Foucault's Technologies of the Self: A Kantian Project?

The attempt to bring unity to Michel Foucault's corpus is beset by problems, not the least of which is its ultimately unfinished character. Beyond this, there are many cases in the history of his work where at best, he radically shifts his terminology, or at worst, completely alters his project. One could, as Béatrice Han has done[1], proceed through his work from beginning to end, attempting to make the work internally consistent at each point as it arrives, but, as with Han's work, as rigorous as it might be, there is a sense in which this approach ignores the real power of what is not said at points within Foucault's work, what some will term *the unthought*, and the way this organizes or *problematizes* what is said. This does not mean that we are left simply to speculating about that to which Foucault never alludes, but rather, we can take as the principle of an inquiry into the consistency of his work Foucault's own later statements about it. Importantly, contrary to many who find no concern for, or even a hostility to, the subject in Foucault's earlier work, we can take him at his word when he claims: "I have not "forbidden" [talk of the subject]. Perhaps I did not explain myself adequately. What I rejected was the idea of starting out with a theory of the subject - as is done, for example, in phenomenology or existentialism - and, on the basis of this theory, asking how a given form of knowledge [*connaissance*] was possible..."[2], which fits his consistent hostility to the tradition he identifies running from Descartes to Husserl[3]. But more importantly, his justification for this exclusion shows us how it problematized his earlier work: "I had to reject a priori theories of the subject in order to analyze the relationships that may exist between the constitution of the subject or different forms of the subject and games of truth, practices of power and so on."[4] We can find within his earlier work on knowledge (games of truth, the historical *a priori,* etc.) and power (practices of power, governmentality, etc.) respectively, concerns with the subject, and even, albeit obliquely, spaces left open for it[5]. However, these retrospective surveys which Foucault makes of his project in his later period and the unity that they indicate is problematized further by another claim Foucault makes about himself, albeit pseudonymously, namely that: "*To the extent that Foucault fits into the philosophical tradition, it is the* critical *tradition of Kant,* and his project could be called a *Critical History of Thought.*"[6] Although, ever since his translation and commentary on Kant's *Anthropology from a Pragmatic Point of View[7],* Foucault's project has always had somewhat Kantian overtones (be it his concern with conditions of

1   Han, *Foucault's Critical Project*
2   *Ethics*, pg 290
3   Ibid., pg 228
4   Ibid., pg 290
5   Although much of his work on the subject is negative, in that it focuses on what the subject is not, it does not deny its existence or importance, as in the lectures on power (*Power/Knowledge* pg 83). There are in addition specific examples of spaces left open for the subject, such as the *Archaeology of Knowledge's '*authorial function' or "subject-function", as Deleuze elaborates (*Foucault*, pg 55).
6   *Aesthetics*, pg 459
7   http://www.generation-online.org/p/fpfoucault1.htm

possibility or with the historical *a priori*), it seems that the retrospective unity provided to it by Foucault's later work on the constitution of the subject through technologies (or techniques) of the self, opens up the possibility of systematically understanding its relation to Kant's own critical project. However, the real value of such an analysis is further revealed if we consider Foucault's response to Kant's essay of the same name "What is Enlightenment?", within which Foucault provides his most detailed elaboration of his own critical project relative to Kant: "criticism is no longer going to be practiced in the search for formal structures with universal value but, rather, as a historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying"[8]. Foucault not only reconfigures criticism as an exercise concerned with the processes through which the subject is led to relate to itself as subject, and thus constitute itself – a 'critical' or 'historical' 'ontology of ourselves' – but he establishes this as a properly philosophical *ēthos*[9], i.e., as itself an ethics of self-relation. Moreover, he relates this to his characterization of Enlightenment as an "attitude of modernity"[10], which, with Baudelaire, he identifies with making ones life into a work of art. This links directly to his understanding of the Greek *ēthos* as an "aesthetics of existence"[11]. It is here that Foucault comes closest to elaborating anything like a prescriptive ethics, in revealing the very *ēthos* underlying his own theoretical work. So, it seems that, not only does Foucault's later work on the ethics of self-relation seem to provide us with the locus for an enquiry into the systematic relation between his project as a whole and Kant's critical enterprise, but conversely, Foucault's relation to Kant opens up the possibility of understanding his work on ethics as it permeates the very work itself. Thus, the task of this essay is to further elaborate this relationship, and as such to pursue both ends. This will be achieved by elaborating the various connections between the two projects in stages. Firstly, I will reconstruct and compare the *architectonic* of both projects, to bring out the points of connection within the two projects taken as systematic wholes, specifically focusing upon the notions of the *technical* and the "correlative constitution of subject and object"[12]. Secondly, I will examine the relationship between the empirical and transcendental through an analysis of Kant's theory of the subject; the crucial problem here will be that of rule governed behaviour. Thirdly, I will consider the problem of *teleology* in Kant's third critique, and in response to it, try to reconstruct an analysis of the 'social field' as it appears in Foucault's work, or the relations of reciprocal constitution between subjects that constitute the "practical systems"[13] that make up the homogeneous aspect of the work of criticism as Foucault describes it; this will focus upon the notion of *purposiveness*. Finally, using

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8   *Ethics*, pg 315
9   Ibid., pg 316
10 Ibid., pg 310
11 *The Use of Pleasure*, pg 12
12 *Aesthetics*, pg 463
13 *Ethics*, pg 317

the insights garnered over the course of the inquiry I will try to expand Foucault's idea of an "aesthetics of existence" by relating it to Kant's theory of the beautiful, and in doing so bring together the different threads of my analysis to provide an answer to the stakes which problematize Foucault's critical *ēthos*: "how can the growth of capabilities [*capacitiés*] be disconnected from the intensification of power relations?"[14]

The Architectonic of Criticism

We have already uncovered two important ways in which Foucault redeploys the notion of criticism in defining his project. Firstly, as a *critical history of thought*, and, secondly, as a *critical ontology of ourselves*. Importantly, this second definition is equivalent to a *historical* ontology of ourselves, and it is indeed also described as a "historico-critical reflection"[15]. This historical enterprise is being opposed to a transcendental enterprise, in that it attempts not to uncover the universal structures of necessity, but rather what Foucault has termed the "contemporary limits of the necessary"[16]. It is in the same spirit that Foucault puts forward, in line with his earlier commentary on the problems of Kant's *Anthropology*, this methodological principle of the project as critical history of *thought*: "Insofar as possible, circumvent the anthropological universals... in order to examine them as historical constructs."[17] Both descriptions of the project agree with the reorientation of criticism toward a historical analysis, within which supposed universals are understood as particular historical constructs, treating "the instances of discourse that articulate what we think, say, and do as so many historical events"[18]. However, these two definitions present what seem to be two different objects of historico-critical analysis, *thought* on the one hand, and *ourselves* on the other. Importantly, the distinction between these two objects corresponds to the distinction we traced between Foucault's work as unified by a theory of the ethical subject, and Foucault's work as a theoretical activity united by an *ēthos*. Ruling out a radical disconnect between these two descriptions, it is thus important to understand the different emphasis that these terms give to the project, not in virtue of picking out different objects, but in virtue of the different emphasis given to the single object of the enquiry. In the process of elaborating this difference in emphasis we can uncover the important differences and similarities between the nature and architectonics of Foucault and Kant's critical projects.

Foucault expands the first definition given above by saying: "If what is meant by thought is the act that posits a subject and an object, along with their various possible relations, a critical

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14 Ibid.
15 Ibid., pg 319
16 Ibid., pg 313
17 *Aesthetics*, pg 462
18 *Ethics*, pg 315

history of thought would be an analysis of the conditions under which certain relations of subject to object are formed or modified, insofar as those relations constitute a possible knowledge [*savoir*]"[19]. So, for Foucault, thought is the act of positing subject and object, also described as two separate but mutually dependent and interconnected processes of subjectivation and objectivation, i.e., processes through which subjects of possible knowledge and objects of possible knowledge are constituted, and that the critical analysis of these processes is that of the historical conditions which structure the way in which these processes, and the relations between them, are generated, but also how they change and develop. These historical conditions which govern the formation of these relations are thus the conditions of possible knowledge. If we remember that for Kant, experience, understood as the unity of thought and sensation in the form of judgment, is already knowledge, then we can see that these historical conditions directly correspond to the transcendental conditions of the possibility of experience, albeit as what Foucault at times (and specifically in this description) refers to as the *historical a priori*, in opposition to the universal and necessary *synthetic a priori* conditions of experience in Kant. Equally importantly, Kant's model of the constitution of experience involves the act of positing a subject and object, in the correlation between the transcendental subject and transcendental object in the form of judgment. This becomes even more interesting when we consider that, for Kant, the subject only experiences itself as it is affected by itself[20], which is to say that it does not have any direct access to itself as an existent substance (such as Descartes thinking substance in the *cogito*). Rather, it only appears to itself as the unity of its action upon itself (the transcendental subject), and all thought proceeds in accordance with a *form of the subject* as a universal form of self-affection[21]. It might seem like the correct thing to do here then would be to directly assess each philosopher's conception of the subject-object relation and the way it is conditioned. But such an complete analysis must wait; first we must understand the role the subject-object relation plays within each philosopher's critical project as a whole.

Kant's envisions his critical project as "the critique of our faculty of cognition"[22], that is to say, as an analysis of the power cognition or *thought* such as to determine the necessary limits of its legitimate employment. For Kant, the mind is divided up into a myriad of faculties, and these fall into roughly two types. There are those faculties of the mind that constitute between them all the particular aspects of cognition: the faculty of cognition proper, the faculty of desire and the faculty of pleasure and pain[23]. The exercise of both the faculty of desire and that of pleasure and pain must be grounded in that of the faculty of cognition[24], for it is first and foremost by this faculty that

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19 *Aesthetics*, pg 459
20 *CPR*, pg 88
21 It is Heidegger and, following on from him, Deleuze who make the most of this form of subjectivity in terms of linking it to time in their respective works on Kant (Heidegger, pg 129-130; *Kant's Critical Philosophy*, pg viii).
22 *CPJ*, pg 6-7
23 Ibid., pg 45
24 Ibid., pg 44

experience is constituted and as such it is in accordance with this faculty that any exercise of the others upon the field of experience is possible. It is important to note however that these faculties are not unitary, in that they are essentially particular arrangements of the second type of faculty, namely those faculties that, as Deleuze notes[25], deal with particular kinds of representation. These faculties are in turn divided into the higher and lower faculties of knowledge, the lower faculties being: sense (itself divided into inner and outer sense) and imagination, which are collectively known as the faculty of sensibility[26]; whereas the higher faculties are: understanding, judgment, and reason[27], which correspond to the *logical* functions for which they are responsible, namely, concepts, judgments, and inferences, respectively. It is on the basis of each of these higher faculties of knowledge that the different faculties of cognition are are constituted and organised, such that one of the higher faculties of knowledge legislates for each of the faculties of cognition: understanding in cognition proper, judgment in pleasure and pain, and reason in desire. This legislation takes the form of supplying the principles through which the activity of the other faculties are organised within that given cognition. As such, any critique determining the limits of legitimate employment of the faculties of cognition must do so by uncovering the transcendental principles by which the higher faculty of knowledge legislates its activity.

Kant's critical project is thus organised into three critiques, covering each of the faculties of cognition: the *Critique of Pure Reason* (cognition proper), the *Critique of Practical Reason* (desire), and the *Critique of the Power of Judgment* (pleasure and pain). Interestingly enough however, much as in the case of Foucault, this architectonic of Kant's philosophy was not completely elaborated in advance, but could only be elaborated retrospectively within the *Critique of the Power of Judgment*, in an encyclopaedic fashion[28]. This is not because, as with Foucault, Kant did not consider the structure of his overarching project in advance, or because he continually and substantially changed his mind (although this did occur in part[29]), but rather because the systematic unity of the critical project was only reached upon the examination of the faculty of judgment, its principle and its unique contribution to cognition. It is here important to understand that the faculty of judgment, although it legislates within the faculty of pleasure and pain, does not legislate for a domain of knowledge, i.e., for some possible set of objectively valid propositions, but is *heautonomous* it that in only legislates for its own exercise. However, this does not however mean that there is no domain proper to it. As far as Kant is concerned, the domain of possible knowledge, as determined by the faculty of cognition in general, is divided between the faculty of cognition proper and the faculty of

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25 *Kant's Critical Philosophy*, pg 3
26 *CPR*, pg 165
27 Ibid., pg 176
28 *CPJ*, pg 41-42
29 As Allison points out, Kant had initially conceived a critique of taste (which is the concern of judgment) as belonging to the critique of practical cognition, before excluding it from the critical enterprise as merely empirical, and finally rediscovering it as the object of the third critique (*Kant's Theory of Taste*, pg 2).

desire, which is to say that it is divided into *theoretical* knowledge and *practical* knowledge, respectively[30]. We should take a detour at this point and note an important point that Foucault makes about this division as Kant establishes it. As Foucault points out, Descartes caused a fundamental shift within the thought of the subject, in that he "succeeded in substituting a subject as founder of practices of knowledge for a subject constituted through practices of the self"[31]; which is to say that he not only established the domain of theoretical knowledge upon the subject, but that he also made this the primary domain with regard to the understanding of the subject, and thus the subject's understanding of itself. He also points out that this created a problem in terms of how the ethical subject was to be situated in relation to this, and that it is Kant who provides an answer compatible with the Cartesian shift: "Kant's solution was to find a universal subject that, to the extent it was universal, could be the subject of knowledge, but which demanded, nonetheless, an ethical attitude"[32]. This is put in a better fashion by Foucault's interlocutor who summarizes thus: "once Descartes had cut scientific rationality loose from ethics, Kant reintroduced ethics as an applied form of procedural rationality"[33]. What this amounts to is the idea that Kant subordinates practice (*praxis*) to theory (*theoria*), not only in the sense that, despite the legislation of reason, the faculty of desire can only function through the faculty of cognition, but in a stronger sense, in that the universality of the form of the subject, and the universality of theoretical knowledge that it grounds, establishes the domain of practice as itself universal, which is to say, as the domain of *law*. Practical knowledge is, as such, constituted as a formal *theory* of "what must be done"[34].

