Intellectual Vigilance. Foucault and the (post-)foundations of critique

Vigilancia intelectual. Foucault y las (post)fundaciones de la crítica

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Abstract: This paper functions as both an introduction to the German debate around Foucault's model of critique and the questions of normativity surrounding it as well as presenting one possible interpretation of critique at the intersection of Foucault's writing and his intellectual activism. Foucault's model of critique has been and can be used or criticised productively in contexts of normative political theory. To properly capture Foucault's critical project it is necessary to focus on the insights of governmentality studies and their normative abstinence when criticising, his turn towards the ethical and practices of the self like parrhesia, but also his activism as a public intellectual, with all of these notions always situated in the tension of particular and universal.

Keywords: Normative critique; Public Intellectual; Parrhesia; Genealogy; Governmentality studies.

Resumen: Este artículo sirve tanto de introducción al debate alemán en torno al modelo de crítica de Foucault y las cuestiones de normatividad que lo rodean como de presentación de una posible interpretación de la crítica en la intersección de los escritos de Foucault y su activismo intelectual. El modelo de crítica de Foucault ha sido y puede ser utilizado o criticado de forma productiva en contextos de teoría política normativa. Para captar adecuadamente el proyecto crítico de Foucault es necesario centrarse en las ideas de los estudios sobre la gobernabilidad y su abstinencia normativa a la hora de criticar, su giro hacia lo ético y prácticas del yo como la parrhesía, pero también su activismo como intelectual público, con todas estas nociones siempre situadas en la tensión de lo particular y lo universal.

Palabras clave: Crítica normativa; Intelectual público; Parrhesia; Genealogía; Estudios sobre la gubernamentalidad.

Introduction

Foucault is to this day, maybe more than ever before, a prominent figure and now a canonical reference in the world of the humanities and social sciences. He has also become a person of interest in the public sphere. The current public, often-times undercomplex and poorly informed debates about postcolonial theories, identity politics, *woke-ism* and political correctness constantly reference him, with the right and the left mobilising his thinking. It is very important to analyse how in these debates Foucault is used as a signifier; his name being merely more than stand-in for trigger-words like "postmodernity" the "woke-left" or "cultural Marxism" and how especially right-wing and ultra conservative narratives use him in a (meta-) political struggle for cultural hegemony.[1]

In the face of these accusations it is easy to fall back to the standpoint that one should not speculate on how Foucault would have commented on these questions or to just point out how most of these actors and their positions are simply not well acquainted with Foucault's writings, demonstrating only very limited knowledge of his theoretical, philosophical and critical project. It is more promising to find a different approach than honouring these positions, that in some cases do not even care about Foucault and his work, by engaging with them directly. Instead it seems promising to interpret a more liberal or universalist aversion against identity politics, *woke-ism* and their supposed founder Foucault in the framework of modern against postmodern critical theory. These arguments are not as firmly situated in the above mentioned meta-political struggle and there is a lesser need for speculation, only for interpretation, since Foucault and his reception have worked extensively on his understanding of critique and its supposed conflict with modern rationality, freedom and morality. The main problem the positions opposing Foucault have with him is his supposed critique of modern narratives. According to these readings, subscribing to Foucault's theory means – and this point is frequently made against other prominent "postmodern" thinkers like Judith Butler, Jacques Derrida or Jean-François Lyotard – losing the ability to criticise society, since every critical remark is already part of the matrix of power, the ominous discourse surrounding and/or producing everything. His aversion against humanism, progress, justice or a spelled out notion of freedom, in short, a clearly formulated moral code translates to a normative base for the critique of society being absent from theories. Therefore, they cannot serve as the basis of a progressive politics or social critique, only leaving room for individual identity politics and the voluntarist and particularist destruction of political debate, truth, science and solidarity through cancel culture.

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1 Examples range from fundamental attacks and more or less political manifestos against leftist positions like PLUCKROSE, Helen; LINDSAY, James. Cynical theories, How activist scholarship made everything about race, gender, and identity - and why this harms everybody. Pitchstone Publishing, Durham, North Carolina, 2020 – to underinformed leftist positions like NEIMAN, Susan. Left is not woke. Polity, Cambridge, Hoboken, NJ, 2023 – and more conservative humanist-universalist position like EILENBERGER, Wolfram. Sind wir nicht alle irgendwie unterdrückt? Der Spiegel. 35, 2024.

One of the most influential of these polemics has in recent years been Susan Neiman's book *Woke is not left* which sums up most of the universalist, liberal, humanist i.e. modern critique or maybe even stereotype of and against Foucault. According to her, Foucault "insisted that the idea of justice itself was invented as a weapon against certain forms of political and economic power"[2] and he became the "godfather of the woke left"[3]. In her view, "Foucault wasn't the first to fudge the distinction between normative and descriptive claims, but he helped to make it common practice among legions of theorists who call themselves critical"[4]. "For Foucault, every attempt to make progress entangles us in a web that subverts it"[5]. While critical positions vary significantly in depth and argumentative quality, in some cases even lacking basic scientific decency when treating Foucault's work, they do share the same fundamental conviction, that because of their lack of a universalist normative grounding Foucault's methods, theories and insights are not able to produce progressive critical insights for a humanist modern political project. While this is not intended to compare the important contributions of for example Jürgen Habermas or Nancy Fraser with stereotypical polemics like the one from Susan Neiman or even (meta-)political manifestos like *Cynical Theories*[6], it means that to defend Foucault against the polemics form one side, one also has to engage with the more philosophically grounded critiques of his work.

