

Ungovernable

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Introduction

In *The Use of Bodies* (2015), the final volume of his *Homo Sacer* project, Giorgio Agamben once more voices a critique of Michel Foucault's thinking while simultaneously emphasizing its importance and potential. This time, however, he is not directly concerned with by now familiar topics such as "biopolitics" and "sovereignty", with further developing methodological concepts such as "signature" or "archeology", or with critically extending Foucault's genealogy of governmentality by pursuing the theological heritage of the concepts of "government" and "economy".¹ Rather, at this point in the trajectory of Agamben's thought, his focus is on the theme of ethics in Foucault's work. More precisely, Agamben criticizes what he takes to be an "inseparable" connection between power and ethics in Foucault's late work, implying that "the horizon of governmentality" remains "unsurpassable". Consequently, according to Agamben, Foucault is unable to recognize the possibility of "a zone of ethics entirely subtracted from strategic relationships, of an Ungovernable that is situated beyond states of domination and power relations."²

The purpose of this article is to reassess Foucault's ethics in light of both the publication of his late lectures and the criticism of his ethics in the final, recently published volume of Agamben's *Homo Sacer* series. The completion of these works makes it possible to begin a new approach to their interrelation. What is at stake in this complementary approach to Foucault and Agamben is ultimately the systematic articulation of a conception of "politics" and "ethics" that proceeds genealogically and makes use of two mutually enriching paths, both of which combine a diagnosis of the fundamental structures of contemporary politics with a corresponding investigation of the possibilities for ethics.³

The article seeks to contribute to this agenda by reinterpreting Foucault's notion of ethics in light of the publication of his late lectures, as well as Agamben's Pauline conception of use. In this interpretation, we develop two major points. On the one hand, we affirm that, in Foucault's

analytical framework, the relation between governmentality and ethical practices of the self is, in Agamben's terms, irreducibly "strategic". According to Foucault, there are no aspects beyond the strategic reach of the technologies of government. Correspondingly, ethical practices of the self can always be analyzed as more or less successful strategic responses to the technologies of government. On the other hand, *pace* Agamben, we demonstrate that, according to Foucault's analysis, both government of others and self-government contain an irreducible excessive element on which they constitutively depend, but which at the same time makes them both partly "ungovernable". Crucially, our interpretation shows that, in the light of Foucault's conception of the ungovernable aspect of ethics, it is misleading to assume – as commentators often do – that he propounds an ethics of "resistance" that is primarily focused on how "to refuse what we are" or "how not to be governed."⁴ Even if some of his texts do emphasize an endeavor of strategic resistance, we show that Foucault's reflections on the status of ethics indicate that he distances himself from such a one-sided conception of ethics as a chimera, partly because it misconceives the status of the governing subject as "archaic" but also because it overlooks the fundamentally "creative" nature of (self)-government. We conclude that while Agamben criticizes Foucault for articulating a conception of ethics that does not escape the realm of strategy, we find that this verdict acquires greater nuance once Foucault's discussion of truth-telling is taken into account. Foucault thus stresses the lack of control inherent in the exercise of power and the ungovernable nature immanent in thought and in the relation of self to self.

Despite a certain affinity concerning the status of ethics and the relationship between ethics, politics and government, Agamben's *Homo Sacer* project differs from Foucault's oeuvre in its insistence that philosophy must more positively address the question of how to develop a conception of human nature. Among other things, this insistence seems motivated by Agamben's conviction that Foucault's thought is too easily re-appropriated within traditional political thought and forms of government. We thus suggest that Foucault's approach to ethics remains in Agamben's perspective on the deepest level faced with an antinomy that Agamben seeks to mediate with his Pauline conception of 'inoperativity'.

To show how Agamben strikes a nerve in Foucault's thought – but also to emphasize how the philosophical trajectory he opens up should be pursued in a more precise manner than his criticism allows for – a number of steps must be followed. This article begins in Section I by sketching the philosophical horizon that forms the basis for Agamben's criticism in *The Use of Bodies*, namely his Pauline conception of use. We situate his approach in terms of how it differs decisively from Foucault's remarks on Paul in his final lecture series, *The Courage of Truth*. Against this background, Section II begins our reassessment of Foucault's ethics as it is developed in his late lectures, while also emphasizing the intimate connection between Foucault's investigations of liberal governmentality in 1979 and his interest in ethics in subsequent years. In so doing, we accentuate how, in accordance with genealogical principles, Foucault's investigations of so-called "alethurgies" and his interest in "the care of the self" emerges from a question posed in the present. The question concerning ethics arises out of his diagnosis of contemporary (neo)liberal governmentality – or more precisely, out of his characterization of its intensive involvement in and modulation of our capacity for voluntary action, reflection and self-fashioning. In Section III, we demonstrate how Foucault develops the methodological status of his ethics in its relation to governmentality, in a paradigmatic interpretation of Sophocles' *Oedipus Rex*, situated at the threshold of his late investigations into antiquity and early Christianity. Against the backdrop of a discussion of the introductory lectures from *On the Government of the Living* (1980), including Foucault's methodological reading of Sophocles, we provide a characterization of the four main aspects of ethics and governmentality in Foucault's late work, as well as an overview of the main strands in his ethics as it is developed in the late lectures. Whereas the analysis in sections II and III confirms Agamben's critical characterization of Foucault's ethics as "strategic", Section IV describes the "ungovernable" aspect of Foucault's ethics. This aspect has previously been hinted at in the methodological interpretation of Sophocles, where Foucault humorously, but with good reason, characterizes his approach as "anarcheological". This section further argues that the ungovernable aspect of Foucault's ethics is confirmed both in his conception of *parrhēsia* and indirectly in his investigation of Stoicism. In Section V, we characterize the profound antinomy that in Agamben's perspective remains in Foucault's ethics and we describe Agamben's attempt

to mediate this antinomy, which is philosophically based on his Pauline notion of “inoperativity.”

SECTION I: The background for Agamben’s critique: Foucault and Agamben on Paul

1.1 Foucault on parrhēsia in early Christianity

In his final series of lectures, *The Courage of Truth* (1984), Foucault continues the investigation of *parrhēsia* as a form of *veridiction* or truth-telling in texts from Greek and Roman antiquity, which he had initiated the previous year.⁵ In what was to be his final lecture on March 28 1984, Foucault announced his plan to extend his investigation of “asceticism in its relation to the truth”, of which *parrhēsia* is a privileged example, further into early Christianity over the following year.⁶ As a provisional point of departure for this study, which due to his death was never conducted, Foucault ended his lectures by providing some “indications”, albeit “just in outline and as hypotheses”, concerning the meaning of the term *parrhēsia* in the first Christian texts.⁷ Specifically, he comments briefly on the use of the term in pre-Christian texts by Philo of Alexandria (c. 25 BCE–c. 50 CE), in New Testament texts, and finally in some of the patristic texts, as well as those written by Christian ascetics from the fourth and especially fifth and sixth centuries. Among the New Testament texts that Foucault touches upon in his outline for further study are Paul’s (c. 10–c. 67 CE) *Acts of the Apostles* and his *Epistle to the Ephesians*. He finds that these texts expound a conception of *parrhēsia* as the apostolic virtue *par excellence*, as it signifies the courageous attitude of the person who risks preaching the gospel. In this context, *parrhēsia* signifies the speaker’s free and bold assurance and his confidence in Him in whose name he speaks.⁸ For Foucault, therefore, Paul functions as an example of a New Testament author that propounds a conception that, at least on a general level, is quite coherent with a dominant classical Greek and Hellenistic understanding of *parrhēsia* as the virtue of undertaking the risk of telling truth to power. By contrast, the later fifth- and sixth-century Christian writings upon which Foucault also touches articulate a criticism of *parrhēsia* as a dangerous vice. To a certain extent, this ambivalent conception of *parrhēsia* also has ancient Greek precursors, in texts from democratic Athens circa the fourth century BCE, which were

covered in previous lectures. For example, Plato (c. 428–c. 348 BCE) criticized *parrhēsia* as the freedom of everyone and anyone to say everything and anything, which therefore undermines the city-state’s decision-making processes. Yet, at the same time, he also presented Socrates (470–399 BCE) as a courageous speaker who exercised true *parrhēsia* in the face of his fellow citizens.⁹ However, in fifth- and sixth-century Christianity, this ambiguous view was transposed into a profoundly different framework of assumptions, in which the criticism intensified to an outright denunciation of *parrhēsia*.

According to Foucault, the background for this vehement criticism of *parrhēsia* is the “development of structures of authority in Christianity which, as it were, embed individual asceticism within institutional structures, like those, [on the one hand] of the coenoby and collective monasticism, and those, on the other hand of the pastorate, which entrust the conduct of souls to pastors, priests, or bishops.”¹⁰ The central Christian idea, that the individual is unable to secure his own salvation and find the way to God by himself, is interpreted as implying a compensatory dependence upon intermediary institutional structures to which the individual must show obedience. The individual cannot trust himself – it is only by exercising a hermeneutic of distrust and observing a principle of general obedience that he will be able to secure his salvation. Within the pastoral and monastic context, *parrhēsia*, which the writings of Paul describe as a “hinge virtue” (*vertu charnière*), reappears as a vice that expresses a presumptuous and destructive self-confidence on the part of the individual. Foucault finds a particularly clear expression of this conception in a passage from Dorotheos of Gaza (c. 505–c. 565), which claims that *parrhēsia* drives “the fear of God far from ourselves” and is therefore “the worst of all” and leads to “absolute ruin.”¹¹ The denunciation of *parrhēsia* that he finds in fifth- and sixth-century texts fits well with Foucault’s overall interpretation of Christianity as a religion that reconceives the Ancient Greek concepts of care of the self and asceticism in terms of obedience, combines this with a transformed version of Platonic metaphysics, and thereby holds that the ultimate aim of asceticism is “to give individuals, possibly all Christians, the entire Christian community, access to an other world (*un monde autre*).”¹² However, Foucault stops short of considering whether the Pauline conception of *parrhēsia* points to an irreducibly different strand of thought that lies at the root of the Christian tradition.