Returning to the Kantian division of the domain of possible knowledge, one finds that it is only in the *Critique of the Power of Judgment* that it is fully delimited. This is not because one finds a third domain of knowledge which would be legislated for by the faculty of judgment, but rather that an aspect of the domain of theoretical knowledge, which is precisely problematic in terms of its relation to practical knowledge, has been under-determined by the proceeding critiques. This domain is that of the *technical*, which is that theoretical knowledge which covers "the **art** of bringing about that which one wishes should exist"[35]. This is important for the relationship between theory and practice, in that although the critique of the faculty of desire reveals the legitimate limits of what one should wish to exist in accordance with law, and that the faculty of desire is "**the faculty for being, through its representations, the cause of the reality of the objects of these representations**", it nevertheless under-determines with regard to the knowledge of the means for achieving these ends within the field of experience. One might think that such knowledge would not

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30 *CPJ*, pg 3
31 *Ethics*, pg 278
32 Ibid., 279
33 Ibid.
34 Ibid., pg 308
35 *CPJ*, pg 6

require any special elaboration beyond that of theoretical knowledge in general, and it seems that such may have been Kant's opinion initially. However, the import of such knowledge is that it is not deducible or cognizable from the purely theoretical knowledge governing the aspect of experience which one wishes to effect. This is to say, the pure theoretical knowledge does not provide a sufficient ground (as such being an insufficient ground[36]) of the technical knowledge required for practical activity, in the same sense that the practical knowledge of the end in experience does not. This means that, in addition to the general mode of cognition whereby experiential knowledge is acquired (as described in the first critique), there must be a technical mode within which this kind of technical knowledge is constituted. It is for this reason that Kant distinguishes between the *schematic* and the *technical* exercise of judgment, the former being that exercise which is legislated for by the understanding, which is to say applying its principles, and the latter being that in which it legislates for itself. It might be thought that there was a contradiction here, in that if technical knowledge is constituted by the power of judgment under its own legislation, it seems that this should rightly constitute its own domain of knowledge. The answer to this is that the power of judgment does not legislate for the whole activity of synthesis in the creation of technical knowledge, but merely in part, providing that *artistic* or *creative* experimentation within the bounds established by the legislation of the understanding in the field of experience. This is to say that although the understanding provides insufficient grounds, these are still the grounds in accordance with which cognition must take place, even if their partial determination must be supplemented technically. The way that Kant formulates this, is that the *a priori* or transcendental principle of the faculty of judgment which legislates for it in its technical exercise is not *constitutive* for knowledge, but only *regulative*[37].

Although there are many functions that this technical aspect of judgment, in accordance with its *a priori* principle, will play in terms of completing the systematic exposition of the faculty of cognition and its limits that constitutes the critical project, we will wait till later to elaborate these further (most obviously, these include the aesthetic of the beautiful and the critique of teleological judgment). We are here concerned with the primary way in which the concern with the technical unites the domains of theory and practice, and how this compares to Foucault's work. The most succinct explanation of this unity given by Kant is this:-

"Through the possibility of its *a priori* laws for nature the understanding gives a proof that nature is cognized by us only as appearance, and hence at the same time an indication of its supersensible

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36 In the *Blomberg Logic*, Kant draws the distinction between grounding in the logical and metaphysical senses. It is only the metaphysical which can be judged as either sufficient of insufficient, whereas logical grounding merely serves for the full cognition of the consequent in all cases. An insufficient ground is precisely one which only enables a partial cognition of the consequence. (*LL*, pg 29)

37 This is revealed most explicitly in its deployment in relation to teleological judgment (*CPJ*, pg 233-234)

substratum; but it leaves this entirely **undetermined**. The power of judgment, through its *a priori* principle for judging nature in accordance with possible particular laws for it, provides for its supersensible substratum (in us as well as outside us) **determinability through the intellectual faculty**. But reason provides **determination** for the same substratum through its practical law *a priori*; and thus the power of judgment makes possible the transition from the domain of the concept of nature [**theory**] to that of the concept of freedom [**practice**]."[38]

Essentially, the domain of theory is constituted through the legislation of the understanding and its *a priori* principles (the *categories*, or pure concepts of the understanding), which establish the domain of possible experience and, as such, possible knowledge of experience. However, in doing this it indicates beyond this phenomenal (or sensible) realm of possible experience to that which lies beyond it, the noumenal (or supersensible), but only in a negative way, not representing it as having any determinate or even determinable content. As Kant puts it: "The concept of a noumenon is thus a merely *limiting concept*, the function of which is to curb the pretensions of sensibility; and it is therefore only of negative employment."[39] As established in the third antinomy, although we must necessarily think of all things within nature (i.e., all phenomena) as being determined in accordance with mechanistic empirical laws, the form of which is supplied by the categories, we must also think of ourselves (negatively) as we are in ourselves, beyond our legislation for nature, as possessing a different causality, namely that of Freedom, thought as the capacity for the initiation of causal series, in opposition to mechanistic causality, which is confined to already determined series[40].

Of course this was determined in the course of the critique of the regulative deployment of reason under the legislation of understanding in cognition proper; it is only in the critique of the faculty of desire within which the *a priori* principles of reason legislate, that the this domain of supersensible causality is determined in a *constitutive* fashion. Reason's regulative function in theoretical cognition is "to reduce the varied and manifold knowledge obtained through the understanding to the smallest number of principles (universal conditions) and thereby to achieve in it the highest possible unity"[41], or rather to introduce a maximum of *systematic* unity into the hierarchy of concepts of the understanding. This is because it does not deal with concepts in virtue of their content, but rather in terms of their interconnections conceived as the conditions of possible *inference*. A maximum of systematic unity is facilitated by a maximum of interconnection which is in turn facilitated by a minimum of principles. However, the faculty of desire, as the "the faculty for

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38 Ibid., pg 82, modified
39 *CPR*, pg 272
40 Ibid., pg 467-479
41 Ibid., 304

being, through its representations, the cause of the reality of the objects of these representations"[42] is concerned with inferring from the general principles or representations of what is desired, the more particular actions via which the reality of such objects can be obtained. Reason, in its constitutive function as legislating for the faculty of desire, provides the necessary and universal principles (the form of law, or categorical imperative) in accordance with which the causality of freedom must be determined (i.e., the limits of its legitimate representation of desired objects). Thus, we may say that the determination of the supersensible or noumenal causality of freedom in accordance with the *a priori* principles of reason is rational insofar as it is a *systematic* determination aiming for economy of action in the production of the *ends* represented by desire within the legitimate limits set for it by the universal form of law. Of course, as has already been mentioned, despite this economy, the principles employed by reason under-determine with regard to the actual *means* of achieving these ends within the field of experience.

This brings us to the *a priori* principle of the power of judgment, which links the domains of theory and practice by supplementing the *a priori* principles constitutive for their domains, enabling the "transition" from the cognition of one to the other. This is called, at different times, the "**technique of nature**"[43], or the principle of the "purposiveness of nature"[44], and is explained as the assumption that: "**Nature specifies its general laws into empirical ones, in accordance with the form of a logical system, in behalf of the power of judgment.**"[45] This is to say that, in its technical exercise, judgment is regulated by the assumption that "with regard to its empirical laws nature has observed a certain economy suitable to our power of judgment and a uniformity that we can grasp"[46], or that its synthesis with regard to nature is guided by the principle that nature has been produced *as though* in accordance with the systematic determination of reason (or rather, some reason), such that it could be necessarily grasped by cognition. Simply, this means that the exercise of judgment in cognition, proceeds on the assumption that nature is suited to the work of cognition in making of it a logical system. This notion of *purposiveness* is incredibly important within the third critique, insofar as it is to unify the critical project. Kant defines it as "a lawfulness of the contingent as such"[47], which is to say that a regularity in experience whose possibility is under-determined, or insufficiently grounded, by the principles of the understanding is purposive. Kant divides purposiveness into *formal*, or *logical purposiveness* and *real* or *objective purposiveness*. The former is precisely that purposiveness assumed in the *a priori* principle of judgment, namely a subjective purposiveness of the manifold in its agreement with the form of our cognition; this might

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42 *CPJ*, pg 32, modified
43 Ibid., pg 17
44 Ibid., pg 19
45 Ibid.
46 Ibid., pg 17
47 Ibid., pg 20

be understood as a purposiveness without purpose, in that no determinate objective purpose or end is represented in it. The latter is precisely that in which a determinate end is posited as a ground of reality[48] (i.e., the condition of the object's existence). The most obvious form of objective purposiveness is that of the action legislated for by the faculty of desire, whereby the ground of the reality of the object produced is found in the representation of an *end.*

One can immediately see the link between the notions of *technique* and *purposiveness*, precisely in terms of the relation between *means* (understood as the *art* of production, rather than its resources) and *ends*. Accordingly this results in a division of technique into formal and real:-

"By a **formal** technique of nature, I understand its purposiveness in intuition; by its **real** technique, however, I understand its purposiveness in accordance with concepts. The first provides purposive shapes for the power of judgment, i.e., the form in the representation of which imagination and understanding agree mutually and of themselves for the possibility of the concept. The second signifies the concept of things as ends of nature, i.e., as such that their internal possibility presupposes an end, hence a concept which, as a condition, grounds the causality of their generation."[49]

This distinction is what separates the critique into its two parts: the *Critique of Aesthetic Judgment* corresponding to the formal technique of nature, whose primary object is the beautiful in the aesthetic judgment of taste; and the *Critique of Teleological Judgement*, whose object is the organic or the those objects in nature which must nevertheless be judged in accordance with a concept as as ground of their reality, which is to say in accordance with natural ends. The important fact regarding both of these judgments is that they are examples of *reflective judgment*, which is only introduced in the third critique to complement the analysis of *determinate judgment* provided by the first critique. Essentially, determinate judgment is the subsumption of the particular under the general, as takes place in the synthesis of recognition described in the *Transcendental Deduction* of the first critique, whereby, after the manifold of intuition is synthesized into a spatio-temporally continuous image (e.g., the image produced by seeing a dog run across ones field of vision), this image is subsumed under a determinate concept, producing a determinate judgment, e.g., '*this* is a dog'. In the third critique, Kant extends the remit of the faculty of judgment from simply subsuming the general under the particular, to "also, conversely... finding the general for the particular."[50] It is this latter function that reflective judgment fills, in that reflecting "is to compare and to hold together given representations either with others or with one's faculty of cognition, in relation to a concept thereby

48 Ibid., pg 68
49 Ibid., pg
50 Ibid., pg 14

made possible."[51] As Allison points out, it is important not to view these two types of judgment as distinct acts, but rather as "two poles of a unified activity of judgment"[52]. These poles should be understood precisely in terms of the distinct drawn earlier between the *technical* and the *schematic* exercise of judgment. We should not go so far as to claim that all judgments involve an aspect of the technical, and as such, an amount of reflection, for reasons that will be discussed later, but it is the case that all *synthetic a posteriori* determinate judgments (including 'this is a dog') require an element of reflection. Conversely, judgments through which we establish new concepts ultimately culminate in an act of determination ('all of these things are x'), despite their intensive deployment of reflection in making the determinate concept possible. Properly reflective judgments are those in which the understanding does not legislate for the activity of judgment, i.e., those which are purely technical without any schematic element. This means that, as outlined above, the division between the two kinds of reflective judgment comes down to the kind of technique posited in guiding their activity. As such, teleological judgments, despite not being schematic, are legislated for by reason and its principles, such that the systematicity of a particular object can be thought in accordance with a natural end. This means that only the aesthetic judgment of taste can be seen as a *pure* reflective judgment, in which judgment alone legislates for itself. It is thus the limit form of judgment.

Now that we have a given a systematic overview of the Kantian project, and the way it culminates in the bridging of the domain of theory and practice, we must turn to the Foucauldian project and its architectonic. Although, as I have pointed out, Foucault has reiterated the unity of his project, retrospectively, from the standpoint of his later work, he has done so in various different ways. The simplest of these organize it, not by separating out the work he has produced, but rather by the objects with which he has been concerned: "we have three axes whose specificity and whose interconnections have to be analyzed: the axis of knowledge, the axis of power, the axis of ethics."[53] This appears to have a definite correspondence to the Kantian division of critique into theory, practice, and technique (aesthetics), but we will have to analyse the possible correspondences between these three if we are to develop any systematic correspondence. Firstly, if we take Foucault's first description of his project as a historico-critical analysis of the conditions under which the correlative relations between subject and object can be formed and develop, so as to

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51 (Ibid., pg 15) This is interesting in that this is a move away from his description of concept generation in the *Jäsche Logic*, wherein he describes reflection and comparison as two separate operations, the latter involving the locating of differences between representations, and the former the location of similarities, both which culminate in the abstraction of the form of the concept (*LL*, pg 592). Kant also describes these as operations of the understanding, rather than judgment. However, it would be best here not to see a complete change in view, but rather the subsumption of these acts under the heading of a single act of reflection. However, it is clear that the move from the understanding to judgment is of the utmost import, in that the deployment of technical judgment not legislated by the understanding.

52 *KTT*, pg 44

53 *Ethics*, pg 318

constitute a field of possible knowledge, we might then wonder why it is that knowledge is only one axis of the analysis. This is in virtue of the distinction between two kinds of knowledge: *savoir* and *connaissance*. We should understand this as a being similar to the distinction in Kant between the faculty of cognition in general (including the faculties of desire and pleasure and pain) and the faculty of cognition proper (theoretical cognition). However, to draw such a conclusion requires denying the primacy of theoretical cognition as it appears in Kant, wherein the other faculties of cognition are founded by theoretical cognition and its originary constitution of the field of experience. As we pointed out earlier, Foucault identifies Kant as the first to truly reintegrate the practical into the new form of self-knowledge established by Descartes, subordinating practice to theory; in this Foucault entirely disagrees with Kant, as is revealed in an interview with Deleuze: "In this sense theory does not express, translate, or serve to apply practice: it is practice. But it is local and regional... not totalising."[54] He subordinates theory to practice.