Therefore, this paper will focus on Foucault's mode of critique and the mostly German philosophical discourse surrounding it as well as his own utterances as public intellectual and how these fit into his critical project in the face of a more normative form of critique, mainly what has become known under the label of the Foucault-Habermas debate[7]. To speak in more general terms, the text will switch from the current debates to an older theoretical struggle between a critique situated in the framework of modernity and so called postmodernity. To start, this paper will go over some key features of Foucault's political epistemology to situate his books and works in the context of a critique of science and society they themselves lay out. After this background has been established the text will briefly show how Foucault reflected on his personal role as critic with the concept of the specific intellectual in regards to his insights into truth and knowledge and

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2 NEIMAN, Susan. Left is not woke. 2023, Chapter 3, 6.

3 NEIMAN, Susan. Left is not woke. 2023, Chapter 4, 6.

4 NEIMAN, Susan. Left is not woke. 2023, Chapter 4, 3.

5 NEIMAN, Susan. Left is not woke. 2023, Chapter 4, 11.

6 PLUCKROSE, Helen; LINDSAY, James. Cynical theories, 2020.

7 The debate itself is of course to complex and far reaching in terms of topics and authors to present it here. Some introductory sources include: ALLEN, Amy. Discourse, Power and Subjectivation, The Foucault/Habermas Debate reconsidered. The Philosophical Forum. 1, 2009. 1–28. BIEBRICHER, Thomas. Selbstkritik der Moderne, Foucault und Habermas im Vergleich. Campus., Frankfurt Main; New York, 2005. FRASER, Nancy. Foucault on Modern Power, Empirical Insights and Normative Confusions. PRAXIS International. 3, 1981. 272-287. FRASER, Nancy. Michel Foucault: A "Young Conservative"? Ethics. 1, 1985. 165-184. HABERMAS, Jürgen. The philosophical discourse of modernity, Twelve lectures. Polity Press, Cambridge, 2007, (Reprint ed.). INGRAM, David. "Foucault and Habermas". In: Gutting, Gary. The Cambridge companion to Foucault. Cambridge University Press, Cambridge, 2007, (3rd reprint).

how this influenced his own activism as public intellectual. This will bring the argument right to the core of the normative and rationalist critique that has been brought up against Foucault multiple times. Looking back on interpretations of Foucault, that tried to rehabilitate him against these accusations by analysing the concept of genealogy as critique, the paper will end by looking to his intellectual and his academic interventions aiming to distil another form of critique that shares a common spirit with genealogy. Mainly it focuses on the excluded subjects of society, "the infamous people"[8], but is much more radical than what is offered in his genealogical works. This will on the one hand underline the normative value of genealogy and rehabilitate it against what I take to be a misreading of Foucault's epistemology in ontological terms[9] while on the other hand also making plausible a form of critique that goes beyond normative criteria. This is important since Foucault clearly saw the problems connected to the idea of a singular truth and any universalisable forms of normativity stemming from such a philosophical basis. This idea of critique can be found in some of his contributions as public intellectual and is reflected upon by Foucault himself in his works on the concept of critique and the practice of *parrhesia* of the late 70s and early 80s.

It could be contested that Foucault's personal and at first glance non-theoretical activities as public intellectual are relevant when it comes to investigating his critical project. "If someone" – remarks Foucault ironically regarding this question – "believes that my work cannot be understood without reference to my life, then I would like to answer this question. Since my personal life contains nothing of interest, it does not deserve to be made a secret – and consequently it does not deserve to be made public"[10]. In contrast to this, I think that his work should very well be understood in direct relation to his life, since Foucault says himself "there is no book that I have not written at least from a direct personal experience"[11]. While his public interventions only properly started after being appointed Professor at Collège de France, the most notable example being his involvement with the *Groupe d'information sur la prison* (GIP), the change from 60s to 70s also marked the end of Foucault's early period that mostly centred on questions of epistemology and knowledge.

Firstly, it was during this time, fuelled by the 68 student movement and the

8 FOUCAULT, Michel. "La vie des hommes infâmes (1977)". In : FOUCAULT, Michel; DEFERT, Daniel (Ed.); EWALD, François (Ed.). Dits et écrits II, 1976-1988. Gallimard ; Quarto, Paris, 2001c.

9 This can be found in Fraser's and Habermas' early treatments of Foucault's power concept (see Footnote 8), but might also in the works of Giorgio Agamben, who has distilled from the theories of sovereign, disciplinary and bio- power as analysed by Foucault to be the mechanism of power from the start of modern capitalist societies into an ontology of political power per se. See AGAMBEN, Giorgio; THÜRING, Hubert (Trans.). Homo sacer, Die souveräne Macht und das nackte Leben. Suhrkamp, Berlin, 2002, (1st Ed.). AGAMBEN, Giorgio; RUEFF, Martin (Trans.). Qu'est-ce qu'un dispositif? Payot & Rivages, Paris, 2017, (2nd Ed.).

10 FOUCAULT, Michel. "Une interview de Michel Foucault avec Stephen Riggins". In: FOUCAULT, Michel; DEFERT, Daniel (Ed.); EWALD, François (Ed.). Dits et écrits II, 1976-1988. Gallimard ; Quarto, Paris, 2001, 1357.

11 FOUCAULT, Michel. "Gespräch mit Ducio Trombadori". In: FOUCAULT, Michel; HONNETH, Axel (Ed.); SAAR, Martin (Ed.). Die Hauptwerke. Suhrkamp, Frankfurt/Main, 2008, (4th ed.), 1591.

founding of the university of Paris Vincennes, the reform university Foucault helped to organise, that the activities as activist and public intellectual began, which Foucault continued to pursue until his death in June 1984. Secondly, Foucault's inaugural lecture, *The Order of Discourse*, laid out a research paradigm and programme for his time at the Collège de France that fundamentally questioned scientific discourse and the practices of truth production. The politico-epistemological questions he developed in his work of the 1960s would continue to define Foucault's commitment as a political intellectual, insofar as he did not make this role easy for himself by reflecting on the connection between truth regimes, power and the position of the public intellectual speaker. These two strains, the political epistemology of problematizing truth with its effects and the critique of social reality as public intellectual are key figures of Foucault's critical thought, but mostly the first has been criticized for its lack of normativity or its supposed lack of a philosophical moral basis.