1.2. Agamben on the Pauline conception of use

Even if Agamben does not comment on Foucault's remarks on Christian *parrhēsia*, his investigation of Paul's letters as the fundamental messianic texts of the Western tradition, in *The Time that Remains: A Commentary on the Letter to the Romans* (originally a series of seminars given in 1998–1999) is nonetheless inspired by the methodological approach articulated in Foucault's final lectures. Agamben thus refers to Foucault's distinction between different types of "veridiction" or "alethurgies" in his attempt to characterize Paul's apostolic form of truth-telling. However, a central point in Agamben's messianic interpretation is that Paul's apostolic discourse is not primarily defined by its promise of an other world to come, as Foucault's interpretation of Christianity would lead us to expect.¹³ The time of the apostle is the present, not the future, as in prophetic veridiction. Indeed, according to Agamben, "this is why Paul's technical term for the messianic event is *ho nyn kairos*, 'the time of the now'."¹⁴

Agamben also makes use of Foucault's characterization of veridiction in terms of performativity, i.e. as designating not only the assertional content of a discursive act, but also the nature of such instances of truth-telling as acts, in addition to their transformative effects.¹⁵ As Agamben rightly emphasizes, Foucault never investigates the specific nature of Pauline veridiction as so-called *performativum fidei*, which defines the originary Christian experience of the word. This experience goes beyond the merely denotative function of language, which is open to what Agamben calls "a free and gratuitous use of time and of the world."¹⁶ This interpretation of Paul appears to highlight a quite different aspect of the Christian form of thought and experience than those found by Foucault in his investigations of Christianity, which emphasize the demand for "subjection" and "obedience". Rather, Agamben stresses that the Pauline experience of the word of faith grants a freedom of "use".

Agamben's most recent work makes clear that the philosophical value of Pauline truth-telling is intrinsically connected to the enigmatic notion of *use* (*chrēsis*; "employment", "a using", "appliance", "use made of a thing"). He has attempted to articulate this notion extensively in the final two volumes of the project he began 20 years earlier with *Homo Sacer: Sovereign Power and Bare Life*. In *The Use of Bodies: Homo Sacer IV*, 2, Agamben presents, if not a theory

or an account, then a substantial reflection on the concept of use as designating a “figure of human acting.”¹⁷ Towards the end of the preceding volume, a treatment of use – or more precisely, the connection between use and “form of life” – is invoked as the “undeferrable” culmination of the *Homo Sacer* project.¹⁸ Here, in *The Highest Poverty: Monastic Rules and Form-of-Life*, Agamben investigates how the theorists of Franciscan monasticism, in pursuing their principle of a “highest poverty”, develop a doctrine of use that affirms a life that must abdicate the law in order to exist. In his view, however, the Franciscans ultimately failed, because their conception remained entangled in juridical conceptuality that precluded a definition of use in itself – rather, they defined use purely negatively in opposition to law while still employing juridical arguments.¹⁹ This polemical strategy is most clearly visible in Hugh of Digne’s willfully paradoxical thesis, according to which the Franciscans “have only this right, not to have any rights (*hoc ius nullum ius habere*).”²⁰ In this view, use is the dimension that comes into being when ownership is renounced. By arguing for the subject’s right to renounce his right to ownership, the Franciscan conception was, however, “founded on an act of renunciation – that is, in the last analysis, on the will of the subject.”²¹

In his concluding remarks on the limits of the Franciscan theorists’ analysis of use as poverty, Agamben asserts that they could have hinted at a more promising model of use as a figure of human action that was irreducible to the juridical categories in Paul’s letters.²² It is precisely Paul’s intimations toward a “theory of use” that function as an “example” and a “paradigm” for Agamben’s latest reflection on use in *The Use of Bodies*.²³ Here, Agamben reminds his readers that he does not interpret Paul’s conception of the messianic call as the attribution of a new substantial subjectivity or social determination outside the law, e.g. made possible by the individual’s act of will, as in the Franciscan idea of renunciation. More generally, it is obvious for Agamben that for Paul, “grace” “cannot constitute a separate realm that is alongside that of obligation and law. Rather, grace entails nothing more than the ability to *use* the sphere of social determinations.”²⁴ What is at stake in the messianic call is thus a “deactivation” of each and every social determination – or more generally, the factual condition in which one always already finds oneself, whereby this condition leads to a new possible use rather than an object of ownership or appropriation.²⁵ What Agamben finds in Paul and designates as “use” can thus

be defined in the first instance as the possibility of a practice expressing a changed relation to the law, understood as the sphere of social determinations. For a person in the messianic vocation, the standards inherent in these determinations – the norms that come to expression with the law – no longer pretend to measure or capture the individual's identity as one who identifies or is identified with a particular social determination. Instead of being the site of appropriation by the person who attempts to make it their "work" (*ergon*), the social determination is itself deactivated and therefore becomes "a place of pure praxis, of simple 'use'."²⁶ In this perspective, Paul invokes a form of life shaped by use, in which each social determination is traversed by a caesura that prevents it from coinciding with itself. Here, Agamben highlights as paradigmatic Paul's description of the form of life of the Christian with the formula "as not" (*hōs mē*):

"I mean, brothers and sisters, time has grown short; what remains is so that those who have wives may be as not having, and those who mourn as not mourning, and those who rejoice as not rejoicing, and those who buy as not possessing, and those who use the world as not abusing. For the figure of this world is passing away."²⁷

Agamben expresses the contemporary significance of the Pauline paradigm of use when he suggests that it may guide an attempt to consider how the "apparatus of citizenship" can be rendered inoperative.²⁸

In a programmatic passage in *The Use of Bodies*, Agamben situates his reflections on use as a critical delimitation to Foucault's late work and lectures. He does not focus specifically on Foucault's lack of interpretation of Paul's conception of use, or on his general interpretation of Christianity. Rather, and more importantly, the claim is that his reflections on use reveal a systematic limit of Foucault's thinking. According to Agamben, Foucault's late work is characterized by an "inseparable" connection between power and ethics. In this sense, "the horizon of governmentality" remains "unsurpassable". A consequence of this limitation is that Foucault does not recognize the possibility of "a zone of ethics entirely subtracted from strategic relationships, of an Ungovernable that is situated beyond states of domination and power relations."²⁹ It is clear that the "zone of ethics", the possibility of which Foucault

allegedly fails to acknowledge, is identical to the dimension of use articulated by Agamben based on the insights he uncovered in Paul's messianic thought.

1.3 The task: Reassessing Foucault's ethics in light of Agamben's critique

In this essay, we will not focus on Agamben's messianic interpretation of Paul, nor will we investigate his conception of use and its relation to the *Homo Sacer* project.³⁰ Rather, we are interested in pursuing the critical characterization of Foucault's late thought, which springs from Agamben's philosophical articulation of the Pauline paradigm of use. Agamben's programmatic remark can be fruitfully developed in light of Foucault's late lectures (1979–1984), which have only become publicly available in their entirety within the last few years. Closer inspection of these texts may enable us to learn precisely how Foucault reconceives the relation between governmentality and ethics, and how this conception provides the framework for his late investigations into so-called *alethurgies*, of which *parrhēsia* is a prominent example. Our interpretation will, on the one hand, confirm Agamben's intuition that, for Foucault, the horizon of governmentality and power relations remains unsurpassable. On the other hand, everything hinges upon the precise manner in which the logic of power is conceived. Agamben rightly understands power in terms of relation of domination or strategy, and asserts the necessity of thinking a “zone of ethics” that lies beyond such relations. But as we shall see, contrary to the assumptions that underpin Agamben's critique, Foucault's understanding of power intrinsically opens up the possibility of ethical practices whose logic cannot be captured in terms of domination or strategy. In other words, Foucault seeks to show that when we understand the logic of power, we are forced to recognize the dimension of ethics that it facilitates and thrives upon, and which remains, as Agamben puts it, profoundly “ungovernable” and therefore genuinely creative.