Ignoring the implications of this for now, *connaissance* is understood as the domain of theoretical knowledge, as a "relation between a fixed subject and a domain of objects"[55]. It is not conceived as a single homogeneous field of possibility established by a single set of conditions, but is broken up into various local "games of truth", each with their own rules "according to which what a subject can say about certain things depends on the question of true and false"[56], thus establishing domains of possible objects of knowledge, and forms of subjectivity, or fixed formal roles taken on by the inquiring subject[57]. In opposition to this, *savoir* is that knowledge or experience through which the *connaissance,* its subject-form and object-domain are constituted. So, the fixed relations between possible subjects and objects of knowledge that constitute a given *connaissance* (e.g., an academic discipline like psychology) determine a field of possible knowledges in the sense of determinate relations of knowing, involving a particular subject and a given set of objects. In determining this field of possible knowledges, they also establish the possible relations between the determinate knowledges that arise, e.g., possibilities for contact or conflict between different theories (as such constituting a game of truth). However, these fixed relations between the subject-form and object-domain, although they are conditions for the possibility of particular knowledges, themselves have *savoir* as the conditions of their possibility, conceived as the conditions of possible formation and change of these fixed relations. Foucault's historico-critical analysis, seen as uncovering the conditions of possible *savoir*, is thus another step down in uncovering conditions of possibility. This might seem as if Foucault is confused as to what in fact constitutes the conditions of the possibility of knowledge, and his own changing terminology

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54 *Intellectuals and Power*, http://libcom.org/library/intellectuals-power-a-conversation-between-michel-foucault-and-gilles-deleuze
55 Power, pg 256
56 *Aesthetics*, pg 460
57 *Power*, pg 256

does not help matters[58]. However, if we return to the opposition we made between Kant's two senses of cognition and Foucault's two senses of knowledge made above, this becomes much clearer. Unlike Kant, Foucault does not subordinate cognition in general (*savoir*) to theoretical cognition (*connaissance*), and this means that the other two axes of the critical project: power and ethics, run through the inquiry into the conditions of possible *savoir*, as well as the more specific historical inquiries into given *savoir* as the condition of the possibility of *connaissance*.

However, there is the question of whether Foucault just inverts the Kantian schema in subordinating theory to practice. To answer this question it is necessary to consider the precise way in which, for Foucault, theory *is* practice. To continue the quote given earlier:-

"This is a struggle against power, a struggle aimed at revealing and undermining power where it is most invisible and insidious. It is not to "awaken consciousness" that we struggle... but to sap power, to take power; it is an activity conducted alongside those who struggle for power, and not their illumination from a safe distance. A "theory " is the regional system of this struggle."[59]

It is important to note, that Foucault is here speaking of his own, and Deleuze's, theoretical work as practice when he is referring to a struggle against power, but he did not provide such a qualification upon the statement before this, that theory is practice *per se*. As many of Foucault's analyses have shown, specific theoretical knowledges are also constituted as instruments of power, such as the discourse of penology and the associated technologies of the body analysed in *Discipline and Punish*. In addition, in describing his own theory as a regional system of the struggle, he does not oppose it diametrically to power, but discusses it in terms of its strategic action upon power in sapping it or taking it. What should be taken from this is that it is not the case that power is a unitary force against which a practical or strategic theory would be articulated, but that the strategic theoretical activity is part of the play of power itself, seen as the distributed domain of practical activity, which is configured in different ways, be they convergent or conflictual. It is in this sense that power, as articulated in different "practical systems"[60] forms the homogeneous element of the historico-critical analysis. This seems to confirm the suspicion that power (as the domain of practice) has come to ground knowledge (as the domain of theory), by originally constituting the field of possible experience, in exactly the way that theoretical cognition grounded practical cognition for Kant. However, much as we identified the activity of judgment not to be divided into separate acts of reflection and determination, but to be a unified activity within which these

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58 This seems to be the way in which Béatrice Han reads Foucault's archaeological project overall (Han, pg 67-68)**.**
59 *Intellectuals and Power*, http://libcom.org/library/intellectuals-power-a-conversation-between-michel-foucault-and-gilles-deleuze
60 *Ethics*, pg 317

different aspect formed the competing tendencies, Foucault identifies two opposed aspects of practical systems: "the forms of rationality that organize [subject's] ways of doing things (this is what might be called the *technological* aspect) and the freedom with which they act within these practical systems, reacting to what others do, modifying the rules of the game, up to a certain point (this might be called the *strategic* side of practices)."[61] This opposition between the technological and the strategic enables Foucault to think of the domains of theory and practice as being united in a single field of power-knowledge[62]. It is within this field that overlapping structures of differing stability are constituted, these structures being more or less technological in terms of their establishment of a domain of possible objects over which power can be exercised, and more or less strategic in terms of the distribution of power in relation to specific situations. This does not of itself refute the claim that knowledge is possible purely in accordance with a field of experience originally constituted by power. Yet, Foucault insists that he is "absolutely not saying that games of truth are just concealed power relations - that would be a horrible exaggeration."[63] Rather, he seems to be claiming that although the technological dimension is not the only dimension of knowledge (*connaissance*), that all discourses and the determinate knowledges they make possible must be manifest as practical systems articulated within the field of power relations (as such constituting a unified field of power-knowledge). He elaborates this point with reference to mathematics:-

"It is also true that mathematics, for example, is linked albeit in a completely different manner than psychiatry, to power structures, if only in the way it is taught, the way in which consensus among mathematicians is organized, functions in a closed circuit, has its values, determines what is good (true) or bad (false) in mathematics. This in no way means that mathematics is only a game of power, but that the game of truth of mathematics is linked in a certain way - without being invalidated in any way - to games and institutions of power."[64]

This means that there are differing specific power structures internal to the various games of truth, but that these power structures, although integral in terms of determining the truth and falsity of claims to knowledge, are not the sole aspects that condition this determination. However, as to what these other conditions might be, Foucault remains agnostic; he is at most committed to the claim that: "This does not mean that there is just a void, that everything is a figment of the imagination."[65]

Thus, unlike in Kant, wherein the faculties of desire and pleasure and pain are deployed under the form of a relation of subject to object supplied by theoretical cognition (*connaissance*),

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61 Ibid., modified
62 *Discipline and Punish*, pg 27-28
63 *Ethics*., pg 296
64 Ibid.
65 Ibid., pg 297

each of the axes of criticism: knowledge, power and ethics are involved in the determination of the possible relations between subject and object, or possible acts of *thought*. They constitute separate axes of this domain of possible relations in virtue of providing different forms of possible relation. As of yet, we have not inquired into how these axes overlap, nor have we inquired into the nature of the axis of ethics at all. We can help elaborate both of these questions in terms of the following diagram:-
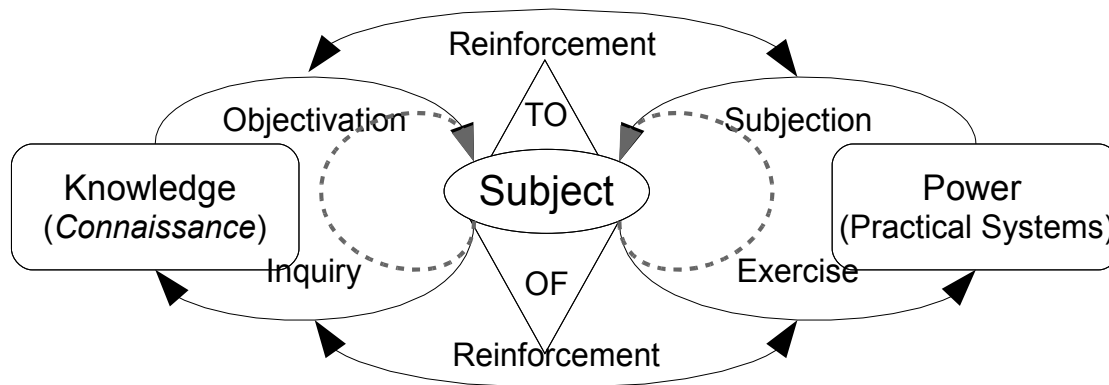
This shows the way in which the subject fits into the different possible relations between subject and object established by the overlapping domains of power and knowledge. Importantly, this only concerns knowledge insofar as it is technological, not only because of Foucault's agnosticism, which some have compared to a phenomenological 'bracketing', but because, as Foucault has explained many times, his earlier work with knowledge was not concerned with knowledge in general, but rather with a "history of subjectivity"[66] understood as those knowledges ("economics, biology, psychiatry, medicine, and penology"[67]) within which the subject itself was taken as object, or in which it is itself part of a process of *objectivation*. As such, the axis of knowledge is constituted by the twin processes of subjectivation and objectivation through which a subject may become either an object of knowledge (subject *to* knowledge), in accordance with the rules determining the object-domain, or subject *of* knowledge, in accordance with the particular subject-form. Similarly, the axis of power is articulated in terms of the processes through which a subject is *subjected* to power (subject *to* power), through which the possible decisions or behaviours it can enact are acted upon by an external deciding force (the best examples of which are the processes of normalization analysed in *Discipline and Punish*), and the converse process within which a subject becomes able to exercise power (subject *of* power)*,* as itself the external deciding force (or *free agent*), upon another subject (or collection of subjects).

As is indicated in the diagram, there is additionally a space of possible relations of reinforcement between processes of objectification and subjection, and as such between those of the

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66 Ibid., pg 88
67 Ibid., pg 224

subjectivation of inquiring and free subjects. This is to do with the homogeneous element of practical systems which functions as their substratum. Essentially, as is obvious, the development of new possible objects of knowledge produces new foci for the exercise of power, i.e., it makes possible the development of corresponding *technical* (or *technological*) practices that can be deployed within particular strategies. It does this by expanding the domain of those objects that can be employed in reasoning, and thus practical reasoning. But, conversely, the development of new practices of subjection provides a foothold or locus for the incorporation of new objects of possible knowledge in virtue of the common element of practices within which both are manifest. In *Discipline and Punish*, Foucault locates a specific realization of these possible relations:-

"what was new, in the eighteenth century, was that, by being combined and generalized, [the disciplines] attained a level at which the formation of knowledge and the increase of power regularly reinforce one another in a circular process. At this point, the disciplines crossed the 'technological' threshold... any mechanism of objectification could be used in them as an instrument of subjection, and any growth of power could give rise in them to possible branches of knowledge... It is a double process, then: an epistemological 'thaw' through the effects of power relations; a multiplication of the effects of power through the formation and accumulation of new forms of knowledge."[68]

This "technological threshold" indicates the point wherein there is an *intensification* of this reinforcement between power and knowledge, whereby the particular practical systems (the disciplines) rapidly developed more complex internal structure in a way that was not necessarily a stabilisation of power relations and techniques, but rather a reflux of the technological upon the strategic which results in a whole new level of strategy. As such, we could describe it as the reaching of a particular meta-stable state[69].

The final element of the diagram is what has been drawn in as a dashed arrow, which indicates the minimum possible relation on each axis, or the limit-form of each possible relation. This is to say that it is the relation within which the subject is its own object, either as object of knowledge or power. Importantly, the exercise of power upon oneself is mediated by practical reasoning, which is not to say that all ways in which the subject affects itself are mediated this way, but rather that these are only properly the exercise of power insofar as they involve an element of reasoning. Thus, the relations of the subject to itself as object of knowledge and object of power are

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68 *Discipline and Punish*, pg 224
69 It is important to recognise that this distinction between stability and meta-stability is not an absolute distinction but a relative one, in the sense that there could be a further threshold of meta-stability reachable beyond that already identified, in relation to which the current state is seen as stable.

the same relation, and it is as at this limit that the two domains of possible subject-object relations (or acts of *thought*, in accordance with our initial definition) meet. The historico-critical analysis of this limit-form, is as such the analysis of *ethics*. We have thus, through an inquiry into *thought* as the object of criticism, established the way in which the architectonic of Foucault's project is not only unified with regard to the subject, but also specifically the way in which it is completed by the later work on ethics. We have yet to see how it can unify Foucault's theoretical project as itself a practical *ēthos*. However, this can be shown if we consider the nature of the homogeneous field of practices within which both games of truth and strategies of power subsist. The limit-form of the domain of possible subject-object relations is of course not a determinate relation between the subject and itself, it is simply the form of any determinate relation of self to self. As such, unlike the faculty of pleasure and pain in the third critique, it does constitute a domain of possible such relations, or a specific domain of thought. More importantly, however, the conditions of the possibility of such relations must be manifest in the field of practices, that is to say there must be particular practices of relation to self, or *techniques of the self*, through which the subject forms and changes its relation to itself, but that these techniques must be manifest in particular practical systems. As Foucault explains: "practices of the self... are nevertheless not something invented by the individual himself. They are models that he finds in his culture and are proposed, suggested, imposed upon him by his culture, his society, and his social group."[70] This could be interpreted as reintroducing a fundamental level of conditions of possibility, and thus returning the historical critique to some kind of transcendental critique of universal, or at least atemporal structures. This is not the case however, because the practical systems within which these forms of self-relation, or *forms of subjectivity*[71], are contained retain no special or transcendent status in relation to the rest of the field of power-knowledge. They are thus prone to the changes within the discourses and power structures caused by the individual and collective action of the different subjects that make them up. It is precisely these kinds of changes which Foucault charted within the final volumes of the *History of Sexuality*.

This means that we should read an additional element into the diagram as it is given above. If the subject is constituted by the social field through overlapping processes of subjection and subjectivation (seen as its relation to self, but in accordance with a form of subjectivity contained within a given game of truth), but the social field is constituted by the actions of subjects within it, then we must see the circulation indicated in the diagram as representing a process of *reciprocal constitution*. This reciprocal constitution of the social field (power-knowledge) and its parts (subjects) reveals a completely reciprocal interplay between theory and practice that is not simply an inversion of the Kantian matrix, but the purging of any universal subject (either of theoretical or

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70 *Ethics*, pg 291
71 *The Use of Pleasure*, pg 4

practical cognition) that would originally ground experience. It also reveals a second way in which the relation of self to self constitutes a limit-form, in that the subject's action upon the social field must necessarily have the possibility of refluxing upon itself, and as such there is a possible *indirect* self-relation already implicit within the circular process of power-knowledge; the *direct* action of the self upon the self is thus the limit-form of this possible relation. It is this which enables us to see how Foucault's reconfiguration of the critical project itself constitutes an ethical attitude, in that the historico-critical inquiry into the conditions of possible *savoir* involves a critical delimitation of this possible *indirect* self-relation, in virtue of an analysis of the reciprocal constitution of the subject and its social field. It is thus a *problematization* of this relation, so as to make it into a *direct* self-relation, which is to say one that functions as a possible object of (self) knowledge. Thus, we have shown how the critical history of *thought* becomes a critical history of *ourselves*, and, as such, the architectonic unity of Foucault's critical project as both *theory* and *practice*, which is to say as *ēthos*.