Political Epistemology

Throughout his work, Foucault emphasises that power and knowledge are interrelated, mutually dependent but not reducible to each other. In *The Order of Discourse* he speaks of two different questions present in his work and calls them "internal"[12] mechanisms of exclusion, with their counterpart being the social and therefore "external" systems of discursive exclusion.[13]

The first is the external one that in his early period Foucault analyses as the cognitive dimensions of social constitution through exclusion. *Madness and Civilisation* is the first example of a series of inquiries trying to explain the construction of social orders by their form of epistemological exclusion. Modern society constitutes itself as rational thereby losing the language to connect to what it now deems mad.[14] This same structure can be found all over Foucault's works. Some examples include: Early capitalist society constituting itself and its juridical structure by excluding and ordering individuals by the tools of discipline and norms[15], Christian communities of medieval society constituting themselves by rites of baptism and exclusion[16], ancient Greek societies by incorporating a new understanding of criminality to form a stable hierarchy, making social order

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12 FOUCAULT, Michel; KONERSMANN, Ralf (Ed.). Die Ordnung des Diskurses. FISCHER, Frankfurt/Main, 2017, (14th ed.), 17.

13 see FOUCAULT, Michel; KONERSMANN, Ralf (Ed.). Die Ordnung des Diskurses, 10-17.

14 see FOUCAULT, Michel. Madness and civilization, A history of insanity in the age of reason. Random House, New York, 1988.

15 see FOUCAULT, Michel. Discipline and punish, The birth of the prison. Vintage Books, New York, NY, 1995.

16 see FOUCAULT, Michel. Du gouvernement des vivants, Cours au Collège de France (1979-1980). Gallimard; Seuil, Paris, 2012, 91-184.

and property possible[17] or the biopolitical divisions into different races in the
wake of the newly birthed nation states with their governable populations and
national economies[18]. In all of these cases Foucault shows how the constitution of
social structure is closely related to the epistemological structures of both *savoir*
(knowledge) et *connaissance* (cognition) with their rules of acceptance.[19]

    In addition to these constitutional effects Foucault is also interested precisely
in these inner structures of the genesis of modern rationality, mainly in the form
of a history of science or particular fields of science and discourse. In this second
internal understanding of exclusion he analysis the apparatuses of knowledge
production in themselves. He understands science and the production of scientific
logic(s) as a game of truth that is played, a certain ruleset or conglomerate of
practices that produce a certain form of truth or rather form the circumstances
under which it can emerge and manifest. This can be clearly found in *The order
of discourse* when Foucault writes: "The discourse is barely more than a reflection
of a truth coming into existence before its own eyes"[20]. In his 1978 lectures
Foucault clearly explains this theoretical approach is not a sociological, historical
or economic one, but philosophical in nature, meaning for him that is part of the
"politics of truth"[21], because it is connected to the ramifications knowledge and
truth have in the domain of political struggle.

    This form of political-epistemological critique aims to identify the rules,
practices and conditions under which truths are able to be accepted as such while
unearthing their connection to the construction of contingent social structures
of domination through exclusion. According to Foucault, this exclusion always
has a referential relationship to the reservoirs of knowledge and the discourses
connected to the social order – without reducing one to being an effect of the
other. Foucault finds a vocabulary for these different questions in what he calls the
games and regimes of truth. As Daniele Lorenzini points out in *The force of truth*:

> "On the on hand Foucault explains that […] in any game of truth,
> that is, in any regulated system for the production of truth claims
> (when it is considered in terms of its formal structure and not of
> the individuals who concretely engage with it) 'only the truth can
> legitimately show the truth' and establish a distinction between true
> and false statements. On the other hand, however, Foucault argues
> that the truth is not rex sui, nor lex sui, nor judex sui: if we consider

17 FOUCAULT, Michel. Lectures on the will to know, Lectures at the College de France 197-1971 and Oedipal
knowledge. Palgrave MacMillan, Basingstoke, 2014, courses on the 10th and 17th of march.
18 FOUCAULT, Michel. Society must be defended, Lectures at the Collège de France, 1975 - 76. Picador,
New York, 2003, (1st ed.). FOUCAULT, Michel. The Birth of biopolitics, Lectures at the Collège de France,
1978 - 79. Picador, New York, 2008. FOUCAULT, Michel. Sicherheit, Territorium, Bevölkerung, Vorlesung am
Collège de France 1977-1978. Suhrkamp, Frankfurt/Main, 2022, (8th ed.).
19 I take this analytical division between connaissance and savoir from LORENZINI, Daniele. The force of truth,
Critique, genealogy, and truth-telling in Michel Foucault. The University of Chicago Press, Chicago, London, 2023.
20 FOUCAULT, Michel. Die Ordnung des Diskurses, 32.
21 FOUCAULT, Michel. Sicherheit, Territorium, Bevölkerung, 15.