As we shall see, Foucault articulates both the strategic function of alethurgy and ethics in relation to governmentality, as well as its intrinsic creativity with reference to Sophocles' (c. 496–406 BCE) tragedy *Oedipus Rex* (c. 429 BCE). Indeed, Foucault's interpretation of this tragedy, situated at the threshold of his late investigations into antiquity and early Christianity, is where we should look for his most adequate self-interpretation concerning the status of

ethics and veridiction in his work. Interestingly, with this approach, Foucault, like Agamben, takes a step back from the philosophical tradition and instead uses the resources of a text that originally belonged within the religious sphere to articulate an adequate conception of ethics.³¹ Even if Foucault, like Agamben, employs religious texts to rethink the nature and status of ethics, the following interpretation rests on an assumption that they both maintain a “post-dogmatic” interpretation of ethics. In other words, neither posits ethical authorities beyond the limit of what could possibly be experienced, and which would therefore be inaccessible to critical scrutiny.³²

The upshot of our interpretation, therefore, is that we suggest a complementarity between Agamben’s Pauline ethics of use and Foucault’s analyses of alethurgies. Neither of these approaches are to be understood primarily as more or less original attempts to answer the fundamental question of normative ethics – how should we live – from within the confines of a historical form of political philosophy. Rather, they are both concerned with how ethics is “ungovernable”. Agamben’s conception of use can therefore be viewed as an attempt to ontologically delineate and specify what ethics *is*, and thereby conceptualize its irreducibility in relation to the sphere of social determination. As for Foucault, his interpretation of Sophocles’ tragedy points to a lack of control at the center of human agency. This point is also indirectly asserted in his investigation into Stoic care of the self, which he views as characterized by an ideal of extreme self-control.

SECTION II: (Neo)liberal governmentality, veridiction and the question of ethics

In order to properly assess Agamben’s critical characterization of Foucault’s ethics, we should begin by articulating Foucault’s philosophical motivation for explicitly investigating ethical practices of the self in his late lectures (between 1980 and his death in 1984). Contrary to a number of earlier interpretations of Foucault’s late work, Agamben is on the right track when he asserts an intimate and intrinsic connection between Foucault’s investigations of governmentality in the late 1970s and his interest in ethics. More precisely, Foucault’s interest arises out of his fascination with the fact that liberal governmentality is a form of power that

does not work by dominating and disciplining its subjects. According to Foucault's diagnosis, as conveyed in his 1979 lecture series, *The Birth of Biopolitics*, liberal and contemporary neoliberal governmentality is instead carried out through the intense involvement and modulation of our capacity for voluntary action, reflection and self-fashioning.³³

The classical liberal critique of government asserted that government should recognize and take account of the self-regulation of the governed by imposing on itself what Foucault describes as a work of "auto-limitation."³⁴ Accordingly, liberal power, according to the tradition of classical liberalism, is established as an aspect of government that intervenes in the affairs of its subjects according to a quantitative scale, and prioritizes the minimum necessary degree of intervention *as* the optimum, to the extent that this is possible and appropriate with regard to the population's self-regulation. In this context, Foucault primarily perceives the exercise of power as "governmentality", i.e. the way in which one conducts the conduct of people.³⁵ Based on this understanding of power, it is only logical that Foucault begins to speak of freedom as "never anything other [...] than an actual relation between governors and governed [...]."³⁶ Freedom is not so-called negative freedom, where "being free" basically implies "not being interfered with by others,"³⁷ nor is it a state of greater or lesser independence. Rather, it is itself a relation of "government". Conversely, every relation of power is without an immanent necessity – it has no foundation, but in and of itself opens up the possibility of specific, irreducible modalities of freedom.

In a liberal political economy, the market becomes a site for the formation of "normal," "good," "natural" or "true" prices – in other words, prices that "constitute a standard of truth which enables us to discern which governmental practices are correct and which are erroneous."³⁸ In this sense, the market becomes a site for the formation of truth with regard to governmental practice.³⁹ According to Foucault's analysis, political economy does not in and of itself tell the truth to government, but rather reveals how and where government will have to look "to find the principle of truth of its own governmental practice."⁴⁰ With the neologism "veridiction" (*véridiction*), which can be literally translated as "truth-telling", Foucault speaks of the market as a "site" where we expect the truth about the procedures of government to be told. At this

point in his work, Foucault also begins to characterize it more generally as a “political critique of knowledge”, the purpose of which is to study “under what conditions and with what effects a veridiction is exercised” – in other words, “a type of formulation falling under particular rules of verification and falsification” or “the set of rules enabling one to establish which statements in a given discourse can be described as true or false.”⁴¹ Inquiring into such “regimes of veridiction”, Foucault studies how specific discursive practices (e.g. political economy) come to reveal an indispensable commitment to a particular “site of truth” (e.g. the market), with reference to which their ability to verify or falsify is established, and with reference to which a practice (e.g. government or political sovereignty) can evaluate itself in terms of knowledge and truth. As such, Foucault can also specify his object as the study of practices of truth-telling with political significance. In the veridiction of political economy, the subject is described as an irreducible “atom” of the social body, with individual interests or preferences that must be acknowledged as a starting point for economic analysis.

Foucault claims that the governmental correlate to “procedures of veridiction”, as they are developed within the tradition of political economy, is “the government of men insofar as it appears as the exercise of political sovereignty”. In this way, he positions political economy laterally with regard to practices within super-institutions such as the state that accentuate irreducible independence, as well as the interdependence of these two correlates in the liberal tradition.⁴² However, in his analysis of 20th-century neoliberalism, most notably in the discussion of the notion of Human Capital Theory,⁴³ it becomes especially clear that the effectiveness of this lateral relationship depends on the cultivation of individuals who are willing to adopt the identity of *homo economicus*. This process of cultivation and identity formation is not merely and or primarily achieved through domination or discipline. Rather, it is through the voluntary self-cultivation of the individuals themselves that they become (neo)liberal subjects. In particular, in the anarcho-liberalism of the Chicago School of law and economics, it is also tacitly presupposed, if not explicitly acknowledged, that a liberal form of subjectivity, the *homo economicus*, must be cultivated in order to become what it is always already to some extent assumed to be: a subject that, in every context, can be analyzed as one who rationally attempts to maximize his utility in the broadest sense. In his reading of the

American neoliberals, Foucault accentuates their reconfiguration of the *homo economicus* as both “an entrepreneur of himself”⁴⁴ and as a living being whose freedom depends on the extent to which he is allowed to enter into market-like relations of competition. This subject of personal enterprise earns his own wages, administers his own consumption and produces his own satisfaction, and also embodies his own assets and productivity.⁴⁵ In this regime of veridiction, man is conceived in terms of a quantity of “human capital,” which distinguishes itself from other forms of capital by being embodied in man.⁴⁶ Human capital may be source of future earnings and satisfaction, and may also be further augmented with reference to acquired and hereditary resources. As such, the subject of human capital is what Foucault calls a “competence-machine” (*compétence-machine*).⁴⁷

The individual is assigned an entrepreneurial subjectivity that cuts across the social roles that characterize him within the various institutions in which he participates. His status as a child, a pupil, a student, a worker, a citizen, a father, a prisoner, etc. are all social determinations that are increasingly shaped by neoliberal technologies of conduct and are also (self-)measured according to neoliberal economic veridiction. In the case of educational investment, for example, professional and school education is evidently important for the development of human capital. However, the Chicago School’s economic analyses also take into account factors such as the time spent by the parents on the formation of their child, the emotional atmosphere in the family and the quality of the child’s social relationships. Foucault draws attention to the neoliberal construction of a “grid of economical intelligibility”, which is used to analyze a whole range of human behavior in terms of economic rationality, even where such behaviors are not usually considered in this light.⁴⁸ Within the grid, all facets of the relationship between, e.g. a mother and child are analyzed as forms of investment, which are measurable in terms of time and may be converted into human capital. Human behavior is thus conceived *as if* this behavior constituted an attempt to maximize utility and individual welfare on the basis of what are assumed to be stable and exogenous preferences, and under conditions of more or less market equilibrium.⁴⁹ The predictive power to which neoliberal economic theory lays claim is thus not purely a matter of a scientific description of human behavior as it naturally unfolds. Rather, it depends on the self-cultivation of individuals to act and to reflect upon their own

actions as more or less optimal investments in human capital. Methodologically, these analyses pretend to be descriptive, but they continually gravitate towards normativity, as they presuppose unarticulated and unexamined ideals of competitive and entrepreneurial behavior in relation to the area examined.

According to Foucault's analysis, a key characteristic of (neo)liberal governmentality is its emphasis on the individual's active involvement in the exercise of power, and the ingenuity with which this involvement is facilitated, monitored and measured. Foucault's further investigation into veridiction and care of the self (between 1980 and 1984) can be seen as an attempt to develop analytical categories that can capture the essential yet precarious and subjective self-involvement in the exercise of power, of which contemporary liberalism is an eminent example. Foucault articulates this space for critical reflection on the contemporary liberal form of governmentality by distancing his points of focus historically from the age of liberalism. In the year following his investigation of liberalism and neoliberalism, Foucault gave the series of lectures *On the Government of the Living*, the subject matter of which appears at first glance completely different. Here, he investigates practices of confession in early Christianity, as described in Tertullian's (160–c. 225 AD) and in particular in Cassian's (c. 360–435) influential reflections from within a monastic context. Yet in his introductory reflections, Foucault tries to respond to the problem he diagnosed in his lectures on neoliberalism, namely the relation between voluntary self-cultivation and the internalization of a self-conception that is constituted and judged by procedures of veridiction.⁵⁰ It is for this reason that he introduces the notion of *alethurgy* – and also, somewhat humorously, describes his overall approach as an *anarcheology*.