Of course, this has not exhausted the important ways in which Foucault's project can be illuminated in relation to Kant's philosophy, but has importantly set the scene for such further elaboration. The rest of the essay will be devoted to carrying out this elaboration along three lines, loosely correlated to the three axes of Foucault's criticism, respectively. Firstly, we will examine the difference between the conditioning of possibility in Foucault and Kant, and thus the different way in which the field of possible experience [*savoir*] is constituted, thus making possible an *archaeological* analysis that would be historical rather than transcendental. Secondly, we will analyse the way in which power comes together in practical systems, through a comparison with the problem of objective purposiveness and self-organizing entities in Kant's critique of teleological judgment, so as to enable a *genealogical* analysis while dispelling the spectre of power as a disguised metaphysics[72]. Thirdly, we will explain the way self-relation, as the limit-form of the domains of power and knowledge, makes possible an *aesthetics of existence* (or *ethics*) in line with Kant's aesthetics of formal purposiveness which would enable the exercise of power (purposive activity) without an intensification of power relations (centralization through the positing of *ends* in objective purposiveness).

The Transcendental and the Empirical

Although we have demonstrated the consistency of Foucault's project up to a point, there are still certain unanswered questions which threaten not just the specific historical analyses involved in it, but the edifice as a whole. The first of these questions is whether Foucault's appeal to conditions of

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72 Han, pg 143

possibility can fill the role he needs it to, importantly with respect to the notion of reciprocal constitution and the ethical work of the subject upon its own limits. As has been shown, the subject is constituted as acting upon itself through a process of subjectivation that proceeds in accordance with certain conditions of possibility that are manifest within the social field. Because the subject's action upon this field entails the possibility of changing these conditions, there is thus the necessary possibility of the subject acting upon the conditions of its own constitution. Given that these conditions are in turn the conditions of its possible action, there might seem to be a manifest contradiction in the very idea of a subject acting upon its own limits, be this directly or indirectly. To make sense of this, we must examine the way in which the conditioning of possibility takes place in Kant, with specific regard to the distinction between the transcendental and the empirical. It is only by rejecting certain features of the way the transcendental *grounds* or conditions the possibilities of experience, that we can maintain the consistency of Foucault's enterprise.

As we discussed above, for Kant, all cognition is fundamentally grounded within theoretical cognition, insofar as this originally constitutes the field of possible experience. The first critique thematized this constitution in terms of the division between the understanding (as faculty of spontaneity or thought) and the sensibility (as the faculty of receptivity or sensation), and the establishment of a connection between the two in experience (the unity of thought and sensation in the cognition of objects)[73]. The transcendental is here the conditions of the possibility of experience, and the empirical is that which is encountered in experience. However, there is a different way of understanding this distinction, in virtue Kant's description of the way experience is constituted:-

"experience contains two very dissimilar elements, namely, the *matter* of knowledge [obtained] from the senses, and a certain *form* for the ordering of this matter, [obtained] from the inner source of the pure intuition and thought which, on occasion of the sense-impressions, are first brought into action and yield concepts."[74]

Essentially, all matter is provided by intuition, and all form by either the pure intuition or the spontaneity of the pure understanding. Interestingly, it is for this reason that the pure forms of intuition are both forms and intuitions, because they must both form all other intuition and be manifolds that serve as matter to be formed by the pure synthesis of the imagination, such as is the case in the geometrical thought. Other than the form provided by pure intuition, all other forms are the effect of rules which function as their ground, the understanding being the faculty of rules[75]. The

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73 (*CPR*, pg 93) It is here interesting to note that this division of experience into thought and sensation, each with their own specific representations, is Kant's primary innovation over both rationalism and empiricism, which each attempted to reduced one to the other (Ibid., pg 283).

74 Ibid., pg 121

75 Ibid., pg 177

rules act as grounds in that they are conditions of the possibility of the representations synthesized by forming the matter of sensation; they are the conditions of possibility precisely because they are the rules governing this very synthesis. Additionally, however, these rules condition the possibilities of the representations, by delimiting the possible further rule governed activity (synthesis or action) in which they can be engaged.

It will here help to explain the specific way in which this synthesis of experience takes place, both in terms of its grounding and its particular activity. For Kant, given that the manifold of data (*matter*) given in intuition is diverse, in order for it to be thought it must be given a logical unity, which is to say an identity under the concept of an object in general (object=x). Thus, as mentioned earlier, all experience considered as the unity of thought and sensation is found in objects under the form of judgment, and thus the field of possible experience is the field of possible such objects. As Deleuze notes: "If Kant launches this very very new notion of a totality of possible experience it is because he is in a position to define, to say: yes, there is a level where the whole of possible experience takes on a sense, it is precisely because there are universal predicates which are attributed to all things, which is to say are attributed to any object whatever."[76] This means that the categories function as conditions of the possibility of experience, in that they are these predicates of any object in general, or the exhaustive logical forms of judgment of objects. This also means that taken together they constitute the concept of an object in general (object=x) and thus supply the form of all concepts. However, this is only to consider the field of possible experience as the field of *logical possibility* in terms of the necessary limits all determinate judgment, whereas this says nothing about the field of *intuitive possibility*, seen as the possible modes of occupying space and time in *intuition*.

To explain this distinction it is important to understand the way in which given objects of experience are synthesized for Kant. In the *Transcendental Deduction* of the first critique, Kant describes this operation as "a threefold synthesis which must necessarily be found in all knowledge; namely, the *apprehension* of representations as modifications of the mind in intuition, their *reproduction* in the imagination, and their *recognition* in a concept"[77]. Respectively, this involves: the action of the imagination (in its *a priori*, or productive exercise) upon sense, unifying the diverse manifold of intuition under the pure forms of intuition (space and time), as such creating out of it spatio-temporally co-ordinated *appearances*; followed by the *reproduction* of these appearances (and past ones from memory) within the imagination (in its empirical exercise) as a spatio-temporal continuity, or *image*; completed in the action of the understanding, bringing the image under a concept as a *recognized* object. This final act is in fact the act of determinate judgment, schematically guided by the rules of the understanding (e.g., 'this is a dog'). Given that

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76 *Synthesis and Time,* Lecture 1 (14/03/1978), pg 3
77 *CPR*, pg 130-131

the concepts of the understanding are mere analytic unities (derived from the object=x), or possible identities establishing connections between various predicates (e.g., animal, mammal, canine, carnivore), they are merely *discursive rules* for judgment that determine objects in terms of their *logical possibilities* (e.g. 'all dogs are animals', 'this is a dog', therefore 'this is an animal'). To bridge the gap between these logical unities and the intuitions they are meant to subsume, Kant poses a "third thing"[78], or *schemata*. Allison explains this best by distinguishing between the concept as a *discursive rule* for logical judgment, and the schema as a *perceptual rule*: "Since it guides perception rather than thought, a perceptual rule (or schema) can neither be spelled out discursively in terms of a set of necessary and sufficient conditions nor function predicatively in a judgment. Instead, it functions to process the sensible data in a determinate way, thereby giving one a sense of what to look for or expect on the basis of certain perceptual "clues"."[79] Essentially, the schema functions as a "rule of construction"[80], or rather a rule for the imaginative syntheses (apprehension and reproduction). These schemata being rules of the understanding, contained under concepts, the understanding thus guides the act of determinative judgment *schematically*, in a way that unifies the object's logical possibilities (concept) and intuitive possibilities (schema). This unity of possibility is thus the determination of the further rule-governed activity the object can be engaged in, be it in thought (discursive judging) or its continued synthesis within intuition (e.g. seeing a new side of the object which must be integrated synthetically); between them, these also determine the field of possible action upon the object, i.e., in terms of the *projective understanding*[81] of its possibilities for use, but this is not in terms of any relation to law. This model is made clearer when it is reconfigured in the third critique, replacing the previous syntheses with three different, although compatible ones: *apprehension*, *comprehension*, and *presentation*[82]. This reconfiguration is made to both improve the consistency of the model but also to incorporate the insight of the dual function of judgment as schematic and technical. Apprehension here subsumes the function of reproduction into it (which, as Lyotard points out, is now referred to as *composition*[83]), and becomes a single continuous activity. Comprehension is the activity through which the image is unified under the object=x and supplied a determinate concept. Finally, presentation is the act in which the unifying of the object's possibilities takes place, wherein the schema of the concept is unpacked onto the manifold of intuition synthesized in apprehension, so as to provide the rules (and thus limits) of all

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78 Ibid., pg 181
79 *Kant's Transcendental Philosophy*, pg 210
80 *Synthesis and Time*, Lecture 1 (14/03/1978), pg 9
81 This futural aspect of experience is often ignored in Kant, commentators preferring to focus upon the intuition of the present and retension of the past enables by apprehension and reproduction of the past respectively. Despite the active violence done to Kant by Heidegger's *Kant and the Problem of Metaphysics*, this is one aspect in which it excels, although one must always be careful to avoid importing any of his own concerns (such as the ready-to-hand/present-at-hand distinction) into Kant's work.
82 *CPJ*, pg 23
83 Lyotard, pg 105-109

future synthesis. A good example of this would be when I see a ladybird crawling across my hand. Of course I begin to synthesize it before I recognize it *as* a ladybird and thus apply a concept to it, *presenting* the schema of the ladybird I have already acquired onto it in intuition, such that I am not surprised, nor does my synthesis of it miss a beat, when it opens up and flies away, because I have a projective understanding of its possibilities for moving within space and time. Importantly, while comprehension is understood as an activity of the understanding alone, presentation is now characterised properly as an activity of (schematic) judgment.

However, this field of possibilities is under-determined with regard to the syntheses or actions that may be performed; this is not to say that they do not of themselves choose which specific way we synthesize, or decide to act upon, said object, but that they do not provide specific rules for all situations in advance. To modify the previous example, the schema of a beetle, corresponding to the concept of beetle, is a universal rule for the synthesis of beetles in the manifold of intuition. Thus, it establishes the limits of the intuitive possibilities of beetles, i.e., the ways they occupy space and time, such as to provide the basic framework for the synthesis of an individual beetle, however this framework does not as such contain the specific technical rules for the synthesis of every possible variation upon the universal theme, it simply leaves open a space for the specific technical exercise of judgment, which creatively elaborates the synthesis within the framework prescribed by the schema. This helps demonstrate why the formal purposiveness of nature is the *a priori* principle that judgment legislates to itself in its technical exercise, in that it assumes that nature is produced in accordance with the possibility of our assembling it in a logical system, and as such assumes that between the universal (beetle) and the particular (this beetle) there are further generalities (ladybird) for which it can find rules of synthesis. It should be noted that contrary to this, the technical exercise of judgment in practical cognition, although it is not schematic in that it is not legislated for by the understanding, is guided by the principles of reason in its positing of ends or objective purposes, rather than the formal purposiveness that judgment would legislate to itself in theoretical cognition. Returning to the problem of the conditioning of possibility, we can borrow a distinction made by Kant in the *Blomberg Logic*[84] and claim that rules act as sufficient grounds with regard to necessity, in that they completely determine all cognition in accordance with necessary limits (of thought or intuition), but are insufficient with regard to technical possibility, in that they do not determine the specific techniques of synthesis or action for real empirical objects.

This does not imply that all deployment of judgment is somehow technical, as we alluded to above. There is purely schematic judgment that is entirely directed by the understanding. But, this only deals with the limits of possibility or the necessary. The purely analytic deployment of concepts within judgment "all bachelors are unmarried" is such an example[85]. Better examples are

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84 *LL*, pg 29
85 In the *Blomberg Logic*, Kant draws the distinction between grounding in the logical and metaphysical senses. It is

the judgments deploying the synthetic a priori principles themselves, such as "All effects have a cause". The transcendental schematism (or transcendental synthesis of the imagination), whereby the schemata of the categories are unpacked onto the manifold of intuition[86], is the original schematic exercise of judgment[87], in that it establishes the necessary limits of intuitive possibility (corresponding to the limits of logical possibility established by the categories themselves) and as such of all further synthesis of the manifold. This means that although the necessary limits of thought do not under-determine judgments which can be made on the basis of them alone, as Kant shows, such judgments are empty without the content supplied by intuition. As such, as soon as the field of possible experience is established through the transcendental schematism, which establishes the necessary possibility of unifying logical possibility and intuitive possibility in knowledge of objects (also understood as the necessary applicability of the categories to the manifold, the *affinity of nature[88]* or *original synthetic unity of apperception*), the actual synthesis which takes place in this field, and the action upon the objects within the field is under-determined and must be supplemented by technical judgment, and its *a priori* principle.

This originary transcendental ground of the affinity of nature, or original synthetic unity of apperception, supplied by the transcendental schematism, is thus effectively the unity of rule between thought and intuition, which is supplied by the unity of the categories (the pure understanding) in establishing the necessary limits of the subject's activity upon itself and the objects it constitutes for itself. This is to say that the categories, and the transcendental schemata derived from them, establish the limits of necessity by being the very form of all rules. As Kant admits, the categories provide the pure form of all laws, as well as through their unity in the concept of an object in general, the form of all concepts. However, the synthetic *a posteriori* judgments which are involved in further determining the logical content of empirical concepts and the empirical laws of nature which govern them require technical judgment. Similarly the transcendental schemata are are the framework around which all further rules for synthesis within intuition are elaborated technically. As such, this is the unity of consciousness in Kant: the necessary possibility of representing the rule-governed synthetic activity in accordance with a unity of rule (the unity of apperception), i.e. the 'I' of the 'I think'[89]. Importantly this unity of rule, as ground, is not given to the subject; it is not found in any substantial unity, but is simply the unity of

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only the metaphysical which can be judged as either sufficient of insufficient, whereas logical grounding merely serves for the full cognition of the consequent in all cases. The grounding of analytic judgments in the analytic relations of concepts should be thought of in this logical sense, rather than as sufficient like that of the synthetic *a priori*.

86 *CPR*, pg 180-187
87 *CPJ*, pg 16
88 *CPR*, pg 139
89 This is a very succinct description of the conclusion of the *Transcendental Deduction*, based primarily around the deduction from the second edition of the first critique. I do not here have space for an in depth analysis of this particular interpretation relative to the different arguments given in the text (*CPR*, pg 120-175).

the very activity of grounding.

We thus have a model whereby the objects synthesized within experience are completely (or sufficiently) delimited in terms of their necessities, and this is done by the determination through rules of the necessary limits within which they can be judged as self-identical, which is always some specification of the form of the concept of an object in general (x=x). Thus, the concept functions as ground of the object's possibility, if not its existence, but it does this in a way which is functionally that of essence, in that it is an atemporal and ahistorical sufficient ground of the necessary conditions of self-identity. Of course, Kant is not an essentialist strictly speaking, phenomenal knowledge does not extend to things themselves or to any real essence, and the concepts and schemata which are applied to objects can be further elaborated, that is they can change. However, this change is always retrospective elaboration, not real temporal change. As such, it does not mitigate the character of the synthesis of objects, which is still fundamentally *hylomorphic*, in which *form* retains the character of *essence*.