> the regime of truth thus taking into account the individuals who are concretely engaged in this or that game of truth, we must conclude, according to Foucault, that truth is not the creator or holder of the rights it exercises over human beings, of the obligations the latter have toward it, and of the effects they expect from these obligations when and insofar they are fulfilled."[22]

Thus, Lorenzini understands Foucault's political epistemology correctly as on the one hand an analysis of internal structures of systems of knowledge, the games of truth. And on the other hand as an inherently critical analysis of the socio-epistemological, institutional and subjecting effects of these forms of knowledge, i.e. the various regimes of truth. Foucault always affirms that both are linked to each other: Truth and the governability of individuals or populations are intertwined, both upholding an overdetermined relationship of power to each other, for neither do truths completely determine the form of social constitution and government, nor are they merely produced by the institutional system of power and domination. This epistemological approach makes it impossible for Foucault to adopt the standpoint of a single universally valid truth and to criticise society from this basis. Right here – biographically speaking – he discovers questions of power as a central element for the interconnection of political questions with the previously structuralist-epistemological questions of a historian of science. Perhaps not coincidentally, this is also the moment his engagement as an activist and public intellectual begins. The question of power that underlies these epistemic reflections is transformed by Foucault into the method of genealogy in his academic and scientific writing and at the same time into a form of intellectual criticism in his personal activism. Both are particularly interesting against the background of the criticism of Foucault and of postmodernism in general and merit a more thorough analysis.

Intellectual activism

At the beginning of his activist-intellectual engagement, Foucault gives a lot of thought to this new role and decidedly distinguishes his intellectual activity from the figure of a universal and Marxist/Humanist intellectual, clearly addressing Jean-Paul Sartre who, according to Foucault, proclaimed

> "or rather he presumed to make himself heard as a representative of the universal. Being an intellectual was a bit like being the conscience of all. I believe that this reflected an idea carried over from Marxism, namely from a tired Marxism: just as the proletariat is the bearer of

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22 LORENZINI, Daniele. The force of truth, Critique, genealogy, and truth-telling in Michel Foucault. The University of Chicago Press, Chicago, London, 2023, 35-36.

> the universal by necessity of its historical position (but an immediate, unreflected bearer with little awareness of itself), the intellectual wants to be the bearer of this universality through his moral, theoretical and political choice, but in its conscious and elaborated form. The intellectual would be the clear and individual figure of a universality whose dark and collective form would be the proletariat."[23]

In comparison, Foucault wants to embody a specific intellectual legitimating himself not on the basis of his formal education but by partisan advocacy for the standpoint of the oppressed through his specific professional and scientific competences. The figure of the specific intellectual is characterised by the fact that, due to the constant need for mechanisms of verification and the increasing rationalisation within society, every field of knowledge can suddenly become representative of the entirety of the power relationship. Therefore, experts also come into conflict with the figurations of power. Compared to the universal intellectuals they do not have to struggle for abstract ideals and possibly fabricated historical power formations, advocating for class consciousness and increasingly just and free historical progress, but rather fight real specific battles in which social exclusions manifest themselves. The task of the specific intellectual is therefore not to preach the one truth to the listeners, but to change "the political, economic and institutional production order of truth"[24]. It is not a question of liberating truth from every system of power - which would be a delusion - but of liberating the power of truth from the forms of (social, economic, cultural) hegemony within which it currently functions.

Foucault puts these theoretical reflections into practice in his own work. At the beginning of the 1970s, he begins his commitment as a public intellectual, criticising the institution of the prison. Together with his partner Daniel Defert, a group of his friends like Gilles Deleuze, Jacques Rancière and other activists, he founded the GIP in early 1971 with the aim of providing the public with knowledge about the conditions within prisons. Quoting the founding manifesto:

> "We want to disseminate knowledge about reality. And we want to do this immediately, almost day by day, because time is pressing. We want to alert the public and keep them on the alert. We will endeavour to use all means of information for this: Daily newspapers, weekly newspapers, monthly magazines. In other words, we are addressing every conceivable tribune. It's good to know what threatens us, but it's also good to know how we can defend ourselves"[25].

In the early 1970s, multiple prison riots took place in France, something Foucault and his fellow campaigners were only too happy to put up with. Not only did

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23 FOUCAULT, Michel. "Entretien avec Michel Foucault". In: FOUCAULT, Michel; DEFERT, Daniel Ed.); EWALD, François (Ed.). Dits et écrits II, 1976-1988. Gallimard; Quarto, Paris, 2001, 154.

24 FOUCAULT, Michel. "Entretien avec Michel Foucault", 160

25 G.I.P. Tract ronétypé, Manifeste du G.I.P. In : FOUCAULT, Michel. Lagrange, Jaques. Dits et écrits I, 1954-1975. Quarto; Gallimard, Paris, 2001, 1043.

Foucault write multiple texts and gave interviews concerning the question of the prison, the group also published several booklets in which inmates had their say, collected the results of questionnaires that prisoners secretly filled out inside the prison and formed investigative committees against police violence. All this with the aim of bringing to light the truth about the conditions in the prisons or, even more profoundly, to demonstrate the prison-like nature of the entire penal system. By fighting for the particular situation of convicts not able to escape the carceral system, the group wanted to render visible the "juridico-political matrix"[26] and its universal character in modern society.

Here the tension between Foucault's problems with invoking universal truth and the normative claim to truth of the activist becomes clear. At least at first glance, because the accusation that inevitably forces its way into this debate also concerns questions of normativity and universalism, mediated by the question of the epistemic status of intellectual critique. It refers to the above-mentioned tension between the claim to truth of critique and the rejection of universalism and reads as follows: How can a specific intellectual claim to tell the truth (in this case about the carceral matrix underlying modern society) when Foucault himself denies the existence of an absolute truth and attacks it in his political epistemology? Why can a specific intellectual like Foucault take the side of the inmates with the goal of reproducing their knowledge when, according to his own thinking, it would be part of the omnipresent power ontology of knowledge? In short, by what right and with what justification is Foucault holding onto the opinion that his truth and the knowledge produced by the GIP is better than the prevailing one?