In Foucault's analysis of neoliberalism, the "regimes of veridiction" refer to the objectifying description of the individual as a type of subject, e.g. as an aggregate of human capital, a "competence machine" within the context of a neoliberal political economy. At the same time, he emphasizes that a certain commitment on the part of the individual to this form of subjectivity is presupposed. The notion of *alethurgy* develops this analytical framework by

specifying that the act of subject constitution requires and presupposes a certain level of practice, and that this involves continuous manifestations of truth on the part of individuals.⁵¹

SECTION III: The function and status of ethics in relation to governmentality

III.1. Alethurgy and the methodological paradigm of Sophocles' Oedipus Rex

Foucault initially defines alethurgy as the “verbal or non-verbal” “manifestation of truth correlative to the exercise of power.”⁵² Crucially, such a manifestation of truth is “supplementary” (*supplémentaire*) and “excessive” (*excessive*), and thus “goes far beyond knowledge useful for government.”⁵³ As we have seen, for the liberal art of government to be effective, individuals must become liberal subjects voluntarily – they must willingly manifest the truth or meaning of liberalism. In *On the Government of the Living*, this structure of liberal and neoliberal governmentality is claimed as a general structure of government, and therefore as pertaining to all political communities. Foucault argues that the exercise of government constitutively depends on a verbal or non-verbal manifestation of truth that is always, to some degree, dependent on subjective participation and acknowledgement, and in this sense irreducible to pure necessity: “[...] the circle of alethurgy will be closed (*bouclé*) only when it has passed through individuals who can say ‘I’ [...]”⁵⁴ It is precisely this dependency on a “point of subjectivation” that makes alethurgy excessive and therefore also precarious when it comes to the exercise of government.

Foucault illustrates this point in the course of his reading of Sophocles' *Oedipus Rex*, which indirectly articulates a number of important methodological principles for his later investigations into ethics. As Foucault emphasizes in the first lectures of *On the Government of the Living*, Oedipus embarks on his search for knowledge because his power is called into question.⁵⁵ Confronted with the threatening prophecies that he forced Tiresias to utter, Oedipus instigates an inquiry (*enquête*) in order to secure his power. This culminates in the scene in which the shepherd of Cithaeron is forced to act as witness and tell the truth concerning Oedipus' true identity.⁵⁶ This truth is extracted in a “judicial alethurgy” during which

Oedipus interrogates and questions the slave and ultimately threatens him with torture and death.⁵⁷ Faced with this, the shepherd decides to tell the truth, and in doing so provides the evidence that had been lacking in the prophetic veridiction and which, ironically, leads directly to King Oedipus' downfall. The scene thus constitutes a mythically simplified illustration of how the subjection of an individual – in this case, a mere slave who is forced to act as witness – in connection with fulfilling the purpose of government is in and of itself precarious. The subjection presupposes some degree of voluntary subjective involvement of the individual subjected, and therefore at the same time constitutes an opportunity for undermining the power it is meant to secure. The shepherd is subjected to judicial procedures that are meant to secure his personal involvement in the exercise of government, i.e. his testimony as a witness. He is, in Foucault's terminology, required to perform an alethurgy, a manifestation of truth correlative to the exercise of power. This manifestation is one that *the shepherd* must perform – Oedipus cannot do it himself, but attempts, as a “master of truth” (*maître de vérité*), to use it as a means of avoiding the ominous prophecy.⁵⁸ By telling the truth that only he has seen, and which therefore only he can tell, the shepherd becomes a witness of truth in a way that binds him to the role of witness to which he is subjected, but which at the same time exceeds the purpose given to this determination by government.

In the last four years of his lectures, Foucault investigates different models of alethurgy and its excessive dimension. Table 1 below lists the six paradigms of alethurgy that he analyzes most extensively, in the order in which they appear in his lectures.

Table 1: Models of alethurgy in Foucault's late lectures

<ul style="list-style-type: none"> ▪ Early Christian practices of confession, especially according to Tertullian (<i>exomologesis</i>) and Cassian (<i>exagoreusis</i>) 	<p><i>Du gouvernement des vivants</i>, 99-307/<i>On the Government of the Living</i>, 102-313. <i>Mal faire, dire vrai</i>, 89-169/<i>Wrong-Doing, Truth-Telling</i>, 91-171. “About the Beginning of the Hermeneutics of the Self,” 210-223.</p>
<ul style="list-style-type: none"> ▪ The practice of avowal in judicial institutions from the medieval period to post-Enlightenment penal codes 	<p><i>Mal faire, dire vrai</i>, 169-228/<i>Wrong-Doing, Truth-Telling</i>, 171-229.</p>

▪ <i>Parrhēsia</i> (<i>libertas</i>) in the Hellenistic and Roman care of the self	<i>L'Herméneutique du sujet</i> , 345-397/ <i>The Hermeneutics of the Subject</i> , 362-416. " <i>Parrhēsia</i> " 169-185/232-248.
▪ Democratic <i>parrhēsia</i> according to Thucydides, Isocrates and Euripides	<i>Le gouvernement de soi et des autres</i> , 68-180/ <i>The Government of the Self and Others</i> , 71-196. <i>Fearless Speech</i> , 25-71.
▪ Socratic <i>parrhēsia</i> according to Plato	<i>Le gouvernement de soi et des autres</i> , 180-308, 328-344/ <i>The Government of the Self and Others</i> , 196-336, 357-374. <i>Le courage de la vérité</i> , 67-152/ <i>The Courage of Truth</i> , 73-165. <i>Fearless Speech</i> , 91-107.
▪ Cynical true life as scandalous <i>parrhēsia</i>	<i>Le courage de la vérité</i> , 152-294/ <i>The Courage of Truth</i> , 165-321.

III.2 Veridiction and the government of others: Alethurgy and the government of the self

The notion of alethurgy emphasizes the *connection* between the levels of politics and ethics, i.e. the intrinsic relation of reciprocal strategic tension between government of others and government of self (cf. Table 2). At stake in this process of the conduct of self-conduct is ultimately "the subject", or rather specific forms of subjectivity or modes of subjectivation, e.g. the utility-maximizing competence machine that shapes social identity in neoliberalism.⁵⁹

Table 2: Politics and ethics in Foucault's late lectures

	Aspect of governmentality	Aspect of veridiction
Political dimension of conduct of conduct (government of others)	Technologies of conducting the conduct of men (e.g. exercise of power at the level of political sovereignty). Such technologies develop and facilitate a form of subjectivity through normative matrices for behavior (e.g. developing competitive behavior by installing 'markets').	Regimes of veridiction correlating to forms of knowledge or discourse about the human subject. In modernity, expressed via the sciences of man (e.g. political economy). Such knowledge presupposes and analyzes a form of subjectivity (e.g. the human being as capital).

Ethical dimension of practices of the self (government of self)	Techniques for conducting own conduct (<i>askēsis</i> , care of self, spirituality). Techniques through which the subject carries out the necessary transformations of himself in order to access truth. Modification of self-relation.	Alethurgies (confession, <i>parrhēsia</i> , avowal). Manifestations of truth by which the individual obligates himself to a form of subjectivity and potentially transforms himself.
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In Foucault's analyses of neoliberalism, he articulates what is referred to in Table 2 as "the political dimension" in terms of the lateral relation between the exercise of political sovereignty through governmental mechanisms and the regimes of veridiction correlative to forms of knowledge. This relation is one of irreducible interdependence, but it is also characterized by varying degrees of tension. At the same time, the efficiency – and ultimately the existence – of this political relation as a whole is dependent upon the continuous government of an ethical relation. In other words, the political dimension is dependent on "the ethical dimension" of self-cultivation. This dimension is expressed across the various social determinations or identities of the individual (as a student, father, worker, citizen, etc.). In his reading of *Oedipus Rex*, Foucault emphasizes that the ethical dimension remains fundamentally irreducible in relation to the political dimension. The precise nature of the constraints that determine the boundaries of the mode of subjectivity in question – e.g. being a witness – that the individual must respect in her manifestation of meaning is not fully positively determined, but represents an essentially contested space of obligations. In a social context shaped by neoliberal governmentality, this ambiguity is intensified when, for example, the question of how to prioritize the value of "competences" in relation to utility-maximization is raised or, more radically, when concerns regarding the nature of "utility" are asserted. When the governed are subjected in order to manifest a truth, this also creates an opportunity to manifest a truth that exceeds the aim of government. This is, of course, not only achieved via an isolated, singular act, as the mythical example from *Oedipus Rex* might seem to suggest, but is expressed in what Foucault, in *The Use of Pleasure*, calls "practices of the self."⁶⁰ These practices should be analyzed as correlative to a specific modality of governmentality, but also as retaining an

irreducible independence designated through the description of this dimension as excessive or supplementary.

