Anterior to resistance is the need to specify our unthought structures which define us as what we are, so that we can take responsibility for them. It is a form of resistance which, for that reason, ‘attaches us to ourselves.’

Foucault reverses this priority of normativity to resistance: for Foucault, normativity is normative insofar as it inheres in resistance. It is not a normativity which reflects this resistance, but is rather the normativity of a possible future that might actualize this resistance. This both does and does not mean that thought descends into the anarchy of drives, impulses, and conflicts. Although we cannot

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50 In this sense, Foucault’s conception of resistance might end up being more ‘bodily’ than Merleau-Ponty’s, since for Merleau-Ponty, what we choose depends first on the clarity that phenomenology can bestow, whereas for Foucault, resistance does not have to be mediated in any way for it to be legitimate.
prejudge in advance what sorts of resistance will be legitimate based either on
sovereign law or some fundamental structure of ourselves, our practices of resistance
are not actualized in chaos, but rather in deliberate projects. Critical thought, for
Foucault, is structured by an aim and can only proceed methodically and rigorously;
and its aim is its ‘interest’ in allowing us to reconstitute ourselves on the basis of
actual resistance. He writes,

I would like to suggest another way to go further toward a new
economy of power relations, a way that is more empirical, more
directly related to our present situation, and one that implies more
relations between theory and practice. It consists in taking the forms
of resistance against forms of power as a starting point. To use
another metaphor, it consists in 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 (P, 324).

The normativity of Foucault’s own project is therefore linked not to its capacity to
reflect the real, to theorize just obedience, or to clarify our implicit background
structures. The normativity of Foucault’s project derives from its capacity to allow us
to become aware of resistance, catalyze resistance, and become different through
resistance.51 Foucault never says that all normativity boils down to its relationship to
resistance, or that one can build a ‘philosophy of resistance’ taking it as the
fundamental ground of a certain kind of truth. Rather, realizing resistance is what is
at stake in his conception of critical thought, and in his general project of changing
what we have become in order to become something new. Foucault’s conception can
show us, not how resistance is the fundamental truth, but rather how focusing on

51 Some readings of Foucault which focus on his historicism might think that he has a conception of
normativity which is the kind of negative image of a sovereign conception – that is, everything
depends on history, and therefore we have no real reason to believe in anything. This normative logic
is still bound to the idea that true normativity would be a kind of sovereign universality which inheres
in a fundamental ground. Instead, Foucault dramatically alters what it means for something to be
normative.
resistance in the way that he does leads to a particularly useful conception of critique, and can avoid forms of thinking which are more inclined to take too much for granted and perpetuate dominations.

But what do we actually mean by resistance? Resistance does not only emerge from the triumphant clash of wills, but more fundamentally from the vast multiplicity of counter-forces that each opens up a possibility of becoming different. This ‘becoming different’ might mean finding out how to stay the same (fortifying), or adjusting oneself slightly; it might rumble within an individual so quietly that ze doesn’t notice it, or it might scream such that it deafens some but is nonetheless unheard by others. Or it may lead to overturning oneself. Crucially, for Foucault, resistance is never independent from power. For Foucault, there is no core of resistance which evades instantiation in power/knowledge relations, and for this reason resistance can never be posited as the struggle to realize our fundamental essence, or established on the basis of a truth given to the body in its connection to itself and to reality.

Instead 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, rampant, 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. But this does not mean that that they are only a reaction or rebound, forming with respect to the basic domination an underside that is in the end always passive, doomed to perpetual defeat (HS, 96).

Resistance, therefore, functions according to the same non-sovereign logic that power and knowledge do. It too is part of the positivity in which subjectivities find themselves. For Foucault, the fact that resistance exists on the same plane of positivity as power and knowledge does not mean that it is any less real or important,
or that it is “doomed to perpetual defeat.” Elsewhere, he writes “… there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are excercised … hence, like power, resistance is multiple and can be integrated into global strategies” (P/K, 142). Insofar as power and knowledge invest what is most material in bodies and constitute us as the subjects that we are, they are not alien forces that repress us, but they are ways of articulating our very intelligibility to ourselves and others. The idea that resistances emerge out of these relations is just to say that resistances, as sites of becoming-different, are also inscribed simultaneously in what we are and what we have been made to be. And these resistances, like power relations, can congeal and lead to transformations.

As we established in the first chapter, our main desideratum for a conception of resistance is that it includes the ability to be transformative, and Foucault’s conception is clearly concerned with this possibility. This conception of resistances as integrating into general strategies, however, is not the only way in which Foucault sees resistance as transformative. Resistant thought, as we have already seen, is not just an attempt to coordinate resistance, but also to extend it, and become more radically aware of it. Resistance, when it contains the possibility of genuine transformation, is not just the coordination of elements of a positivity, but also ‘a force from the outside.’ Resistance, when it holds the possibility of a radical transformation, resists what one is. For that reason it is hard to recognize, integrate, or accept. Here, the problem that doubling poses resurfaces: how can we recognize a resistance which is radically heterogeneous to our self-understanding – which comes
from the outside? This is precisely where Foucault’s account of experience and its relation to critical thought gains another sort of relevance. Critical thought is part of the process in which we not only enrich our conception of possibility in determinate ways, but also recognize resistances by distancing ourselves from ourselves. What constitutes resistance, just like what constitutes us, cannot be posited in advance – its possibilities too need to be given ‘free play’. At the end of *Discipline and Punish*, for example, Foucault does not think that he has just transparently described the structure and form of disciplinary society, but rather thinks that his book should have constituted the possibility for a richer appreciation of the myriad forms that resistance might take in a disciplinary society. He ends in this way, “In this central and centralized humanity, the effect and instrument of complex power relations, bodies and forces subjected by multiple mechanisms of ‘incarceration’, object for discourses that are in themselves elements for this strategy, we must hear the distant roar of battle” (DP, 308). This ‘must’ should be taken very seriously – a normative injunction based on resistance.

Further, and finally, we should not restrict resistant forces to events which impose themselves on us: we can use critical thought itself to extend the boundaries of thought by activating historical critique to reach an outside. But how can thought and theoretical practice themselves constitute resistance? As we saw, this is also one of Foucault’s central concerns. It is the conceptual move that brings us ‘from the depths to the outside’ – from what is so deep within us that we do not readily know that it is there to an exteriority that might harbor a new future. As Deleuze notes,

We will then think the past against the present and resist the latter, not in favor of a return but ‘in favor, I hope, of a time to come’
(Nietzsche), that is, by making the past active and present to the outside so that something new will finally come about, so that thinking, always, may reach thought (F, 119).

This is Foucault’s promise. First, the coordination of practices of resistance. Second, an intensification of the awareness of resistance. And finally, the promise of an outside which will extend the boundaries of thought to multiply the possibility of becoming – “so that thinking, always, may reach thought.”

“Do not use thought to ground a political practice in Truth, nor political action to discredit, as mere speculation, a line of thought. Use political practice as an intensifier of thought, and analysis as a multiplier of the forms and domains for the intervention of political action” (P, 109). The critical question is not how to know what norms we can obey, or how to become responsible for ourselves in what we have become; it is rather how to resist the governance that has made us what we are in order to become something different.
Works Cited