Freedom and normative critique – Governmentality studies or political theory?

This normative question, or rather the question of normativity not openly named here, is the core of the rationalist, classically modern and universalist criticism of Foucault. What is demanded of Foucault is a demonstration of precisely those claims to validity that turn his critique, expressed here only voluntaristically, into a universal or universalisable critique. This is where the discourse surrounding Foucault's method of genealogy starts to become relevant, because it is precisely this concept that ignited the questions of universal epistemic validity of the critique generated by Foucault. This line of reception tries to remedy a fundamental misunderstanding that is still present in the early debates between second/third generation Frankfurt School and Foucault. While understanding *Discipline and Punish* in a strict continuity to his works on the history of science as an ontology of power and knowledge in which no utterance can be outside of power and therefore

26 FOUCAULT, Michel. Discipline and Punish. 1995, 225.

leaving no possibility for a justified critique, Habermas missed the central mark of his genealogical project: Namely that the sovereign power and the disciplinary structure of early capitalist societies are not universal and ontological but that these writings serve as a historiographical[27] – not strictly historical – analysis of these realities with the manifested intention of emancipating readers right now. This of course also holds true for the above mentioned other forms of exclusion/constitution in different epochs and with different rationalities and epistemological structures. As Foucault writes: "Analysing these mechanisms of power is in no way a general theory of what power is"[28]. Since especially the german reception of Foucault has focused extensively on these questions, it is interesting to go over the different positions and see how they understand Foucault's notion of critique.

One position trying to marry both critiques of Foucault and his own original critique of modernity can be found in the works of Karsten Schubert who reconstructs this debate in *Freiheit als Kritik*[29] and develops a normative reading of Foucault in which his works are mostly read as a critique of (political) power and subjectivation. Interpreted in this way the main problem of Foucault, from the standpoint of political liberalism or deliberative democratic theory is the impossibility of freedom in a state of ontological power-knowledge relations. Staying in the framework of the first wave of critique, i.e. generally accepting the accusation made by Habermas and Fraser, Schubert reads Foucault as a normative theoretician of de-subjectivation in which the intensification of freedom is Foucault's theoretical and critical project. The goal then necessarily becomes developing a normative political theory of institutions and social structures in the broadest sense. The normative criteria being their reflexivity and their ability to bring forth subjects that are able to criticise their own subjectivation in these systems. This strategy uses Foucault's insights and imports them into the framework of liberal political theory, keeping the notions of progress and immanent critique, but enriching them with the poststructuralist insights into the interwoven nature of knowledge, power and subjectivity.[30]

> "This means that the solution to the problem of subjectivation can be found in a postfundamentalist pluralist theory of democracy. In this context, the liberal distinction between moral-universal institutions and particular political-ethical projects is not abandoned, but is processed in a way that is critical of power and tradition."[31]

27 The difference lies between simply reproducing a description of history or dramatically, theatrically and rhetorically overforming what has been to create an experience. See this papers chapter on genealogy and BIEBRICHER, Thomas. Habermas, Foucault and Nietzsche: A Double Misunderstanding. Foucault Studies, 2005, 1-26; SAAR, Martin. Genealogie als Kritik, Geschichte und Theorie des Subjekts nach Nietzsche und Foucault. Campus, Frankfurt/Main; New York, 2007.

28 FOUCAULT, Michel. Sicherheit, Bevölkerung, Territorium. 2022, 13.

29 SCHUBERT, Karsten. Freiheit als Kritik, Sozialphilosophie nach Foucault. Transcript, Bielefeld, 2018.

30 See SCHUBERT, Karsten. Freiheit als Kritik. 2018, 306-12 and SCHUBERT, Karsten. Freedom as critique: Foucault beyond anarchism. Philosophy & Social Criticism. 5, 2021. 634-660.

31 SCHUBERT, Karsten. Freiheit als Kritik. 2018, 25.

Freedom becomes in this understanding a completely political phenomenon, since it exists only in the form of institutional subjectivities, increasing in parallel with their level of reflexivity.[32] This centrality of a normative understanding of freedom does however produce problems if included into Foucault's works themselves. First of all, in a strictly foucauldian framework of critique this notion of teleology, even in the only structural sense Schubert presents, is of course not compatible with Foucault's strict rejection of orthodox Marxism and Hegelian figures of dialectical socio-historical progress. On top of that the question remains how to properly assess this form of reflexivity in terms of potentials for self-critique through more critical subjectivation. Deconstructing or analysing the discourse surrounding these potential institutions, i.e. producing new knowledge would be exactly the kind of basis governmental logics need to contradict "real" freedom.

The concept of government here already refers to a contradictory position in the discussion of Foucault's mode of critique, namely the subfield of governmentality studies. Ulrich Bröckling[33] advocates in his reception of Foucault and his explication of his model of critique for a normative abstinence when dealing with genealogies of political power structures and formations, as well as with critique in general. Starting out from Foucault's lectures at the Collège de France Bröckling focuses on the concept of government as the main point in Foucault's genealogical critique, not enforcing a theoretical divide between *Discipline and Punish* and his following works on liberalism and the development of an art of government in the time nation states and big populations were born.[34] For him government always entails not only the means of managing/leading/dominating human beings, but also the possibilities of their resistance. „Resistance marks both the boundary and a constitutive moment of government"[35], writes Bröckling. Where Schubert focuses on these acts of resistance, of de-subjectivation as a normative programme for political theory, Bröckling rejects the need to privilege one side (resistance or government) over the other. "There is no science of not wanting to be governed – fortunately. Because if it were possible to determine exactly where and why making people governable did not work, this knowledge would have long since helped to refine those government techniques whose limits it reveals"[36].