In 1980, Foucault moves away from the investigation of political economy conceived as forms of knowledge that are assumed to correlate with the veridiction of the market. However, rather than leaving the study of veridiction as such, he now studies it via another “aspect”, to use the term from Table 2 – namely as the more or less voluntary and more or less reflective *active* appropriation or rejection of a subjectivity through alethurgies. Whereas neoliberal political economy conceives the individual as a specific form of subjectivity – specifically, as a subject of human capital – and in this sense objectifies the individual, the notion of alethurgies seeks to capture the active manifestations of meaning through which the individual obligates himself to such a form of subjectivity and thereby potentially transforms himself.⁶¹

In expressing a more or less voluntarily obligation to a mode of being subject, it is not only the nature and purpose of this role that is at stake – in his relation to governmental conduct, the individual’s *self-relation* is also at issue. Foucault makes this point regarding the alethurgy of avowal at the beginning of his 1981 lecture series *Wrong-Doing, Truth-Telling*. He cites an account from the French psychiatrist and anatomist François Leuret (1797–1851), who uses exposure to repeated cold showers to force an avowal (*aveu*) from an asylum patient, stating that he is indeed mad. The idea behind this controversial treatment is that an avowal of madness in itself modifies the relationship between the patient and his madness, i.e. “his way of being mad”. Applying this paradigm to other forms of avowal, Foucault writes:

“In the same way, if the criminal who avows is not judged in the same way as the one whose crime was established by proof and testimony, it is because avowal is supposed to modify his relation to his crime. To avow one’s love means to begin to love in another way; otherwise, it is simply informing the other of one’s sentiments. While avowal ties the subject to what he affirms, it also qualifies him differently with regard to what he says: criminal, but perhaps susceptible to repent; in love, but it has now been declared; ill, but already conscious and detached enough from his illness that he himself can work toward his own healing.”⁶²

Foucault's point is not to affirm the idea of a transparent or causal relation between explicit avowal and a corresponding change in the self-relation of the individual, which seems to be blatantly presumed in Leuret's treatment. Rather, his point is methodological, namely to emphasize the importance of self-relation as an irreducible aspect of avowal, as well as other forms of alethurgy. Using the terms in Table 2 above, Foucault points to the fact that the ethical dimension of practices of the self is itself traversed by an internal disruption between an aspect of governmentality and one of veridiction. The alethurgies that manifest a truth correlative to the exercise of government are themselves dependent upon a commitment on the part of the manifesting subject. This commitment is not made once and for all, but its permanence, intensity, modality and genuineness are continually at stake, and can be modified through techniques of self-conduct. The aspect of commitment through self-government is even present in forms of truth-telling in which truth seems to be assured by truth itself.⁶³ Using the discipline of logic as an example, Foucault emphasizes that it is not the true proposition in and of itself that guarantees the commitment on the part of the subject, but rather the fact that he is "doing logic, that is to say, because he constitutes himself, or has been invited to constitute himself as operator in a certain number of practices or as a partner in a certain type of game".⁶⁴ Two years later, in the lecture series *The Hermeneutics of the Subject*, Foucault analytically singles out this aspect and investigates it extensively, primarily with reference to "the long summer of Hellenistic and Roman thought."⁶⁵ His investigation is guided by the notions of *askēsis*, care and spirituality, in relation to which the work of self upon self is seen as a means of carrying out the transformations necessary for access to truth.

SECTION IV: The ungovernable aspect of Foucault's ethics

IV.1 Beyond strategy: The creativity and truth of alethurgy

The preceding sections might appear to consolidate Agamben's verdict that for Foucault the horizon of governmental power remains unsurpassable. After all, Agamben is not accusing Foucault of collapsing the ethical dimension into the political, and thereby denying an irreducible function to practices of the self. Rather, his claim is that Foucault always conceives

of the relation between ethics and politics in terms of power – if not as the power to dominate or resist, then as the capacity to strategically modulate, shape or conduct a given relation. In this light, Agamben is correct to say that Foucault does not recognize the possibility of an ethical dimension “entirely subtracted from strategic relationships.”⁶⁶ Foucault’s analyses of the ethical dimension in terms of techniques of care as well as forms of alethurgy do not situate either of these practices “beyond states of dominion and power relations,”⁶⁷ but precisely in relation to the political dimension and as strategic expressions of power.

However, Agamben’s criticism points not only to an intrinsically strategic aspect in Foucault’s conception of ethics, but makes the stronger claim that such a strategic interpretation of the ethical dimension presumes to be exhaustive. In assuming that Foucault reduces ethics to its strategic function, Agamben fails to make room for a more nuanced position, namely that ethics can exceed a strategic function even if it cannot escape it. Indeed, contrary to the premises of Agamben’s criticism, Foucault’s analyses emphasize how individuals who subject themselves to self-practice express a creative event that is irreducible to a strategic or instrumental determination. Foucault alludes to this crucial point in his interpretation of *Oedipus Rex*, which, as we have seen, acts a methodological point of departure for his late investigations of ethics – and in particular for his analyses of different forms of alethurgy. At the very end of his treatment of Sophocles’ drama, he points to “the remainder” (*le reste*) of the drama constituted by the fact that Oedipus is not punished. At the beginning of the play, the instigator of the dramatic course of events – the Oracle of Delphi – demands that whoever is the source of the defilement that brought plague to Thebes be punished by either death or exile. But Oedipus suffers neither of these punishments. Moreover, he does not conceive his self-blinding as a punishment, but performs this act, as Foucault puts it, “because, for him, the light, his sight, and the spectacle of his crime were incompatible.”⁶⁸ For Foucault, this interpretation is confirmed by the fact that Oedipus afterwards asks to be exiled in order to fulfill the order of the Oracle, yet Creon orders that he be taken into the house where he remains until the play’s end. The punishment demanded by the Oracle has not taken place, but the plague has disappeared and Thebes has been liberated – it has proven sufficient that the alethurgy has been performed. The alethurgy instigated by Oedipus, which leads to the

manifestation of truth, produces a radical new state of affairs independently of securing the instrumental purpose of enabling a punishment. The drama also shows, of course, that the alethurgy does not serve Oedipus's strategic purpose, either. The methodological principle articulated here by Foucault has general implications – it concerns all forms of alethurgy, the whole domain of practices of the self. His final remark on the remainder in Sophocles' drama indicates how his genealogies aim to examine not only the paradigmatic strategic constellations between the forms of governmentality and the practices of the self, but also the creative affects produced by such practices that cannot be reduced to any instrumental or strategic purpose.

Foucault's analysis of *Oedipus Rex* emphasizes how the exercise of an alethurgy independently of its instrumental function creates a *political* set of circumstances. However, alethurgies may also have creative effects in the ethical dimension, as such rituals and practices may help to articulate new modes of self-relation. Indeed, it is precisely the "retroaction" (*rétro-action*) of the utterance of the discursive act, such that it modifies the enunciator's being, that is the methodological focus in Foucault's analysis of different forms of alethurgy.⁶⁹ Crucially, this retroaction exceeds any instrumental or strategic objective. Even if some forms of alethurgy may be exercised to strengthen or shape a certain aspect in the *ēthos* of the enunciator, the act always retains the character of an event whose retroactive effects remain irreducibly ungovernable. This emphatically the case concerning *parrhēsia*: "Parrhēsia does not produce a codified effect; it opens up an indeterminate risk (*risque indéterminé*)."⁷⁰ If anything, *parrhēsia* is unique among the alethurgies, because its explicit purpose is to bring about a non-strategic and non-instrumental retroaction. As a form of truth-telling, *parrhēsia* is inextricably linked with courage – and not only because the teller of truth may knowingly risk his life by telling a truth that exposes himself in a relation of power.⁷¹ In a broader sense, *parrhēsia* exposes the subject of enunciation because it brings his *ēthos* manifestly into play in ways that cannot be completely premeditated. Foucault thus distinguishes *parrhēsia* from the alethurgy of the prophet, the sage or the expert teacher, which transmits knowledge of a *technē* precisely in terms of *parrhēsia*'s explicit focus on putting *ēthos* at stake.⁷²

Oedipus' investigation, and in particular his demand that the slave perform an alethurgy by delivering eyewitness testimony, leads to an unexpected resolution to the play's dramatic conflict. In his analysis of Oedipus, Foucault emphasizes that the application of an alethurgy – and more generally, the practices of the self – cannot be fully conveyed in instrumental or strategic terms. Despite Foucault's use of the terms "governmentality", "techniques" and "technologies", there is no underlying subject who governs others or himself from a sovereign position using instruments that are applied to an object that could, in principle, be conceived in completely indefinite terms. What is emphatically and explicitly the case in the exercise of *parrhēsia* is thus generally applicable: practices of the self – and, for that matter, technologies of governmentality – open up an "indeterminate risk".

Finally, it should not be overlooked that, in the case of Oedipus, as well as with regard to *parrhēsia*, it is the commitment to truth as an irreducible authority that enables the creative effects of alethurgy to exceed the instrumental and strategic horizon. Foucault thus concludes his interpretation of *Oedipus Rex* in the following way: "We do not just need the truth in order to discover a guilty person whom we will then be able to punish. It suffices that the truth be shown, that it be shown in its ritual, in its appropriate procedures, its regulated alethurgy, for the problem of punishment no longer to be posed and for Thebes to be liberated."⁷³ Similarly, in his general characterization of *parrhēsia*, Foucault emphasizes that it implies "the affirmation that in fact one genuinely thinks, judges and considers the truth one is saying to be genuinely true."⁷⁴ He stresses the ungovernable nature of this commitment to the authority of truth by equating the act of "binding oneself to the truth (*s'obliger à la vérité*)", which is intrinsic to *parrhēsia*, with the "dangerous exercise of freedom."⁷⁵

IV.2 The anarchic subject of ethics and the temptation of Stoicism

Oedipus uses the alethurgy as an instrument to defend his claim to the throne, but this ultimately undermines his power and reveals him to be a tyrannical ruler.⁷⁶ According to Foucault, the drama points to the constant temptation to conceive of the agency of human action in terms of principles of control or command, i.e. as an *archē*.⁷⁷ When Foucault, in light of his interpretation of the drama, characterizes his overall approach as an "anarcheology", it

should be read as an attempt to counter both this tendency and the temptation that he finds dramatically articulated by Sophocles.⁷⁸

Two years later, Foucault seeks to show how a philosophical version of the conception of human agency as a “soul-subject”, a principle of command or government, emerges out of Plato’s dialogue *Alcibiades I*.⁷⁹ According to Foucault’s analysis, as conducted in the first lectures of *The Hermeneutics of the Subject*, the Platonic dialogue articulates an idea of “care” (*epimeleia*) that refers to “the subject’s singular transcendent position, as it were, with regard to what surrounds him, to the objects available to him, but also to other people with whom he has a relationship, to his body itself, and finally to himself.”⁸⁰ Foucault denies that this subject of care implies a purely instrumental relationship, either with others or to his own body. Yet, as Agamben rightly points out in his comments on Foucault’s interpretation, it nonetheless expresses a pretension of command (*archē*) of the soul over the body.⁸¹ Agamben recognizes a risk in Foucault’s conception of a soul-subject, because it threatens to conceive the subject of care in a “transcendent position as subject with respect to an object.”⁸² (Agamben 2015: 33).