The subject's self-affection, which opens up the field of possible experience, acts as ground, but avoids the model of essence through avoiding anything but a purely formal self-identity (that of the transcendental subject in the analytic unity of apperception) that is established by this very grounding itself (as Kant argues in the B Deduction, the original synthetic unity of apperception is the ground of the analytic unity[90]). In the end, Kant avoids falling back upon an essence of man that would ground the subject's activity, but rather grounds all of the subject's activity (which is to say rule-governed activity) upon an originary self-affection or self-relation, through which the subject gives itself its own limits of necessity. Yet, these limits are immutable. Not only is there no subject-as-substance to act upon, but this fundamental self-affection grounds itself in a way that is commensurate with essence in that all of its possibilities for action are determined in advance. Effectively, Kant is still stuck within the hylomorphic model, whereby form (determinate possibilities) must be imposed upon matter (infinite potentiality). The idea of a self-altering or self-regulating form is contradictory, because to alter its possibilities, the formed thing would have to, in virtue of its given form, already possess the possibility of changing its form and thus its possibilities for action, which is to say that it would have to already contain the possibility of those new possibilities. This is because *essence involves the atemporal grounding of the **totality** of a things possibilities*. At best, the opening up of a new possibility can only be seen as the realization of a possibility already possessed, and as such the discovery that what was previously considered part of the essence of the substance is in fact accidental. This is analogous to the retrospective elaboration of the concept in Kant I outlined earlier. Basically, in this model, the only genuine gain of new possibility is the imposition of new form from the outside.

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90 *CPR*, pg 154

Thus, the Kantian subject is not a substance, but a form. However, it is a universal form, and it is so not just in the sense that the concept of a dog is a universal form. It is *the* universal form par excellence, in that it is the very formal condition of the application of any other form to experience, and as such of experience *per se*. All objects within experience find their ground in their self-identity under a concept (a derivative of the object=x), but the unity of apperception upon which this self-identity rests is not grounded in a prior identity, but constitutes its own formal self-identity (the transcendental subject or subject=x as correlate of the object=x) in the very act of grounding. On this basis we can reformulate the distinction between the empirical and transcendental as it appears in Kant: that all (empirical) descriptive rules, such as causal laws, or theories describing the regularities of behaviour of particular systems, are derivatives of a unified set of (transcendental) prescriptive rules, grounded in a continually renewed, fundamental act of prescription. The unity of apperception is fundamentally the unity of rule imposed by this act of prescription, determining the necessary limits of all further activity by prescribing the rules for the (technical) production of rules. As such, there is creative activity under the unity of consciousness, but it is always creative elaboration within strict limits.

This means that someone like Noam Chomsky is very similar to Kant, in that he posits not only a fundamental set of prescriptive rules governing the generation of grammatical rules, but also, as exhibited in his debate with Foucault, as similar set of rules governing the formation of scientific theories:-

"if it were not the case that these scientists, including the geniuses, were beginning with a very narrow limitation on the class of possible scientific theories, if they didn't have built into their minds somehow an obviously unconscious specification of what is a possible scientific theory, then this inductive leap would certainly be quite impossible: just as if each child did not have built into his mind the concept of human language in a very restricted way, then the inductive leap from data to knowledge of a language would be impossible."[91]

The difference is that he does not employ the form of subjectivity, but rather locates the prescriptive rules within a real essence of man that is open to empirical study. In doing this Chomsky falls into the trap of empiricizing the transcendental that Foucault locates in his commentary on Kant's *Anthropology*. Others draw a distinction between prescriptive and descriptive rules in virtue of a consciousness of said rules, but understand this in terms of an empirical consciousness (or unconscious mind) that would not have as its condition of possibility a prescriptive unity of rule, rather preferring to base the distinction itself within a set of descriptive rules governing man as an

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91 http://www.chomsky.info/debates/1971xxxx.htm

empirical phenomena, not necessarily entailing any claim to an essence. From Foucault's perspective this seems to involve either a positing of a different originary transcendence of consciousness that is not grounded in a unity of rule (e.g. Sartre's *consciousness*), or the reduction of the prescriptive to the descriptive, which is equivalent "to acting as if the subject did not exist, making an abstraction of it on behalf of a pure objectivity"[92], which would simply disguise a transcendent subject of this empirical knowledge (the subject-form of the *connaissance*).

Foucault can be distinguished from both of these approaches, and from Kant, in that although he denies Kant's universal form of subjectivity, whereby the subject gives its limits to itself, he neither locates a ground of prescriptive rules within an essence of man, nor links the prescription to a conscious awareness of rule-governed activity. Foucault allows that there can be rules governing a set of practices, such as the rules of exclusion found in games of truth (or his previous formulations of the historical *a priori*[93]) that really do regulate the behaviour of those involved within the practices, without requiring either some general awareness on the groups part, or a central force (e.g. a juridical subject) prescribing the systematic behaviour of the group[94]. It is precisely this position that draws criticism from both Han[95], and Dreyfus and Rabinow[96], who interpret it as a confusion of the prescriptive and the descriptive, rather than as an original, even necessary, insight on Foucault's part. As Dreyfus and Rabinow point out: "[Foucault] must locate the productive power revealed by discursive practices in the regularity of these same practices. The result is the strange notion of regularities which regulate themselves."[97] This is a statement which gives us more than its authors intend. I would contend that, rather than being a criticism of Foucault, it gives us an essential insight into the role of rules and regularity within his work. Foucault does not *fail* to find a "productive power" of discursive practices outside of the regularity of those practices, rather, his exclusion of such external legislation is at one with his methodological exclusion of an originary founding subject, in that it is precisely the exclusion of an originary act of prescription. Of course, we have not yet uncovered how such "regularities which regulate themselves" are possible, but merely stripped the problematic features of the transcendental, such as to make the idea of historical conditions (specifically rules) that would be objects of an *archaeological* analysis consistent. However, by returning to the Kantian philosophy with the insights we have just uncovered, and the problem of self-regulation, we can uncover an appropriate model.

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92 *Ethics*, pg 462
93 Foucault identifies games of truth with the historical *a priori* in the pseudonymous dictionary article on himself
   (*Aesthetics*, pg 460).
94 *Power/Knowledge*, pg 140
95 Han, pg 65-66
96 Dreyfus and Rabinow, pg 84
97 Ibid.

The Evolution of the Social Field

Although the specificities of the under-determination of the understanding and the proper solution to them (the creative elaboration of the technical exercise of judgment) were not fully understood until the third critique, Kant did hint in the introduction to the *Analytic of Principles* that understanding necessarily required the supplementation of judgment, that this supplementation could not be compensated for by the acquisition of additional rules, and as such that "judgment is a peculiar talent which can be practiced only, and cannot be taught."[98] But, the particular areas within which this general under-determination would become problematic, and thus require systematic solution, were not fully elaborated until the concern with the *technical* in the third critique. We have already uncovered a number of these, namely: the under-determination with regard to rules for practical action, the under-determination with regard to the various possibilities of synthesis contained under the universal concepts and their schema, and importantly the under-determination of the *affinity of nature* established by the transcendental schematism in relation to the synthesis of nature into a *logical system* in cognition. It is primarily in response to this latter that Kant initially introduces the principle of the formal purposiveness of nature[99], such that the faculty of cognition can proceed in its activity of creating concepts, and fitting these into a hierarchy of species and genera (as in the example of the ladybird above). However, there is one further, very important type of under-determination, and it is important because, as Alberto Toscano has noted[100], it is that which heralds in the ultimate collapse of Kant's critical project. This is the problem of *organised beings* (or the *organic*) as it appear in the *Critique of Teleological Judgment*. This is useful for our inquiry into the relationship between Foucault and Kant in two ways: firstly, it is here that Kant deals with the constitution of certain entities as if they were systematically produced in accordance with an objective end, as in practical reason, which is to say he provides an account of the constitution of certain entities in analogy to the causality of *freedom* and its *power*; secondly, this means that the object with which this part of criticism deals, and which ultimately breaks it, is the self-organising as such, or the *self-regulating*. Although it is counter-intuitive, we will proceed by describing the way in which Kant views organic beings as self-organising, and the way he explains their cognition through the reflective judgment of teleology, before we explain how it is that the understanding under-determines the organic and as such why Kant describes it as he does; this will, however, make for a clearer explication of the problem and its relevance for our analysis of Foucault's project.

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98 *CPR*, pg 177
99 *CPJ*, pg 13-14
100 (Toscano, pg 2) He also notes that this is the focal point around which the shift in thought in the *Opus Posthumum* occurs.

For Kant, as has been mentioned, the organic possesses a purposiveness, or rather, must be thought as if it possessed an objective purposiveness as a "a kind of causality in nature, in accordance with an analogy with our own causality in the technical use of reason"[101]. However, this does not mean we must think them in terms of this causality alone, because, as in the Third Antinomy, although the representation of its noumenal (or supersensible) causality is necessary and sufficient unto itself, it can only act upon the field of experience, and as such must do so in a way conforming to mechanistic causal laws. As Ginsborg points out, this seems to create a tension between thinking the organic being as a product of nature and thinking it as a product of art, or an artifact whose ground of reality would be the representation of it as an end in the mind of a designer[102]. This apparent contradiction is mitigated when we realise what this "analogy with the technical use of reason" amounts to is the deployment of the principles of reason in a regulative rather than a constitutive fashion, meaning that we can "regard something as a purpose without regarding it as an artifact [by regarding] it *as governed by normative rules* without regarding those rules as concepts in the mind of a designer."[103] This is to say that the function of teleological judgment with regard to the organic is to enable the assessment of the correct functioning of organised beings and their parts, in accordance with *normative* rules that prescribe the limits of such correct functioning (e.g., that a heart *should* pump blood around the body). It is just this normative dimension which Kant thinks is necessary to supplement scientific inquiry into the organic and the particular experiential regularities in the biological domain[104]. This supplementation is thus the deployment of technical judgment so as to make up for the deficiency of the understanding in supplying rules for cognition of these biological regularities; we will defer discussion of this under-determination for now.

So, we must think of organisms in terms of two complementary forms of causality: firstly, we must judge them as *mechanistically causal* in terms of the way their parts reciprocally determine each other, in terms of both their form and combination, so as to constitute, or determine a whole[105]; secondly, we must judge them as finally causal in terms of the way both the form (determinate possibilities) and existence (reality) of these parts is grounded in cognition by the concept of the whole as end[106]. The concept of the whole as end enables judgment in its technical exercise to be guided by the principles of reason (this does not make it schematic) in cognizing the systematic nature in which the parts actually determine one another as though it were a systematic technical activity guided by an end. It might still seem as if there is no particular difference between the self-

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101 *CPJ*, pg 254-255
102 Ginsborg, pg 231-232
103 Ibid., pg 251
104 *CPJ*, pg 254-255
105 This can be thought in accordance with the category of community in terms of its schema, reciprocity (*CPR*, pg 185). However, this is not a *sufficient* ground for cognizing their reciprocal causality.
106 *CPJ*, pg 244-245

organising being and a designed or externally organised artifact. However, the difference is in terms of the specific way that the mechanistic causality functions. The reciprocal causality of the parts does not merely involve a unified functioning so as to constitute a mechanical whole, as in the example Kant gives of a clockwork watch[107], but involves the *reciprocal production* of the parts, as seen for example in an organisms ability to heal itself and replace its constituent matter. Importantly, it is not only upon itself that it can exercise this action, in that the organic has the ability to reproduce itself, producing the whole of a new being in accordance with its own concept. This systematic activity of imposing *form* upon *matter*, be this in maintaining itself under the form of its concept, or in producing a new being under this same concept, is what makes it a properly self-organising system. This is what Kant identifies with "a self-propagating formative power, which cannot be explained through the capacity for movement alone"[108].

To continue, all teleological judgments must come under general principles of reason, specifically including the "fundamental principle of the general doctrine of nature that **nothing** happens **by chance**"[109], which Kant identifies as absolutely essential for the work of anatomy, in a way that because of its enabling of the cognition of individual organisms as logical systems (albeit reflectively rather than determinatively) is analogous to the way in which the *a priori* principle of nature is essential for the cognition of nature in general as a logical system. As such, for judgment, the self-organising being is a microcosm of nature. With regard to the principle of particular teleological judgments, each is guided by a concept of reflection (a principle or "concept of reason"[110]), provided *a priori*, which represents the self-organising entity as a system of means and subordinate ends in relation to the concept of understanding as its final end. The final end is the whole as represented by a general concept of the understanding (e.g., 'beetle'), as static and *essence-like*, and thus the concept of reflection represents the internal systematicity of the parts in relation to the whole, such that they aim to produce, and maintain, the whole in accordance with this concept of the understanding. As we explained above, a determinative judgment may be more or less technical, its most technical exercise being precisely the case in which it reflectively elaborates the very rule which it then schematically presents in intuition. Given that the exercise of teleological judgment is in no way schematic, but is technical, although under the guidance of reason rather than legislating for itself, its exercise is rather divided in accordance with the distinction between *internal* and *external* purposiveness, the former accounting for the *perfection* of the object in relation to an end internal to it (i.e, how close it is to how it *ought* to be), and the latter accounting for the *usefulness* of the object in relation to an end external to it (i.e., how well it *functions* in

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107 Ibid., pg 246
108 Ibid.
109 Ibid., pg 248
110 Ibid., pg 257

relation to what it must achieve)[111]. Now, given that the parts of self-organised beings are always simultaneously means and ends[112], teleological judgments involving them necessarily involves the deployment of both in a creative interplay guided by the systematizing principles of reason. Of course, this always culminates in a teleological judgment of perfection, much as the determinative judgment culminates in presentation, but in the process of this interplay the concept of reflection is further elaborated, much as the same process within determinative judgment elaborates the schema. To give an example, an entomologist may dissect a specimen of a new species of beetle in order to further understand its particular functioning and capacities: in studying the systematic functioning of the organism he will apply to it a concept of reflection which takes as its end the general concept of the species and as such the particular possibilities (e.g., excreting poison) of the beetle in experience. The reflective exercise of judgment will then organise his inquiry by moving back and forth between a reflective elaboration of the technical means each part in the system lends towards the form of the whole (and thus the capacity to produce and excrete poison) as an end; thus considering each part as a subordinate end within the system, and as such elaborating its own internal systematicity. In this way the organic can be studied in terms of its self-organising activity.