This problematic because possibly symbiotic relationship between government and critique can be found in Foucault's treatment of liberalism and its concept

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32 Instead of the focussing on the political, Felix Heidenreich develops a structurally similar argument focusing on the sphere of social recognition and freedom as developed by Axel Honneth. See HEIDENREICH, Felix. „Die Problematisierung von Freiheit bei Foucault und Honneth". In: MAZUMDAR, Pravu. Foucault und das Problem der Freiheit. Franz Steiner Verlag, Stuttgart, 2015.

33 Bröckling's main arguments can be found in a similar structure throughout the (German) governmentality studies. See BRÖCKLING, Ulrich; KRASMAN, Susanne; LEMKE, Thomas. Gouvernementalität der Gegenwart, Studien zur Ökonomisierung des Sozialen. Suhrkamp, Frankfurt/Main, 2000, (8th ed.)

34 see BRÖCKLING, Ulrich. Gute Hirten führen sanft, Über Menschenregierungskünste. Suhrkamp, Berlin, 2017, (3rd ed.), 305-7.

35 BRÖCKLING, Ulrich. Gute Hirten führen sanft, 394.

36 BRÖCKLING, Ulrich. Gute Hirten führen sanft, 395-396.

of freedom, when comparing how Schubert and Bröckling interpret it. In the studies of governmentality, potentials of personal freedom become not only the driving force of a modern understanding of historical progress and citizens' rights frameworks, but at the same time the foundational principle making a structured social organisation in massive capitalist national populations possible. Freedom is a tool, a principle – personal freedom, the ground rule for political rationality[37], remodelling itself into the entrepreneurial self in the neoliberal era of globalised human capital.[38] Opposing this, Schubert argues that this interpretation makes political critique in a normative sense impossible, especially since freedom is not a set of political rules in the form of law, but the possibility to critically asses one's own subjectivation, understanding the liberal and neoliberal promises of freedom not as "real" freedom, but as only ideological promises, not fulfilling the reflexive necessities of his normative political understanding of freedom inside an institutional approach to power mediated society. Moving away from the question of the historical reality of liberal government to a more abstract level, the possible scope of critique is altered dramatically through the inclusion or exclusion of normative principles of justified resistance. As Ulrich Bröckling writes: "So all that remains is the aporetic alternative of either remaining silent about the resistance, because to speak about it would be to hand it over to the government powers; or to speak about it, because to remain silent would be to work into the hands of those who want to keep the resistance invisible? [...] In contrast, an understanding of critique as problematisation should be strengthened"[39]. Bröckling advocates for an understanding of critique that does rely more on irritation, analysis and problematisation and less on a normative mapping of reality against ideals or universal procedures of justification. "According to his [Foucault's] definition of the ethos of critique, the art of not wanting to be governed, or not wanting to be governed in such a way, would therefore consist of irritating the unquestionable order of things, disorganising things or arranging them differently"[40].

As seen above, this approach to critique is criticised by Schubert:

> "This criticism of governmentality-analysis is another formulation of the freedom problem of subjectivation. It consists in the lack of differentiation between two concepts of freedom, the neoliberal concept of freedom, which describes a subtler form of oppression than disciplinary power, and a resistant, emancipatory concept of freedom.

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37 This point is extensively flashed out and analysed in LEMKE, Thomas. Eine Kritik der politischen Vernunft, Foucaults Analyse der modernen Gouvernementalität. Argument., Hamburg, 2014, (6th ed.).

38 see BRÖCKLING, Ulrich. The Entrepreneurial Self, Fabricating a New Type of Subject. SAGE, London, 2015.

39 BRÖCKLING, Ulrich. Gute Hirten führen sanft. 2017, 397.

40 ibid., 409. Over the course of the book Bröckling also keeps referring to Jacques Rancière's concept of police and politics as a theoretical model of this impossibility to critiquing governmental structures without being incorporated into their rationality. For the opposite argument back from this position of critique as problematisation and disturbance and not towards critique as normative critique like Schubert but advocating for scientific social analysis in the tradition of the Frankfurt School see FISCHBACH, Franck. Pour la théorie critique, Raison, nature et société. Vrin, Paris, 2024, 219-30.

> The impossibility of differentiation arises in turn from the description of neoliberal governmental power as total, insofar as it can always already integrate all resistance."[41]

For him the alternative has to be a normative critique of political institutions, in which the only normative standard is set by the reflexivity of the relation between subjects criticising institutions and institutions subjecting them.

> "The freedom required to solve the freedom problem of subjectivation cannot lie in a specific normatively better political or ethical subjectivation, i.e. in a concrete normative ethics of content [...] The freedom problem consists precisely in the fact that every subjectivation is standardising and potentially harmful, which is why it contradicts it to characterise a specific subjectivation as fundamentally free and positively recognisable. A concept of freedom that deals with this problem can therefore only exist in a meta-principle of constant reflection and (self-)criticism, i.e. it must be arranged on a meta-level that is applied to all subjectivisations. Freedom in this sense is therefore not based on a concrete specification of the content of the good life (ethics), but on a guardian procedural principle of second-order reflection."[42]