While Agamben rightly detects a systematic danger at this juncture, he appears to overlook that, in articulating the paradigmatic Platonic conception of the soul-subject, Foucault’s intention is diagnostic. In other words, Foucault is articulating the starting point for his genealogical trajectory of *The Hermeneutics of the Subject*, the central focus of which, as mentioned earlier, is on the conceptions of *askēsis* and care as they are developed in Hellenistic and Roman thought. In these conceptions, what we might term the “archaic” Platonic presupposition of the soul-subject continuously exerts its influence. This is apparent in the very idea of self-techniques as a kind of *technē*, in which it is presupposed that the subject is in control of the implications and purpose of the technique he is practicing. It is also implied in the central distinction common to both Stoic and Epicurean conceptions of care of the self, between that which depends on us and that which does not, where the objective is to exercise limitless mastery over the former. In this perspective, it is significant that Foucault’s extensive analysis culminates with reflections on the Stoic conception, in which life in its entirety is seen as a test and care of the self is the equivalent of training oneself to endure life’s misfortunes.⁸³

Likewise, it is significant that he concludes his lectures with analyses of the Stoic ideas of the premeditation of future evils and the meditation on death, both of which take to extremes the assumed ability to maintain control through the exercise of self-techniques.⁸⁴ In this way, Foucault's genealogy traces how the Platonic assumption of a "soul-subject" can be articulated into a radical conception of an art of life (*technē tou biou*).

In this light, Agamben is only half-right when he describes *The Hermeneutics of the Subject* as a laboratory for conducting investigations into the care of the self.⁸⁵ It is correct to say that, for Foucault, the sheer creativity of Hellenistic and Roman thought, in terms of articulating myriad forms of self-technique, means that this era is a golden age of care for the self, one that presents challenges to inspire our current attempts to develop an ethics of the self. However, at the same time, his an archeological approach, as developed in the interpretation of *Oedipus Rex*, also sheds an ambiguous light on the archaic assumption concerning human agency that tends to guide the care of the self as it is conceived in Stoic thought.

Frédéric Gros, editor of the lecture series *The Hermeneutics of the Subject*, contrasts Foucault's account of Christian practices of confession, which express unlimited obedience, with a "glorious version of the ethics of the care of the self" inspired by the Stoic philosophers, notably Seneca (c. 4 BCE–65 CE), who propounds the idea of establishing a "full and entire ownership of the self." This contrast is also drawn by Foucault, yet Gros goes so far as to ascribe a contemporary relevance to this Stoic ethics, which Foucault describes as involving an irreducible component of "personal choice."⁸⁶ In fact, Gros finds that Stoic ethics provides an adequate answer to the problem formulated by Foucault "of an ethics as a form to be given to one's behavior and life" that has today "arisen once more."⁸⁷ However, if we acknowledge the an archeological nature of Foucault's approach, it seems that the contemporary relevance of his analysis of Stoicism lies elsewhere. On the one hand, Foucault's lectures express a fascination with this ethics of the care for the self, the multiple forms of which allow personal choice to play a role. It is precisely this feature that makes this form of ethics a mirror for our current attempts to constitute an ethics that does not rely on a universal code or set of rules. On the other hand, in an important passage in *The Hermeneutics of the Subject*, Foucault describes a

contemporary situation in which it is “impossible” “to constitute an ethics of the self”, but also stresses that “there is no final point of resistance to political power other than in the relationship one has to oneself.”⁸⁸ Here, Foucault seems to suggest that the idea of “constituting an ethics of the self” must remain an aporetic project as long as it is based on the idea of an archaic subject in which the self assumes the possibility of establishing a relation of ownership to himself, to his will and his choices. In this perspective, the model of self-possession propounded by Stoic philosophy constitutes a temptation for a liberal subject who is under the influence of an ideal of self-control.

SECTION V: Foucault’s antinomy and Agamben’s attempt at mediation

According to Agamben, Foucault’s attempt to articulate this conception of ethics is inadequate because it does not succeed in escaping a strategic conception of ethics. It has become clear, however, that this verdict should be nuanced by focusing on Foucault’s anarcheological approach, as it is articulated in his interpretation of Sophocles. What emerges from this interpretation is that the immanent relation of self to self, which lies at the heart of Foucault’s ethics, should be conceived in terms of a constitutive lack of control. Correspondingly, the ethical self-relation may be characterized according to whether it expresses an explicit acknowledgement of its own ungovernable nature. Foucault recognizes this structure of ethics most clearly in his famous reflections on what philosophy ought to be in the introduction to *The Use of Pleasure*. Here he characterizes his own writing in terms of an ascetic exercise in the domain of thought, one that endeavors “to know how and to what extent it might be possible to think differently, instead of legitimating what is already known.”⁸⁹ Foucault therefore affirms the traditional conception of philosophy as expressing a passion for knowledge, in so far as this passion can result in “the knower’s straying afield of himself.”⁹⁰

In his characterization of the ethics of his own thought, Foucault acknowledges its uncontrollable effects, as well as the virtue of affirming rather than attempting to suppress this ungovernable element. As we have tried to show, he finds the model for this approach in Greek tragedy. This description of his own thought belongs in the context of his investigation of

alethurgy in so far as he sees his philosophy as an attempt to manifest a truth that cannot be reduced to the frantic and doomed oedipal endeavor to retain control. By contrast, in his reading of Sophocles' *Oedipus*, Foucault takes great pains to demonstrate how even an oedipal form of government that strives to retain control while concomitantly striving to exercise power and to uphold a manifestation of truth that underpins its own authority, may find that the truth, when unveiled, ends up undermining established power. Instead of corroborating existing power structures, alethurgies may not only 'anarcheologically' indicate the general "non-necessity of power", but also actively shake the foundations of power structures and help transform them in unforeseeable ways.

While the commitment to truth-telling contains an essential ethical constituent, it certainly does not enter "a zone of ethics entirely substracted from strategic relationships" nor present "an Ungovernable that is situated beyond states of domination and power" as seems to be Agamben's desideratum (Agamben 2015: 108).⁹¹ When stating truth in the face of power, the truth-teller necessarily relates to existing strategies. However, this does not imply that truth-telling is essentially a strategic exercise from Foucault's point of view. Alethurgies belong to a "zone of ethics" not entirely subtracted from, yet still irreducible to, power relations and strategic relationships.

In spite of this irreducibility, committing the self to speaking the truth does not imply that the self manages to establish itself as "a free subject," "constituting" itself "each time as subject of" its "own acts" as Agamben seems eager to avoid.⁹² Speaking the truth as scandalously unveiled in the lineage of the Cynic model and, according to Foucault, adopted by nineteenth and twentieth century militantism, leftism and art, entails a destitution not only of existing power structures, but also of the speaking 'subject.' As an ungovernable excess, truth-telling or "the alethurgy in itself",⁹³ also haunts and shakes established forms of power in the West, from Antiquity to the contemporary neoliberal arts of governing. While an ethical, 'unselfish' commitment to truth-telling therefore remains fundamentally irreducible to political life and life forms, it certainly retains a relationship to, and remains relevant to, politics.

Foucault's diagnosis of contemporary liberalism constitutes the basis for his interest in alethurgies – and more broadly, ethics. It was here he identified the ingenuity of contemporary liberal governmentality in terms of facilitating the individual's involvement in the exercise of power. His historical investigations of different paradigms of alethurgy can be seen as attempts to challenge his contemporaries' conception of how the voluntary dimension of government can and should be conceived. Crucially – and once again in line with the “tragic” conception of ethics, Foucault also indirectly emphasized the danger of insisting on an ethics of autonomy, at least where the latter is conceived in terms of control.

We have suggested that Agamben overlooks both the “tragic” nature of Foucault's ethics and the ambiguity in his depiction of the Stoic ethics of control. However, this does not provide a firm regarding how we should conceive of Agamben's overall attempt to situate Foucault's thought. In particular, whereas Foucault's approach implied a rejection of the obligation to answer the question of human nature, Agamben insists that this question must be addressed by philosophy. However, his intention is neither to revive a transcendental form of inquiry nor to articulate a philosophical anthropology. Rather Agamben's interest in human nature departs from the conviction that the Western political tradition, both in theory and in practice, is defined by what might be termed *teleological appropriation*, i.e. by the assumption that the human being can be conceived in terms of a purpose, function or work (*ergon*) that can be measured and governed politically.⁹⁴ In modernity the stakes of this endeavor are raised, as both the individual living body and the species as a whole become the objects for a government based on teleological appropriation (Agamben 1995: 3). Conversely, “use” characterizes human action in so far it exceeds the capturing of purpose, function or work in social determinations or subjectivities. It is precisely when human “work” is acknowledged as irreducible to measurement and government by way of such normative principles that a social determinations are, as Agamben puts it, rendered ‘in-opera-tive’ (*opera* is the plural Latin translation for the Greek term *ergon*, ‘work’). When rendered inoperative the political appropriation of human work is deactivated.⁹⁵ In its place, a domain of “simple use” comes into view which was always there but which is now explicitly affirmed.