To return to the question of the under-determination of the understanding, the important question to ask is: why is this normative dimension required in the study of biological regularities in nature? This comes back to Kant's definition of purposiveness as a lawfulness of the contingent as such. The normative dimension is introduced to provide a ground (in a principle of reason) for cognizing this lawfulness, a ground which cannot be found within the understanding. So, biological regularities have a certain contingency relative to the rules provided by the understanding, but yet they can still appear as regularities in experience. Kant describes this paradoxical status in the example of the bird, where he explains that "nature, considered as mere mechanism, could have formed itself in a thousand different ways without hitting precisely upon the unity in accordance with such a rule, and that it is therefore only outside the concept of nature, not within it, that one could have even the least ground *a priori* for hoping to find such a principle."[113] This contingency must be understood in a very specific way, in that it is not simply the contingency of anything that is incredibly unlikely, as many such things can be sufficiently cognized in accordance with natural (mechanistic) laws. The contingency is specifically with regard to the internal, and thus systematic structure that organic beings exhibit. For instance, one does not find organs that are not organised within a self-organising being, unless these have been purposively extracted, i.e., the concept of the whole functions as the condition of the reality of the parts. The mechanistic coming together of several causes that in conjunction produce a highly unlikely effect, or a highly unlikely aggregate, is

111 Ibid., pg 49
112 *CPJ*, pg 248
113 Ibid., pg 234

still sufficiently cognizable by the understanding despite its extreme contingency, whereas the conglomeration of parts that are not produced outside of these aggregates, and are in fact produced by these very contingencies themselves, that is to say a self-sustaining contingency, is a lawfulness of the contingent as such.

There are two ways in which a regularity can be grounded by a rule of the understanding: firstly, atemporally or logically by an empirical law derived from the category of ground and consequence; secondly, temporally, within intuition in accordance with the transcendental schema of the category of ground and consequence, namely the schema of cause and effect. In both cases, the rules of the understanding function as insufficient grounds for the cognition of biological regularities. In terms of the latter, this is because self-organising entities fall outside of the chains of mechanistic causation that make up the field of experience; they are self-causing[114], and the formative power which is contained in them can merely be traced to another self-causing being that produced them, thus perpetually deferring its origin in a way which fails to connect with any mechanistic causal chain. In terms of the former, it is also the case that biological regularities regress in grounding as well as causing, in that they are grounded by further biological regularities (e.g., the respiratory cycle is grounded by the other more basic processes that constitute it conjointly), much in the way that empirical laws are grounded by more general laws. However, it is also the case that no matter how far one follows the train of biological regularities down, one cannot find any sufficient ground in the laws of the understanding. There can be no connection between the two, because biological regularities always ground or cause others in virtue of their correct functioning (or *telos*). A heart that does not beat is still a heart, merely a malfunctioning one, whereas coal that is not combustible is either not coal or refutes the law that all coal is combustible. Biological regularities are thus partial regularities, which is to say not universal ones, and as such are not derivable from physical regularities as their grounds of cognition, unless these are in turn combined with other biological regularities that would add a purposiveness to the cognition.

The counter-argument to biological regularities as partial regularities is to claim that they are in fact proper mechanistic regularities, but ones with amazingly complex sets of conditionals governing their realization, in virtue of an incredibly complex fine structure. The problem, as Ginsborg points out, is that: "this proposal relies on the very strong assumption that organic entities such as acorns and hearts do in fact share common internal structures, so that the concept of an acorn is coextensive with the concept of a certain configuration of matter. For it shows the lawlikeness of the behavior of any given acorn, not *qua* acorn, but *qua* particular configuration of matter. And if, as seems possible, biological classifications do not line up with classifications on the basis of physico-chemical structure, then the kinds of regularities that come out as lawlike on this

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114 Ibid., pg 243

proposal will cut across the regularities that are of interest to biology."[115] As such, the multiple realisability (within different fine structures) of the regularities subsumed under the concept undermine this response. More problematically, this proposal fails to explain why, in the study of acorns, one would focus upon the possibility of the acorn turning into an oak, given that in this case it is far likelier to be trodden on, eaten, or simply fail to find the right conditions[116]. The number of acorns that actually turn into oaks are small compared to those that do, and this kind of situation is replicated across the field of biological regularities.

This concern with likelihood enables us to better identify the problematic object of the *Critique of Teleological Judgment*. Essentially, Kant is attempting to grapple with statistical causality, and the problematic object is the self-sustaining or *self-regulating* statistical regularity. Kant has no resources to deal with this, given that, as discussed earlier, his conception of the grounds or conditions of possibility depends upon *universal and necessary limits*, of which neither characteristic is possessed by statistical regularities; the mode of grounding or conditioning being an *atemporal* imposition of *form* by some act of freedom. As such, he deploys the notion of purposiveness to compensate for partial or statistical regularity, and the systematicity of reason, in an analogy with the causality of freedom, to understand their self-regulation or self-forming activity. Foucault inverts this schema: his understanding of the regularities that constitute practical systems is precisely one of partial or statistical regularity, and their mode of conditioning is not atemporal, but a thoroughly *temporal* or *historical* conditioning. It is on this basis that he can explain the centralised objective purposiveness (or accumulation of power) that practical systems develop, taking precisely the opposite direction of explanation to Kant. Foucault is thus in line with Darwin and the evolutionary paradigm, in agreeing with the elimination of natural teleology from thought of organisms, by showing how self-regulating statistical regularities emerge in nature[117]. However, he extends this further to give an account of how objective purposiveness, as the same kind of self-regulating regularity in the domain of human action, can emerge within the field of human history (including the present), without having to assume centralised prescriptive control in all cases. This is to say he pursues a *non-teleological* history[118] and a decentralised analysis of power[119], or a *genealogy*. In accordance with this, one should understand the way in which these

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115 Ginsborg, pg 247
116 Ibid.
117 This claim might be somewhat contentious, given that Foucault does not ally himself explicitly with evolutionary thought, and his most in depth analysis of it, in the chapter on classification in *The Order of Things*, is, as ever, methodologically agnostic as to its truth (*The Order of Things*, pg 145-165) However, such agnosticism should not be held against this interpretation.
118 It is interesting to note that it is in this that Foucault's anti-Hegelianism is fully manifest (*Power*, pg 246-249). The historical method that accompanies this conception of conditioning is both anti-universalist, in that it tries to avoid the major instruments of reduction of the historical field (such as the Marxist bludgeon of economics), while making space for *singular* historical configurations that emerge out of the excess potentiality left over by the major forces of conditioning. Foucault calls this historical method "eventalization" (Ibid., pg 226-229).
119 *Power/Knowledge*, pg 99

statistical regularities function as conditions of possibility, is not in terms of universal and necessary limits of possibility, but rather as constraints upon development as in evolutionary processes. These constraints need not be understood as negative limitations but also as positive enablers of particular adaptation, as is the case when a species adapts to a new niche in its environment[120]. Importantly, this also explains the sense in which there is a reciprocal constitution of practical systems, and the subjects bound up in them, within the social field, because just as in an ecosystem, each new way in which they develop changes the environment and thus the very conditions under which continuing development takes place[121]. All of this includes the function of conditions of possibility as stabilising features, which maintain the various processes of subjectivation and objectivation constituting subjects, and the power relations between them, within certain stable limits. This is exactly what takes place in the self-regulation of regularities.

This does by no means remove purposiveness or free action from the constitution of practical systems at all, but reconfigures freedom in relation to these partial regularities as the excess of potentiality[122] that, as partial, they cannot incorporate. For Kant, freedom is represented through a noumenal self, that in virtue of its negative characterisation relative to the regularity of phenomena is on its own a sufficient ground for the cognition of its causal power in opposition to the mechanistic causality of phenomena. Foucault, in opposition, holds freedom not to be cognizable through a sufficient ground, but rather thinks of it terms of degrees of freedom[123], which could be interpreted as that potential for escaping the conditioning of a statistical regularity, which as such can be greater or lesser in relation to the condition's particular degree of regularity. It must be noted that this degree of regularity is not a predetermined probabilistic figure which would ground the condition's *force*, but rather as power it *is* this force. Freedom is thus the potential of resisting power. It thus plays an analogous role to the degree of potential for variation within an evolutionary system, which is itself dependent upon the selection mechanisms internal to the species (their self-regulation), for instance mating preferences that exclude the propagation of certain variations. Any conditioning which would produce a necessary regularity, where "the determining factors are exhaustive"[124], for instance the necessary result of death when one is subject to beheading, is not a an exercise of power in Foucault's sense, because "without the possibility of recalcitrance power would be equivalent to a physical determination"[125]. This is to say, one is free insofar as one's potential is not exhausted by the conditions of power-knowledge which constitute

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120 Stuart and Cohen, pg 308-340
121 An extreme example of this would be species that become so efficient at consuming their food supply that they exhaust it, thus destroying their own stabilised niche.
122 Foucault claims that "Every power relationship implies, at least in potentia, a strategy of struggle" (*Power*, pg 346).
123 This is revealed in the way he talks about there being margins of freedom (*Ethics*, pg 292)*,* as opposed to Kant and Sartre's absolutist freedom.
124 *Power*, pg 342
125 Ibid.

oneself as subject. We can thus see the sense in which Foucault's conception of power, as a 'play of forces', resembles Nietzsche's *will to power*. However, in not extending to physical determination, or even to statistical determination outside of the social field (it is analogous to biology, not an account of it), it lacks the will to power's metaphysical quality. Moreover its determinative force (or formative power) is situated on an axis of determinative regularity, wherein the more regular the determination and less excess potential (freedom), the more *technological* the relation is, and the less regular the determination and greater excess potential involved, the more strategic the relation. Domination is thus that technological exercise of power in which "power relations are fixed in such a way that they are perpetually asymmetrical and allow an extremely limited margin of freedom"[126].

We have already analysed the constitution of self-organising entities in Kant. Now we must do the same for the practical systems that make up the homogeneous domain of Foucault's project, and enable an analysis of all three axes of criticism in terms of their mutual manifestation in practices, that is, enable *genealogical analysis*. To begin with Foucault himself:-

"Power must be analysed as something which circulates, or rather as something which only functions in the form of a chain. It is never localised here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always also the elements of its articulation. In other words, individuals are the vehicles of power, not its points of application."[127]

There are several points in which we can relate Foucault to Kant here. In Kant, *power* would be the productive power of the the faculty of desire, as the faculty for the production of objects in accordance with their positing representation as ends. This would identify power with the resources or means for achieving ends in exactly the way Foucault here denies (this is what he elsewhere calls "capacity"[128]). The way in which Foucault describes power operating is far closer to that of the *formative power* possessed by self-organising beings, in that it propagates itself along a chain (albeit linear), as well as fitting better with Foucault's description of power as that "relationship in which one person tries to control the conduct of the other", such as to form, or condition the "field of possibilities in which the behaviour of active subjects is able to inscribe itself"[129]. Importantly, it is also a causality thought in accordance with freedom under the form of a *practical system*.

126 *Ethics*, pg 292
127 *Power/Knowledge*, pg 98
128 *Power*, pg 337
129 Ibid., 341

Foucault claims that individuals are the vehicles of power, and as such, rather than being static objects upon which power is exercised, they are subjects whose field of possible action can be conditioned by the exercise of another's power, as well as exercising power over others fields of possible action. Thus subjects are the minimal unit of the social field, which is thus constituted by the multifarious power relations between these subjects, through which power flows, in a reciprocal conditioning of the fields of possible action. Of course, when we say reciprocal, we in no way imply any symmetry or homogeneity of relations (even through this is the homogeneous domain of practical systems), but rather it is these very asymmetries and heterogeneities that cause power to circulate and as such to constitute more complex structures, i.e., practical systems.

In Kant's analysis of the organic, the self-regulating and propagating practical systems, despite possessing a formative power, are still bound by the legislation of an *essence-like* concept of the understanding which establishes the necessary limits of its forming activity. In analogy with a single reason representing to itself a concept as end, the creative self-regulation cannot work upon its own limits, but merely within them. Nor is there any variation in the propagation of the species, all such forming activity taking place under the same concept. Having abandoned all appeal to universal and necessary limits, Foucault is in a position to posit self-regulating practical systems that genuinely emerge and develop within the power relations holding together the social field, in a way that need not begin with the representation of an end by a single subject, or even with the supposition of some centralised subject-function that would legislate in the system (e.g., 'the crown'). He criticises any appeal to such judicial or sovereign models as deploying a purely negative conception of power, in which power is that which prohibits or limits, while those subjected to power must be conscious of and in some sense consent to this prohibition[130]. Rather, although such centralised systems of power do emerge, Foucault posits this emergence as fundamentally decentralised[131], and thus allows the understanding of most systematic articulations of power as not organised around a single will or purpose that would be represented by some subject, be it real or imaginary. He is able to do this on the basis of his conception of the power relation, the conditioning involved in which is not one of simple limitation but can also be productive of new possibilities of action ("it incites, it induces, it seduces, it makes easier or more difficult"[132]). But more than this, although the power relation fundamentally requires that the parties in the relationship be free, it does not define this freedom in terms of either a consciousness or an acquiescence, nor does it specify the determination of an end in accordance with its representation by a subject of power. This means that not only is there a mereology of subjects as parts in

130 Ibid., pg 140
131 Foucault makes this point by claiming that one should study institutions in terms of power relations, rather than the converse (*Power, pg 343*).
132 Ibid., pg 341

constituting larger practical systems (be they institutions, knowledges, or informal networks), but there is a topology of power relations (a form of network topology), in that the distributed activity of groups can converge in particular actions upon other individual's or group's fields of possible action (e.g., non-organised peer pressure). Nor is there any limitation of power relations to those relations between individuals or between individuals and groups (or between groups and groups for that matter, e.g., in class struggle), but there can be all kinds of convergent flows, such as those constituting self-regulating practical systems wherein a network of distributed relations is established, with its own structural features (such as particular roles that hold special leverage), and perpetuated practices (in the case of long-term systems, passed between generations), which inevitably involve the creation of associated knowledges and the conditions associated with them (subject-form and object-domain). Given all this, we can see how different practical systems and power structures form and *evolve* within the social field, whilst reciprocally determining the very conditions of possibility which constrain their evolution. We can also see how many of those systems which are thought as objectively purposive in virtue of some centralised prescriptive agency in their generation and maintenance, have no such prescription but have been either generated or are maintained through distributed power relations and knowledges[133]. Importantly, we can see how, although the ontology necessary for properly explicating power in relation to the other constraints upon the development of practical systems (those about which he is agnostic) is never developed by Foucault, this does not make power a metaphysical or ontological posit introduced by stealth[134]. Power and its configurations, despite touching every part of the social field, are still acceptable objects of a properly genealogical analysis, in that they need not cover any other domain than that of human action, and its action upon action[135].