Schubert tries to integrate Foucault into the liberal framework, i.e. universalist notions of justificatory and legitimation discourses, by using him as a basis for a political theory of personal freedom (not in a neoliberal sense, but as a function of reflexivity), accepting the universalist reproaches of normative modern critique and using Foucault only to gain a more advanced insight into the criticisable institutions of modern society. The governmentality studies, represented here by the works of Ulrich Bröckling deliberately lean into the critical accusation towards Foucault, by explaining that the liberal/normative framework will simply not allow for fundamental critique, turning the critical knowledge into renewed forms of government, therefore retreating to a strictly tactical sense of social criticism. Just like in Foucault's later works of the 1980's in Bröckling's analysis social critique has an intelligible character. It is always related to the normative fabric of society, but it should not fall back on the standpoint of normative critique based on absolute or transcendent moral truths or values. "Criticism does not need a normative standard, but it cannot get rid of it. Any attempt to commit it to a canon of values [...] immunises precisely that canon [...] against critical questions."[43]

    While Bröckling and the governmentality studies are much closer to Foucault, not only concerning for example the question of freedom, but also regarding Foucault's own understanding of critique as a practice of enlightenment (see below) both their position and the one of Schubert do not in any way overcome the problematic between the universalist critique of Foucault's political epistemology and his activity

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41 SCHUBERT, Karsten. Freiheit als Kritik. 2018, 110.
42 SCHUBERT, Karsten. Freiheit als Kritik. 290.
43 BRÖCKLING, Ulrich. Gute Hirten führen sanft. 2017, 378.

as genealogist and public intellectual. They either accept the normative critique and either incorporate Foucault's mode of analysis into it (Schubert) or they reject any predetermined normative grounding of social critique (Bröckling).

The normative foundations and limits of Genealogy

Martin Saar's works on genealogy as critique focus more on this question. In his view Foucault develops a genealogical critique that describes the social connections between power and knowledge in terms of content and at the same time, through the theatrical presentation, makes clear to the recipients of the critique their own subjection to these structures, thereby opening up potential for emancipation.

> "Firstly, genealogies presuppose a certain historical view of the self or the subject and thus a thesis about the historicity and variability of the self. Secondly, they contain a thesis about the constitutive relationship between subjectivity and power or about the self's determination of power. Thirdly, these representations and theses are presented in a certain narrative-rhetorical, drastic form. [...] In general, genealogical historicisation always starts from the present and writes its hypothetical, fictitious or speculative prehistory(ies). [...] The authors of a genealogy are given the task by their audience: Tell me the story of the genesis of my self-understanding and self-relationship as a story of power, in such a way that as I listen I no longer want to be the way I thought I irrevocably had to be, and in such a way that as I listen I also realise that I don't have to be that way."[44]

Saar sees the key value of genealogy in what it does to the readers or those effected by the writings more general. It is creating a base of knowledge that opens a moment from the surrounding power structures for the subjects to reflect upon themselves – not because its intrinsically right, but because that is the aesthetic effect genealogies can have on subjects. In his conversation with Ducio Trombadori, Foucault himself speaks resolutely of the fact that his works are, of course, fictions that enable the reader to experience madness, discipline and their entanglement in it in a different and new way.[45] Genealogical Critique must therefore be more than the proclamation of truth against authority, since such an understanding of critique would lead us back to the essentialised categories of Marxism and Humanism, back to the universal intellectual proclaiming the truth about the repressive system of power in the name of the markers of modernity (for example reason, freedom, humanity or progress[46]). This interpretation of genealogy does not however go

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44 SAAR, Martin. „Genealogische Kritik". In: JAEGGI, Rahel; WESCHE, Tilo. Was ist Kritik? Suhrkamp, Frankfurt/Main, 2021, (6th ed.), 249-52.

45 See FOUCAULT, Michel. Gespräch mit Ducio Tromadori. 2008, 1588-89.

46 These concepts and systems of legitimation have been analysed extensively as the base structure of modernity by Jean-François Lyotard. See LYOTARD, Jean-François. The postmodern condition, A report on knowledge. University of Minnesota Press, Manchester, 1984.

past the accusation of voluntarism, 'Nietzscheanism' or the 'Schmittianism' of Foucault's critique. Why exactly tell this history of subjectivity, choose this one over another? Why favour this truth over that told by liberal capitalist democracy? Saar does not address this question of justification in depth, because he is more concerned with explaining the critical value of genealogy, which had previously been contested in general by some of Foucault's critical reception.

Both Frieder Vogelmann and Daniele Lorenzini expand of what can be seen in this presentation of Martin Saar's interpretation of genealogy. They develop and include concepts of truth, making it possible to describe the work of a specific intellectual as that of a producer of "unwieldy knowledge"[47], which seems to me to be the central point for the question of epistemic status. Genealogical knowledge, i.e. the narrative that aims to de-subjectify subjects, cannot be invented at will, not every story is worth being told and not every story works. To be effective, the knowledge signified by a genealogical story needs to lead a double life: It is not a only a fictional narrative of another history of subjectivity-become affecting subjects and detaching them from their subjectivation. It is also part of the scientific discourse, in that it adheres to the rules set for scientific knowledge. It adheres to them, but with the goal to shift the paradigms of precisely its own form of truth production. It lives inside and beyond the scientific discourse it investigates. As Foucault says:

> "In order for the experience to be mediated by the book, what is said in it must of course be true in the sense of academic truths, that is, historically verifiable. This is precisely what a novel cannot do. Nevertheless, the essential [...] lies in the experience that the book allows us to have. But this experience is neither true nor false. [...] Thus this play between truth and fiction - [...] between observation and fabrication - can make clearly visible what connects us with our modernity and at the same time make it appear changed to us."[48]

When analysed by Daniele Lorenzini utilising a more analytical approach it is a knowledge that turns to the content of the games of truth in the form of an archaeology of knowledge. It uncovers its rules and its constraints, thus enabling the subjects bound to this knowledge by the truth regimes to recognise this truth in its contingency, rendering this specific mode of subjection not necessary. In the words of Frieder Vogelmann:

> "The content of unwieldy knowledge presents the genesis and functioning of the prevailing truth regime in such a way that the statements of unwieldy knowledge do not entirely play by the rules of the truth regime being investigated. [...] Only because unwieldy knowledge, through its content, provides a genealogy of the prevailing

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47 VOGELMANN, Frieder. Die Wirksamkeit des Wissens, Eine politische Epistemologie. Suhrkamp, Berlin, 2022, 289.