In this light, Agamben's attempt to proceed beyond the horizon of governmentality may be motivated by his conviction that, while it is true that Foucault's distinction between governmentality and ethics presupposes a negation of the inherited teleological conception of man, Foucault never actually articulates a more substantial positive account capable of countering the received picture. In its purified negativity, Foucault's articulation of an ethical dimension of the self thus risks falling prey to political attempts to re-appropriate human activity within teleological conceptions, as is the case, for example, in the contemporary conception of individuals as units of human capital. Interpreted in this manner, Foucault's distinction between ethics and governmentality constitutes constantly responding to a problem that he himself never manages to properly articulate, but which Agamben's *Homo Sacer* project seeks to clarify: This is the underlying problem of human nature in its relation to the exercise of politics.⁹⁶

In the absence of a discussion of this issue, and contrary to his own wishes, Foucault's thinking inevitably runs the risk of winding up in what Agamben terms an "ontological aporia", or an ontological impasse or puzzle.⁹⁷ On the level of practice, and "in the theory of power relations and of the governance of human beings that is actualized in it,"⁹⁸ Foucault establishes a dichotomy, an either-or, which implies that he is constantly approaching an important crossroads. He is caught in an inextricable dilemma, as he ponders which path to take. Each appears to be a dead-end in the sense that it is only possible to pick one, that it will be at the expense of the other, and that the path chosen will inevitably lead to the one avoided: If one examines power relations, it seems that they necessarily entail and presuppose a free subject. "And yet, precisely insofar as the subject 'freely' conducts and governs itself, it will inevitably enter into power relations."⁹⁹ On closer inspection, the ontological aporia that Agamben finds in Foucault can, therefore, be said to take the form of an insolvable *antinomy*. At the end of the day, Foucault's articulation of the political and the ethical, and of the relationship between them, compels us to perceive them as two clearly separate realms bound by a different set of laws that clash as they mutually exclude each other.

In some way, which would need to be specified in far greater detail, Agamben's distinction between 'teleological appropriation' and 'use', and his further development of the activity of use would, in trying to capture and specify the nature of this problem, seem to encompass and ground the relation between ethics and governmentality, as conceived by Foucault, in ways that lead beyond what he perceives as Foucault's impasse or deadlock. In explicit contradistinction to the teleological determination of man, Agamben thus asserts that a living human being "can never be defined by its work but only by its inoperativity."¹⁰⁰

Characteristically, Agamben expands upon this point in a study of Foucault's discussion of the example of "the political militant's style of life" and the "life of the artist in modernity," but also more generally exemplifies this inoperativity, by stating that "the painter, the poet the thinker – and in general, anyone who practices a *poiesis* and an activity – are not the sovereign subjects of a creative operation of work."¹⁰¹ By analogy to Foucault's description of the writer,¹⁰² they are, Agamben would contest, to be perceived as anonymous living beings who produce works, but who by doing so concomitantly devote themselves to rendering inoperative both their own works, the work of language and of bodies to seek to make an experience of themselves and constitute their life as form-of-life. Since this experience is never fully presented as an oeuvre, their work is also an ongoing experience and a contemplation of a potential. Importantly, the inoperativity of work is not experienced as a lack and as a promise of another world yet to come. Rather such work comes to terms with and finds peace in inoperativity, as it is experienced as use already present in the 'time of the now'.

According to Agamben, in such use, in in which the public and the private, life and work, life and form, enter a threshold of indifference should also be perceived as an ethical act par excellence since the ethical mode is the mode in which "each one enters into contact with oneself" and thus temporarily constitutes oneself as form-of-life, of which she or he is no longer the author or the subject. For Agamben, 'use' therefore provisionally and repeatedly makes it possible to suspend the Foucauldian aporia or antinomy because it presents a mediating alternative to the horns of the dilemma left behind by Foucault.

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¹ See, respectively, Agamben, *Homo Sacer: Sovereign Power and Bare Life* (1998); *The Signature of All Things. On Method* (2009); *The Kingdom and The Glory: For a Theological Genealogy of Economy and Government* (2011).

² Agamben, *The Use of Bodies*, 108.

³ Focusing in particular on Agamben's *The Kingdom and the Glory*, Mitchell Dean (2013) has, in *The Signature of Power: Sovereignty, Governmentality and Biopolitics*, elucidated the relation between Agamben and Foucault's work on power and governmentality.

⁴ Foucault, "The Subject and Power," 216 and Foucault, 'Qu'est-ce que la critique?' 36/'What is critique?' 44, respectively. For an informative review of Foucault and the concept of resistance, see M. G. E. Kelly, *The Political Philosophy of Michel Foucault*, 105-123.

⁵ Prior to his two final lecture courses, Foucault treats *parrhēsia* to a lesser extent in his 1982 lectures, *L'Herméneutique du sujet*, 345-397/*The Hermeneutics of the Subject*, 362-416. The lectures held at Berkeley in 1983 and published as *Fearless Speech* employ some of the material from the three series of lectures held at Collège de France in 1982-1984.

⁶ Foucault, *Le courage de la vérité. Le gouvernement de soi et des autres II*, 290/*The Courage of Truth: The Government of Self and Others II*, 316.

⁷ *Ibid.*, 296/*Ibid.*, 325.

⁸ *Ibid.*, 301-302/330-331. See also NT, Acts 9, 26-29 and Eph 6, 19-20.

⁹ *Ibid.*, 35-37/36-38.

¹⁰ *Ibid.*, 304/333.

¹¹ Dorotheos of Gaza, *Discourses and Sayings*, 113-114. Cf. Foucault, *Le courage de la vérité*, 306/*The Courage of Truth*, 335.

¹² *Ibid.*, 293/319.

¹³ On this point, Agamben is influenced by Walter Benjamin (cf. De la Durantaye, *Giorgio Agamben: A Critical Introduction*, 368). Benjamin plays an important role in Agamben's philosophy, particularly with regard to his conception of the "messianic", but is a marginal figure in Foucault's thought.

¹⁴ Agamben, *The Time That Remains: A Commentary on the Letter to the Romans* (2005), 61.

¹⁵ *Ibid.*, 134.

¹⁶ *Ibid.*, 136.

¹⁷ Agamben, *The Use of Bodies*, 23; cf. 30.

¹⁸ Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life*, 144.

¹⁹ *Ibid.*, 138-139.

²⁰ Agamben, *The Use of Bodies*, 80. Cf. *Expositio Hugonis de digna super regulam fratrum minorum*, VI (Flood, 161): "Hoc ius: Nullum in his que transeunt ius habere".

²¹ Agamben 2015: 80.

²² Agamben, *The Highest Poverty*, 139.

²³ Agamben, *The Use of Bodies*, 273-274; 56-57. Cf. *The Time That Remains*, 26-28

²⁴ Agamben, *The Time That Remains*, 124.

²⁵ Agamben, *The Use of Bodies*, 56-57.

²⁶ Agamben, *The Time That Remains*, 28.

²⁷ 1 Cor 7, 29-31. Cf. Agamben, *The Use of Bodies*, 274; 56; *The Time That Remains*, 22ff.; *The Highest Poverty*, 139.

²⁸ Agamben, *The Use of Bodies*, 274.

²⁹ *Ibid.*, 108.

³⁰ In her recent book, *Catastrophe and Redemption*, 123-158, Jessica Whyte shows how Agamben's conception of use dates back to his early book *Stanzas: Word and Phantasm in Western Culture*, originally published in 1977. According to her reading, Agamben's reinterpretation of Marx's notion of use-value is the key to understanding his conception of use.

³¹ Drawing on Vernant and Vidal-Naquet's *Myth and Tragedy in Ancient Greece*, Jonathan Lear emphasizes in "Knowingness and Abandonment: An Oedipus for Our Time," 53, that Oedipus Rex originally belonged within a religious horizon.

³² What is meant by “post-dogmatic” is captured in the following passage, in which Lear characterizes the starting point for our contemporary interpretation of tragedy, as opposed to a traditional religious interpretation: “Since the Enlightenment, modernity has constituted itself around the idea that there are no categories which are simply given – that even the most basic categories like fate, family, nation must be legitimated before the tribunal of human reason, and cannot simply be handed down as part of the basic moral order of the universe. There seem to be no fixed categories which are simply handed down from beyond. There seem to be no meanings to our lives, no values, which are exempt from our critical scrutiny.” “Knowingness and Abandonment: An Oedipus for Our Time,” 53.

³³ For an extensive analysis of these lectures see Raffnsøe et al., *Michel Foucault: A Research Companion*, 280-332.

³⁴ Foucault, *Naissance de la biopolitique*, 12/*Birth of Biopolitics*, 10.

³⁵ Ibid., 192/Ibid., 186. The treatment of liberal power therefore critically modifies Foucault’s earlier conception of power, where power tended to be conceived in terms of domination, discipline and warfare (cf. Raffnsøe et al., *Michel Foucault*, 208-228).