The Aesthetics of Existence

In *The Use of Pleasure*, as well as providing a thorough analysis of Greco-Roman techniques of the self, Foucault also proposes a unique analysis of the nature of morality in general (as a historical rather than a transcendental phenomenon). For Foucault, all moralities involve two elements which may be more or less prevalent[136]. The first, and the specifically *moral* element, is the code of conduct, seen as the rules in accordance with which one should behave. The second, and specifically *ethical* element, are the modes of subjectivation through which one constitutes oneself

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133 This is the difference between an analysis which would make some particular group completely responsible (i.e., fully intentional) for a given state of affairs (such as Illuminatus style conspiracy theories) and one that analyses the conglomeration of partial intentionalities and vested interests that produce said state of affairs without any groups explicit organisation.
134 Ibid., pg 337
135 Ibid., pg 340
136 *The Use of Pleasure*, pg 28-30

as a subject of these moral laws. The historical analysis Foucault provides claims that in the Greco-Roman period the ethical dimension of the mode of subjectivation was prevalent, meaning that the focus was placed upon the way one constituted oneself as moral, and that there was a corresponding lack of moral codification. He then shows how this situation is progressively reversed, leading to the current situation wherein the emphasis is placed upon the action and its morality in accordance with a progressively specified domain of moral law. The former subject-centred morality is what Foucault identifies as an *aesthetics of existence*[137], in that it involves the constitution of oneself as a work of art. Of course, Kant's own metaphysics of morals would fall perfectly under the latter type, but we are not specifically concerned with Kant's moral system here. We are more interested in the sense in which Kant's aesthetics would enable us to further understand this self-relation as an aesthetics of existence, and so to further grasp the specific *ēthos* that governs Foucault's own work. We must also recognise that the purpose of Foucault's analysis of this concern with techniques of the self in the Greco-Roman period is not to call for a return to the moral forms of antiquity. Foucault holds no nostalgia for antiquity, as though it were an age which possessed some fundamental truth which we have since forgotten. Rather, his analysis attempts to uncover a possibility which is still relevant for us today, though not in the way it was for the Greeks or Romans. As such, Foucault is not calling for a return to the determinate forms of self-relation practiced in antiquity (their specific technologies of the self); this uncovered possibility that his own aesthetic *ēthos* activates is different. An examination of Kant's analysis of the aesthetic judgment of the beautiful will help us to understand the significance of this uncovered possibility.

The aesthetic judgment of taste, as was discussed above, is the limit-form of judgment posed in the third critique, in that it is a purely technical use of judgment that involves no schematic guidance by the understanding. This depends upon the insight that there is synthesis of the manifold prior to any application of concepts to it, and prior to the deployment of any of the static schemata of these concepts, except the transcendental schemata which merely provide the necessary limits of any such synthesis. As becomes clearer in the third critique, this synthesis prior to the schematism of the understanding must still be organised, but it is organised by technical judgment, which creatively improvises rules for the synthesis of intuitions without determining them under universals. However, it does not necessarily do this in isolation - creating rules for synthesis *ex nihilo* - but also borrows rules or forms from the schemata of the understanding, without applying them schematically as universals. It thus moves back and forth between the understanding and the imagination. Again as we explained earlier, all determinate judgment of experience (that is all that is not *a priori*) involves an amount of this technical elaboration before the improvised rules stabilise, are abstracted by the understanding into universal rules for synthesis, and then *presented* in intuition

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137 Ibid., pg 12

by the schematic exercise of judgment in the form of a determinate judgment of an object[138]. So, prior to the determination of an object in intuition, part of the field of intuition comes under a synthesizing activity that is organised but not under any necessary limits, except those of all synthesis in general. This synthesizing activity has unity, in that it continuously modifies the rules by which it synthesizes in response to data received in intuition, but does not yet have logical identity under the form of a concept (which would provide it particular necessary limits). It is as such a self-regulating synthesis, or what Deleuze identifies as a "rhythm"[139]. The judgment of the beautiful is the limit-form of judgment precisely because it is the case in which this self-regulating synthesis of the manifold never reaches stability under a particular set of rules, through which it could be *comprehended*. Rather, it is that case in which "the form of a given object in empirical intuition is so constituted that the **apprehension** of its manifold in the imagination agrees with the **presentation** of a concept of the understanding (though which concept [is] undetermined)"[140]. What this means is that the image synthesized in apprehension has a unity in accordance with the limits supplied by the categories (and their schemata), and as such in accordance with the unity of rule, but that no specific universal can be located between those most general rules and it as a particular, because the "free play"[141] between the imagination and the understanding keeps reconfiguring the rules of its synthesis. This means it agrees with the form of the presentation of concepts in general, or the transcendental object as correlate of the transcendental subject as the representation of the unity of rule. It is thus *formally purposive* in that it agrees with the form of our activity of cognition in general, without having any determinate objective purpose in accordance with a concept of the understanding. The actual judgment of beauty itself is made when judgment represents to itself the state of indefinite free play that the imagination and understanding have entered into. Because it does not actually present an object in this judgment, it does not count as a cognitive judgment[142], indeed this is why the faculty of pleasure and pain has no domain, but it does result in a feeling of pleasure, albeit a disinterested pleasure in that it does not result from the satisfaction of any objective interest. The pleasure produced in the judgment comes about through the satisfaction of a higher interest, namely the interest of the faculty of cognition in general represented by the *a priori* principle of judgment: that nature should be produced in such a way that it is purposive for the form of our cognition[143].

Thus, we have located another form of self-regulation in Kant, and one that, although it is

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138 It is interesting to note that this act of presentation does not *just* present the rules which have been abstracted from the synthesis of the given particular considered, it also presents additional schemata that cover intuitive possibilities not yet actually intuited, but thought in accordance with the concepts of the understanding under which the particular has been situated by cognition.
139 *Synthesis and Time,* Lecture 3 (28/03/1978), pg 10-11
140 *CPJ*, pg 23
141 Ibid., pg 102
142 Ibid., pg 23
143 Ibid., pg 71

still brought under the universal form of the subject, is not subject to the essence-like conditioning of concepts. Moreover it has been located as the limit-form of the technical-schematic axis of judgment. The strategic-technological axis of power to which this loosely corresponds provides us with a way of connecting it with Foucault's enterprise. The "free play" of the understanding and imagination that is the basis for this judgment is *free* in the sense that it is not legislated for by any other faculty, not even judgment, which, even though it is *heautonomous* in legislating for itself in its activity of moving between these two faculties, merely legislates a regulative principle which makes possible technical judgment and as such free play; it does not apply any universal principles with which they must accord[144]. With regard to Foucault, a power relation is more or less strategic in virtue of the degree of freedom of its object, and this does not necessarily mean that a power relation which employs more complex technologies is more technological, in the sense of being less strategic (e.g., compare the complex technologies for managing economies compared to the much simpler technological practices acquired in managing a franchise). If, as I believe we should, we read Foucault's conception of a practical system as being a power-knowledge structure that involves both methods of determination of objects (technologies) and ways of reasoning about both the possibilities of these objects and what acts to take upon them (the reasoning from means to ends bound up with these technologies), then we should read his concept of freedom as being something like unpredictability and unworkability relative to these systems. Unlike Kant or Sartre, for Foucault, one is not simply 'free' but always 'free from'. This is not to say that freedom is an illusion, far from it, it is something incredibly concrete and something that itself can be worked upon: one can become less able to be determined by the technologies deployed by particular systems of power, and less predictable as an object within reasoning about possible action. However, it seems as though the idea of a completely unpredictable and unworkable object makes no sense, this would be an object which had no content within reasoning whatsoever. Such an object does not seem possible, but rather simply to be a purely logical possibility or form of cognition, as indeed the transcendental object is in Kant[145]. A real object with no content would be closer to Kant's thing-in-itself, or noumena, which even for Kant cannot play a part within theoretical reasoning, and is only involved in practical reasoning in so far as it excludes thought of the self as empirically determined, i.e., insofar as it enables the thought of *pure freedom*. Given that Foucault rejects this pure freedom and any appeal to a thing-in-itself, how can we situate this aesthetic free

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144 This harmonious exercise of the faculties is the major object of Deleuze's interpretation of the third critique (*Kant's Critical Philosophy*, pg).

145 Contrary to this, some people maintain that the usage of transcendental object is equivalent to noumena, or thing-in-itself, which is to say that which in Kant is completely undeterminable by theoretical cognition. This is contrary to the text, which explicity denies this identity: "The object to which I relate appearance in general is the transcendental object, that is, the completely indeterminate thought of *something* in general. This cannot be entitled the *noumenon*; for I know nothing of what it is in itself, and have no concept of it save as merely the object of a sensible intuition in general, and so as being one and the same for all appearances." (*CPR*, pg 271)

play in relation to his work? To perform this situation, and thus show its value, we must delve deeper into Foucault's conception of subjectivity.

As we have shown within the previous two sections, the kind of conditioning, or determination, involved in Foucault's account of the social field is quite unlike Kant's conception of grounding as necessary limitation of possibilities. This means that power, as the conditioning of the domain of possible actions of an individual or group, although it can function negatively to limit these actions (as in the legal model), may also function to create new possibilities for action. Crucially, between these two extremes there is the function of power in stabilising or maintaining possibilities for action, and given that power is only exercised through action itself, this can also be its self-stabilisation or self-regulation. A practical system is thus a self-stabilising network of power relations, the nodes of which are themselves formed *as* nodes (as subjects to and of power-knowledge) by the system, in a manner analogous to the reciprocal production of parts in Kant's conception of organised beings. As has been discussed, this differs from Kant in that the self-regulation is not understood, even analogously, in terms of an atemporal unity (e.g., a pre-given subject) which would legislate in this regulation, but as a decentralised circulation of power, which maintains itself across time[146]. However, there is an extra dimension to this circulation, in that power does not flow through the nodes which constitute the network without resistance (of which freedom is the potential). This resistance should not be thought as a binary opposition (power flows or it does not), but is more like friction, and although it is possible for this friction to be negligible on the whole, it is also possible for it to generate turbulence in this flow, thought as a disruption or diffusion of the flow of power. Practical systems propagate themselves and intensify their self-regulation, thus reaching a meta-stability relative to their previous stability, as in the example of the 'technological threshold' of *Discipline and Punish*, by imposing forms of self-relation upon its parts. The imposition of forms of subjectivity is a way of forming subjects as better *conduits* of power, with less friction (or a smaller margin of freedom). It is important to remember that there is not a single axis along which subjects can be understood as more or less resistant, and as such no linear comparison between forms of subjectivity that make one more or less compliant[147]; different subject-forms constitute the subject as a conduit for different kinds of power. It is also important to remember that although the imposition of subject-forms is bound up in power structures, subject-forms are by no means necessarily instruments of domination.

This way in which power flows through subjects is not linear, but is as Deleuze has noted,

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146 One might think of a practical system as thus being something like a hurricane, in that it maintains itself from moment to moment in response to certain environmental conditions (principally water temperature), without any delimited centre within which its identity would rest (a unity of self-identity), but rather with a mobile topological centre that is always in motion and thus never atemporally identical to itself.

147 A good example might be how easy it is (rather than any question of legitimacy) for a government to exercise power over matters of religion now, as opposed to 300 years ago, compared to the same comparison in the domain of how one raises one's children, or even treats one's spouse.

folded upon itself, and that the subject is this very *fold*[148]. Although Foucault never deployed this terminology himself, it is apt to describe his conception of the subject. What it means is that the circulation of power does not simply pass through the subject, but circulates within it, as its power over itself, before passing on, in its exercise of power upon others. As was discussed above, this self-relation, or fold, constitutes the limit-form of the power-knowledge nexus in two different ways. Firstly, it is the limit-form of the domain of possible thought: it is both the minimal power relation and minimum knowledge relation, and in being both is the unity of the two domains of possible acts of thought. Secondly, it is the limit-form of reciprocal constitution: the subject, as the infinitesimal unit of practical systems, is bound up in the reciprocal constitution of such systems; this means that it is indirectly related to itself in conditioning that which conditions it, but has the possibility of making this relation direct by taking up this conditioning as an object of knowledge and possible action. The practical systems in the social field reciprocally condition one another in the same way that all of the different species in an ecosystem reciprocally constrain one another's evolution by constituting ecological niches (e.g., rabbits provide regular food for fox populations, but fox populations also restrict the size of rabbit populations, preventing them from growing too large for their food source to replenish itself; each is thus a condition of the possibility of the other's stable ecological niche). It is over this distinction between the constitution of the subject by power structures, or what amounts to the indirect self-relation, and its constitution of itself in a direct way, that Han levels her final criticism of Foucault. As far as Han sees it: "The apparent simplicity of the model of subjectivation as the production/appropriation of the subject of an interpretation of what he is, upon which many of Foucault's most theoretical passages insist, is thus contradicted by the conclusions of genealogy, which, by analyzing power practices, establish the impossibility of understanding subjectivation from the subject himself"[149]. This claim depends on reading the *direct* self-relation, in which the subject and its conditions of constitution become objects of knowledge and action, as a strong form of recognition, in which a centralised subject uncovers its own fundamental truth, as in conflict with the reciprocal constitution of the social field and the decentralisation of power. This is basically to claim that Foucault's conception of the subject depends on the very atemporal purposiveness that his account of power excludes, as such being a "pseudo-transcendental understanding of the subject"[150]. However, the understanding of this self-relation as a fold in the field of reciprocal constitution enables us to respond to this. Taking up the conditions of one's constitution, be they those within the social field, or the more mundane parts of one's temporal existence (such as one's eating habits), is not to condition these as objects from a (transcendent) position outside of the temporal flow of these processes. Just as for larger practical

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148 *Foucault*, pg 96-97
149 Han, pg 185
150 Han, pg 187

systems, centralisation of action emerges out of a decentralised network, the subject's own purposive action must be seen as something which emerges in time. Precisely, it emerges as a self-regulating system which acts upon itself to sustain and enlarge its field of possible action, which is to say it is generated, maintained and evolves in a circulation of power in response to external conditions (those which do not form objects of its possible regulation). Self-regulation must be understood as a relation of reciprocal conditioning with oneself, or as evolving in response to oneself; this is all that a fold is[151].

It may seem that, rather than explain the distinction between direct and indirect self-relation, all this does is collapse it. This is only partly true, in that it denies the distinction the status of a metaphysical opposition, but rather sees the connection established with an aspect of one's own development in taking it up as part of our practical reasoning as being of the same general type as our body has with its internal temperature: it actively adapts and responds to its own internal conditions in its regulation of itself as a functioning system. This is not part of the subject's self-relation in the sense that Foucault is describing, but there is importantly no metaphysical distinction, because power is no metaphysical construct. The subject's direct self-regulation takes place at the level of power-knowledge, which is *empirically* different from the biological although it is conditioned by biological, just as it is by the economic, and the other external conditions to which Foucault remains agnostic. It is a direct self-relation in that the subject forms what might be thought of as an information channel with itself, it becomes sensitive to an aspect of its constitution that it previously was not. This sensitivity does not violate Foucault's agnosticism regarding the truth of particular knowledges however, the subject does not uncover a possible self-relation already established in its original constitution, but builds a concrete mechanism of connection with itself that is more or less technological or strategic depending upon the domain of possible knowledge it constitutes, or the *truth* it assimilates. This is to say that the information which the subject responds to can be more or less detailed and organised; it can have more possible objects (particular indicators), and more possible relations between these objects (the ways these indicators interact), respectively. For example, there is a difference between strategically responding to ones hunger by eating as and when one can, and technologically by taking note of one's dietary requirements and balancing one's intake of different nutrients over time. It is exactly this process that Foucault analyses in his consideration of the Stoic practice of *askēsis,* which "means not renunciation but the progressive consideration of self, or mastery over oneself, obtained not through the renunciation of

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151 This is why Deleuze compares the process of subjectivation to a Markov process, which is "The most common approach to assessing the long-term behavior of an evolutionary algorithm", because it "is a particular type of stochastic process that is time invariant and memoryless. For every possible "state" of the process, the transition probabilities from state to state do not change over time, and these probabilities are only dependent on the current state and not on any prior state that was visited previously."(*Fogel*, pg 103) This should not be read as a process that is atemporal, but rather as a way of modelling development that has no implicit teleology, at each moment its development is only guided by the present conditions.

reality but through the acquisition and assimilation of truth. It has as its final aim not preparation for another reality but access to the reality of this world. It is a set of practices by which one can acquire, assimilate, and transform truth into a permanent principle of action. *Alētheia* becomes *ēthos*. It is a process of the intensification of subjectivity."[152]

The subject is, as such, a self-regulating system of possible action – it is the smallest practical system. This smallness should not be taken in too strong a sense however, the boundary between what is and is not an object of possible action in the practical systems of different subjects can be vastly different. It is rather a topological smallness, in that subjects are the nodes out of which larger networks are constructed, but the number of direct connections they may establish within the network can be vastly different. There is no boundary between those conditions external to the subject and those internal to it established atemporally in advance, but this boundary is formed, maintained and develops in the process of subjectivation itself. This is Foucault's overcoming of the leftover hylomorphic essentialism of the Kantian doctrine of the subject. The action of the self upon the self in creating new possibilities for action is not limited in advance but can become a kind of self-reinforcing positive feedback loop. This is the action whereby the subject, in turning a condition of its possibility into an object of possible action, transforms it from an external condition into and internal condition, *folding* the outside into an inside. It is not a matter of whether there is a fold or isn't a fold (a universal subject), it is a matter of the conglomeration of multiple different foldings, or different more or less strategic relations established by technologies of the self, or forms of subjectivity[153]; it is a matter of how folded one is, or the *intensity* of ones subjectivity. The possibility that Foucault uncovers in Greco-Roman practices of the self is precisely this possibility of *intensifying one's own subjectivity*.

The question then is: how is this possibility deployed in a concrete *ēthos?* This is where Kant's aesthetics provide us with a model. To connect the two, we must understand one of the dimensions of ethical self-relation that Foucault identifies, namely "the *telos* of the ethical subject: an action is not only moral in itself, in its singularity; it is also moral in its circumstantial integration and by virtue of the place it occupies in a pattern of conduct."[154] This is the end posited in the subject's practical reasoning on its self-constitution, or the kind of subject it aims to be. This would be analogous to the concept of the understanding that is the end which guides the self-regulation of organic beings in Kant. Even in act-centred moralities, where the emphasis is placed on the code of conduct, this end must still be posited as the lawful subject, the one who acts within the limits laid down by the moral law. This leaves all other final ends (e.g., one's happiness, one's legacy, etc.) free, in that they do not have to be subordinate to the end of lawfulness, but must be compatible

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152 *Ethics*, pg 238-239
153 Ibid., pg 290
154 *The Use of Pleasure*, pg 27-28

with it. This is precisely the form that the categorical imperative, as form of law, takes in Kant. However, there can be more complex systems of ends organising ones practical reasoning, such as the Aristotelian Good and the various virtues subordinate to it. There can even be multiple disparate ends (with no well worked out connections) organising our constitution of ourselves as different subjects, as political subjects, sexual subjects, labouring subjects, etc...[155] These ends are more or less general relative to the concrete ends that can be posited in experience (e.g., compare the general virtue of courage to the political ideal of militancy, against the specific end of overthrowing a particular governmental structure), but they are still objectively purposive, and as such can be caught up within larger flows of power. The fewer ends one's activity is subordinated to, or limited in accordance with, the more one becomes a conduit for particular kinds of power involving those ends. It is in this sense that complex practical systems, in developing new capacities for regulating themselves, impose particular forms of subjectivity that intensify the flow of power within them, such as the increasing prevalence of lawfulness or *legality* as a form of subjectivity in conjunction with the increasing specification of public codes of conduct. To be able to gain new capacities without the corresponding intensification of power relations requires a form of subjectivity with a purely formal *telos* that is subject to no accumulation of objective purpose in particular. Foucault's attitude of modernity, in which one constitutes oneself as a work of art, is thus a Kantian aesthetics of existence, in that this work of art is only *formally purposive*.

We are now in a position to identify the elements of Foucault's *ēthos* that correspond to the elements of the Kantian aesthetic judgment of beauty: the activity of free play, the regulative *a priori* principle of cognition, and the pure form of that cognition (object=x). The self-regulating activity, or the constitution of the subject by itself, corresponds to the self-regulating synthesis of the manifold that is a free play of the imagination and understanding. Both do not come under specific universal rules grounded by some kind of essence, and both preserve themselves in their free play[156], which although it is continuity is not strictly speaking identity[157]. The *a priori* principle which is regulative for cognition, which in the Kantian system is the principle of the purposiveness of nature for our cognition of it as a logical system, is somewhat upturned here. Given that thought is no longer subordinated to the theoretical domain, but is primarily grounded in the practical, this principle is regulative for reasoning about possible action. As such, it does not involve a regulative determination of the supersensible causality of nature, but rather one of the causality of ourselves: it is the regulative principle of our freedom of action in relation to the objects of our possible action. This is the positive dimension of freedom, relative to the negative dimension considered earlier. As mentioned above, this is not like either Kant or Sartre's conception of freedom in that it is not a

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155 *Ethics*, pg 290
156 *CPJ*, pg 33
157 *Ethics*, pg 290

constitutive principle of the domain of practical thought. We can at different times consider ourselves as free from and determined by the same condition. What this principle supplies is that minimal transcendence of the self in relation to itself as object, such that it can reason about it's constitution: what Foucault calls the "quasi-subject"[158]. It is thus a principle of the possibility of *techniques of the self*, rather than a *technique of nature.* Finally, the pure form of cognition, equivalent to the transcendental object, to which the activity conforms, and is as such formally purposive for thought, cannot be either the thought of a noumenal self, or a purely unconditioned free agent, not least because Foucault denies such absolute freedom, but also because it would guide the subject toward stripping themselves of all determinations (as in Hegel's interpretation of stoicism[159]). As Foucault's own interpretation of Seneca shows, it is not for him a matter of uncovering the fundamental truth of an undetermined and free 'I' who acts, but of "establishing and testing the individual's independence relative to the external world", which is always a matter of freedom in relation to particular conditions (e.g., the constancy of one's wealth)[160]. Neither can this form be that of the man=x, because this would be once more to appeal to a concept, which as a ground of necessary limits of self-identity, would be an essence of man in relation to which we would be striving to perfect ourselves. As Kant notes, perfection is the sole concern of the judgment of teleology, and the beautiful may have no part in it[161]. The pure form of practical thought is here the limit-form of thought: the direct self-relation, in which an external condition becomes an internal condition involved in the self-regulating system that constitutes the subject. In establishing new sensitivities to the process of our own constitution, we increase our capacities for action upon ourselves, but also action in general, in that we gain new possibilities for configuring ourselves in relation to our outside. This determinate act of intensifying subjectivity conforms to the pure form of self-regulation or self-mastery, and as such satisfies the regulative principle of the assumption of such self-mastery.

Thus, Foucault's aesthetics of existence takes on the character of a perpetual experimentation with one's own subjectivity that aims at no end but the purely formal end of perpetuating this very experimentation itself. It is in this sense that it is concerned with pleasure rather than desire, in a way corresponding to the third critique in opposition to the second. Foucault has attempted to dethrone desire as a centralised motivating principle, in that given its status (paradigmatic in psychoanalysis) as a representation of an end, to which pleasure is subordinated as the satisfaction in the achievement of this end, it not only conceives of power in the wrong terms, but tends to focus subjects' activity upon final ends (i.e., 'my deepest desire'), in a way that leads to the intensification

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158 Ibid., pg 102
159 Hegel, pg 119-121
160 *Ethics*, pg 103
161 *CPJ*, pg 29-33

of power relations. Foucault's aesthetics of existence involves an attempt to rethink pleasure in a way that would not see it simply as the by-product of centralised systems of ends, but also as a possible object in itself as the result of a harmonious free experimentation, not legislated for by any principle of desire. This is not to say that all pleasure must come entirely from the achievement of some formal purposiveness alone, as in the satisfaction of the higher interest in Kant. It is simply to think of a pleasure that can be constituted in the space between centralised systems of objective purposes, in the free experimentation with one's possibilities for action; this is to say, to decouple the production of pleasure from the centralisation of power. Similarly this does not exclude purposive activity in accordance with ends, rather it necessitates it, because the experimentation is such a strategic activity (deploying technologies to a greater or lesser degree). What matters is that the experimentation not be systematized under a single end (e.g., the maximization of my happiness), being rather a collection of various purposive activities connected under no objective purpose in particular. Thus, we can situate Foucault's own critical project, as a *critical ontology of ourselves*, within a properly philosophical *ēthos*:-

"this critique will be genealogical in the sense that it will not deduce from the form of what we are what it is impossible for us to do and know; but it will separate out, from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think. It is not seeking to make possible a metaphysics that has finally become a science; it is seeking to give new impetus, as far and wide as possible, to the undefined work of freedom."[162]

His historico-critical activity is itself an ethical activity. It is an attempt to increase our capacities for action (the field of possible action), without the corresponding intensification and centralisation of flows of power. It does this through intensifying subjectivity, through the production of truth that can be assimilated in the constitution of determinate self-relations, or direct relations to the historical conditions of one's own constitution. It does this however under the aegis of a purely formal purposiveness, not aiming at any determinate future end, as "the will to "heroize" the present"[163], nor setting any determinate limits of what it would be possible for it to achieve in advance (through an inquiry into essence, or the universal form of subjectivity). As such it aims at the decentralisation of the self and the diffusion of power. It is thus an undefined work *of* freedom, *upon* freedom, *to* perpetuate and increase this freedom.

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162 *Ethics*, pg 315
163 Ibid., pg 310

<u>Conclusion</u>

In conclusion, I have managed to demonstrate the consistency of Foucault's work, both theoretically and practically, as it is unified by the problem of self-relation. I have also situated this within a dialogue between Kant's transcendental criticism and Foucault's historico-criticism; analysing their structural similarity, most especially in the way that the problem of *technique* unifies both in an aesthetics. However, the fundamental architectonic difference is provided by the role of the (limit) form of subjectivity, which provides the originary founding of Kant's critical edifice, whereas in Foucault it is that which is located at the end of the project, uniting it as the pure form to which his aesthetics of existence appeals. In retrospect, the unity I have sought to bring to Foucault's corpus might be seen as reading too much into his work that is not explicitly formulated. This is most striking in the case of the parallels I have tried to make between Foucault's thought and evolutionary theory via Kant's teleology. To this, the only appropriate response is to admit that I have been engaged in a creative elaboration of Foucault's project, under the sign of its *unthought*, and that this has indeed strayed at times outside of Foucault's strict methodological agnosticism. However, I would argue that one should see Foucault's agnosticism in a different light from that of Kant's militant agnosticism with regard to things-in-themselves. The criticisms of Foucault's conception of power as a disguised metaphysics or an ontological construct arise precisely because Foucault avoids positive general ontology, and yet insists that "Freedom is the ontological condition of ethics. But ethics is the considered form that freedom takes when it is informed by reflection."[164] This should indicate not that Foucault shuns ontology *per se*, but that it is a strategic omission, one necessary to avoid being bogged down in the debates surrounding the theory and thus get to the practical analysis of real local and historical conditions. This strategic omission does make it difficult to reconstruct his positive account of conditioning and subjectivity without serious creative interpretation.

In closing, I would suggest that, although, as I believe I have shown, Foucault's work can be made consistent, for this consistency to be elaborated and reinforced, it is necessary to fill in missing gaps within the underlying theory of Foucault's work. Firstly, it is necessary to move beyond Foucault's strategic omission of general ontology, such that the notions of conditioning of possibility, regularity (and self-regulation), freedom, and event (or eventalization) can be fully explicated in a way which would exclude further metaphysical or ontological confusions. It seems that Deleuze's work provides a possible basis for this, and there is a good argument to be made that Foucault was aware of this[165]. Secondly, although Foucault does have a set of principles governing his archaeology of reason, and these interlace with his inquiry into practical systems and the

164 Ibid., pg 284
165 *Aesthetics*, pg 343

determination of fields of possible action, it seems that this falls short of a general account of reasoning. This is not to ask for a transcendental account of *Reason*, but is simply to pursue an historical analysis of the general forms of reasoning; precisely the kind of analysis of which Foucault has demonstrated the possibility.