³⁶ Foucault, *Naissance de la biopolitique*, 65/*Birth of Biopolitics*, 63.

³⁷ Berlin, *Four Essays on Liberty*, 123.

³⁸ Foucault, *Naissance de la biopolitique*, 34/*Birth of Biopolitics*, 32.

³⁹ Ibid., 38/Ibid., 36.

⁴⁰ Ibid., 34/Ibid., 32.

⁴¹ Ibid., 38, 37/Ibid., 36, 35.

⁴² Ibid., 2/Ibid., 3.

⁴³ See Becker, *Human Capital: A Theoretical and Empirical Analysis, with Special Reference to Education*. Third Edition, esp. 15-26.

⁴⁴ Foucault, *Naissance de la biopolitique*, 232/*Birth of Biopolitics*, 226.

⁴⁵ Ibid., 231/Ibid., 225.

⁴⁶ Ibid., 243 n. 33/Ibid., 236 n. 33.

⁴⁷ Ibid., 245/Ibid., 229.

⁴⁸ Ibid., 253/Ibid., 246.

⁴⁹ Cf. Becker, “The economic approach to human behavior,” 3-14.

⁵⁰ Foucault, *Du gouvernement des vivants*, 18/*On the Government of the Living*, 18.

⁵¹ In his recent book, *Foucault’s last decade* (2016), Stuart Elden also emphasizes that, during this period, Foucault turns his attention to “self-identity in relation to the problem of ‘individualizing power’” (111). However, unlike Elden’s investigations into ‘Foucault’s last decade’, we would interpret this interest as a natural consequence of Foucault’s discovery of the individual’s involvement in power as it characterizes liberal governmentality. In connection with our emphasis on this continuity at the level of the problem that Foucault pursues, we read his reflections on alethurgy precisely as an attempt to articulate an analytical framework that can connect his analyses of liberal governmentality with the problem of ‘individualizing power’.

⁵² Foucault, *Du gouvernement des vivants*, 8, cf. 23/*On the Government of the Living*, 6-7, cf. 22.

⁵³ Ibid., 7/Ibid., 5.

⁵⁴ Ibid., 73/Ibid., 73.

⁵⁵ Ibid., 59/Ibid., 60.

⁵⁶ Sophocles, *Oedipus Rex*, v. 1110-1185.

⁵⁷ Foucault, *Du gouvernement des vivants*, 39/*On the Government of the Living*, 39.

⁵⁸ Ibid., 65/Ibid., 66.

⁵⁹ Foucault, “Foucault,” 632/ “Foucault”, 459. In this text, as well in several others Foucault distinguishes between three elements, power, truth and ethics, or more precisely “forms of possible knowledge, normative frameworks of behavior, potential modes of existence for possible subjects.” Foucault, *Le gouvernement de soi et des autres*, 4-5/*The Government of the Self and Others*, 3. Cf. “Le souci de la vérité,” 632-633/Foucault, “The Concern for Truth,” 460-461. Even if this description is different from the model with four dimensions that we present, I do not take the two pictures to be mutually exclusive. Foucault’s three elements are introduced as a description of his work as a whole, as well of each of paradigmatic investigation of madness, delinquency and sexuality. The model we are

introducing here aims more specifically to elucidate the relation between governmentality and ethics in his late, post 1979, lectures.

⁶⁰ Foucault, *L'Usage des plaisirs. Histoire de la sexualité 2, 12/The Use of Pleasure. The History of Sexuality 2*, 6.

⁶¹ We are thankful to one of our anonymous referees for urging us to clarify this distinction. It should also be noted that Foucault seems to think that the objectifying aspect of veridiction is intensified through the epistemological assumptions of the *modern sciences*. In his Collège de France lectures from 1982, he engages with the tradition of ancient natural philosophy, in which he finds the idea of the “constitution of the knowledge of the world as spiritual experience of the subject”. This type of veridiction, which deals with knowledge of the world, is not objectifying but rather seeks “to inflect knowledge [*savoir*] of the world in such a way that it takes on a certain form and a certain spiritual value for the subject.” *L'Herméneutique du sujet*, 305/*The Hermeneutics of the Subject*, 318-319.

⁶² Foucault, *Mal faire, dire vrai. Fonction de l'aveu en justice*, 6-7/*Wrong-Doing, Truth-Telling. The Function of Avowal in Justice*, 17.

⁶³ Foucault, *Du gouvernement des vivants*, 97/*On the Government of the Living*, 99.

⁶⁴ *Ibid.*, 95/*Ibid.*, 98.

⁶⁵ Foucault, *L'Herméneutique du sujet*, 11/*The Hermeneutics of the Subject*, 9.

⁶⁶ Agamben, *The Use of Bodies*, 108.

⁶⁷ *Ibid.*

⁶⁸ Foucault, *Du gouvernement des vivants*, 73/*On the Government of the Living*, 74.

⁶⁹ Foucault, *Le gouvernement de soi et des autres*, 66/*The Government of the Self and Others*, 68.

⁷⁰ *Ibid.*, 60/*Ibid.*, 62.

⁷¹ *Ibid.*, 54-55 /*Ibid.*, 55.

⁷² Foucault, *Le courage de la vérité*, 25/*The Courage of Truth*, 25.

⁷³ Foucault, *Du gouvernement des vivants*, 73/*On the Government of the Living*, 74.

⁷⁴ Foucault, *Le gouvernement de soi et des autres*, 62/*The Government of the Self and Others*, 64.

⁷⁵ *Ibid.*, 64/*Ibid.*, 67. Cf. the general characterization that Foucault presented in his lecture course given at Berkeley in 1983 published as *Fearless Speech*, 19-20

⁷⁶ As Lear remarks in “Knowingness and Abandonment,” the precariousness of Oedipus’s rule is already signaled in Sophocles’ original title for the play: “Oedipus is not the king. He is *the tyrant*. This is a crucial distinction. It is reflected in Sophocles’ title *Oedipus Tyrannus*, and it is flattened in the Latin translation *Oedipus Rex*, and then in the English *Oedipus the King*. [...] For the ancient Greeks, ‘tyrant’ did not only have the negative meaning it has for us today; it also referred to a leader who did not inherit the throne along traditional bloodlines” (41).

⁷⁷ The Greek word *archē* can mean ‘beginning’, ‘principle’ as well as ‘government’.

⁷⁸ Foucault, *Du gouvernement des vivants*, 77/*On the Government of the Living*, 79.

⁷⁹ There is no consensus on whether Plato was the author of *Alcibiades I*. The latest commentary in English, *Plato: Alcibiades*, published in 2001 by Nicholas Denyer, argues that it is authentic, late dialogue.

⁸⁰ *Ibid.*, 56/*Ibid.*, 56-57.

⁸¹ In *Alcibiades I* Socrates secures Alcibiades’ assent that the soul is controlling (*archousa*) the body (Pl. *Alc* 1 130a).

⁸² Agamben, *The Use of Bodies*, 33.

⁸³ Foucault, *L'Herméneutique du sujet*, 419-434, 452-454/*The Hermeneutics of the Subject*, 437-452, 485-487.

⁸⁴ *Ibid.*, 444-460/*Ibid.*, 463-480.

⁸⁵ Agamben, *The Use of Bodies*, 99.

⁸⁶ Gros, “Course context,” 531. Cf. Foucault, “On the genealogy of ethics: An overview of work in progress,” 341.

⁸⁷ Foucault, “Foucault”, 674. Cf. Gros, “Course context,” 530.

⁸⁸ Foucault, *L'Herméneutique du sujet*, 241/*The Hermeneutics of the Subject*, 252.

⁸⁹ Foucault, *L'Usage des plaisirs*, 15/*The Use of Pleasure*, 6.

⁹⁰ *Ibid.*, 14/*Ibid.*, 9.

⁹¹ Agamben, *The Use of Bodies*, 108.

⁹² *Ibid.*, 108, 102.

⁹³ Foucault, *Du gouvernement des vivants*, 73/*On the Government of the Living*, 74.

⁹⁴ For Agamben, the locus classicus is from the *Nicomachean Ethics*, where Aristotle raises the question of whether there is “something like the work of the human being as such (and not simply of the carpenter, the tanner, or the shoemaker) or whether the human being was not instead born without work (*argos*)” and goes on to affirm and explicate such an *ergon anthropou*. *The Use of Bodies*, 5. Cf. Aristotle *Ethica Nicomachea*: I, 7, 1097b23-1098a20.

⁹⁵ Cf. Agamben’s comments in *The Time That Remains* on the Pauline use of the verb *katargeō* (95-97).

⁹⁶ In passing, Matthew Abbot makes the following interesting point in his recent reconstruction of Agamben’s political ontology: “A rough but useful way of framing the difference between Agamben and Foucault would be to say that while the latter is concerned with the ontic biopolitical field, and the myriad concrete practical problems that arise in it, Agamben is more primarily concerned with the historical contingent quasi-transcendental conditions of the biopolitical *as such*.” *The Figure of this World*, 23.

⁹⁷ Agamben, *The Use of Bodies*, 106.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid., 247.

¹⁰¹ Ibid.

¹⁰² Cf. also the paragraphs “Challenging the categories of representation and work” and “Event and experience” in Raffnsøe et al., *Michel Foucault*, 92-97.