48 See FOUCAULT, Michel. Gespräch mit Ducio Tromadori. 2008, 1590.

truth regime, which precisely reveals to us the limits this regime imposes on our thinking, acting, and being, it is able to simultaneously prefigure an alternative experience of truth that partially transcends these limits. [...] On the one hand, the epistemic status of unwieldy knowledge depends on the truth of its statements, understood according to the prevailing truth regime: proof of sources, explanation of methodology, coherence of what is said, etc. On the other hand, unwieldy knowledge must include an alternative experience of truth that arises from opposition to the prevailing truth regime, that is, from the opposition on the level of the conditions of existence for truth-apt statements."[49]

Understanding genealogy in this way, the accusation of voluntarism dissolves. Not only are the exaggerated misinterpretations of power-knowledge-connections as an ontology of disciplinary power wrong, since these are for Foucault always socio-historical context descriptions. On top of that the accusation of "cryptonormativity"[50] loses traction, since the decisive factor for the genealogical effect is already the positioning of genealogical knowledge within the scientific truth game. Science produces a truth that must be analysed by the genealogist in a special way and applied to specific social contexts. The normativity of science is clearly openly admitted, respected and performed by Foucault's genealogical works, while also being blatantly attacked and transcended by them. This explains not only Foucault's project within his books, but also parts of his intellectual engagement for example in the GIP. When the GIP smuggled survey questionnaires into prisons, using scientific methodology and publishing the analyses, even allowing prisoners labelled as dangerous and insane to have their say, they created unwieldy knowledge. This knowledge performatively questioned the connection between power-related institutions and the regimes of truth that surround them. This form of critique does indeed produce truth, but not in the universal sense. It shifts the conditions on the basis of which we can define a statement as true at all. Foucault's texts on prison and psychiatry inscribe themselves in the canon of historical investigations, they are verifiable and refutable in scientific discourse, however particular it may be, and at the same time exist as potentials for subjectivation against the limits of the normative order. This double life, this questioning of truth regimes with reference to the truth game of science or philosophy is the central core of genealogy.

Beyond Genealogy – Critique, *Parrhesia*, Intellectual activism

There might however be another form of critique that does not adhere to the

49 see VOGELMANN, Frieder. Die Wirksamkeit des Wissens. 2022, 289-99.
50 HABERMAS, Jürgen. The philosophical discourse of modernity. 2007, 276.

rules of scientific truth as the genealogical book projects do. I thus turn towards
Foucault's own comments on this tension between political epistemology and his
own scientific-intellectual work with emancipatory aspirations. Central texts for
this thematic seem to be: "What is Critique?" from 1978 and the two versions of
"What is Enlightenment?" from the year 1984.

In these texts, which are closely related in terms of content, Foucault
undertakes a methodological foundation for the emancipatory activity of the
intellectual and philosopher. As Foucault writes about the main reference Kant
that "this text on the Enlightenment contains as a central concept [...] that of the
public, the audience"[51]. So what exactly is the task of the intellectual in the field
of Enlightenment and critique? For Foucault, the intellectual is only a mediated
enlightener, primarily he is a critic. Foucault traces the difference between
Enlightenment and critique on the basis of Kant's philosophical intervention.
With him, according to Foucault, a "vertical relationship of discourse to its own
present"[52] emerges as the fundamental question of rationality. Kant thus recognises
the historically revolutionary character of the emergence of human reason and
introduces two new types of question into philosophy, which are decisive for
modernity as an epoch and cognitive system. On the one hand, the question of
the realisation of truth, which Foucault prescribes above all to Kant's first critique,
and secondly, the question of critique as a mode of implementation of continuous
further enlightenment, in Foucault's words the questions of "reason and the use of
reason as a historical problem"[53]. While the first question is highly relevant to the
idea of progress, as it prefigures the possibilities of revolutions, Foucault does not
see it as having a critical function. Recognising a singular universal transcendental
truth is simply not relevant to the question of critique. Thus writes Foucault in a
much cited passage:

> "It seems to me that the philosophical choice we are currently faced
> with is the following. We must either opt for a [...] philosophy that
> presents itself as an analytical philosophy of truth in general or for a
> critical thinking that takes the form of an ontology of ourselves, an
> ontology of the present. This form of philosophy from Hegel to the
> Frankfurt School [...] has established a form of reflection to which I
> naturally subscribe, to the extent that I am able."[54]

It is clear that in Kant Foucault finds a contrast between the scientific,
transcendental universal norms of philosophy and the critique of the ontology
of our present selves, i.e. the historical a prioi – again an epistemic formation.
Implied in this is that critique always needs to be connected to the present and its

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51 FOUCAULT, Michel. *Die Regierung des Selbst und der anderen*, Vorlesung am Collège de France 1982/83. Suhrkamp, Berlin, 2012, 22.
52 FOUCAULT, Michel. *Die Regierung des Selbst und der anderen*, 30.
53 FOUCAULT, Michel. *Die Regierung des Selbst und der anderen*, 38.
54 FOUCAULT, Michel. *Die Regierung des Selbst und der anderen*, 39-40.

particular forms. It has to be the critique of the object and not the formulation of a universal standard, mechanism or science of critique. These forms of universally applicable social, political and philosophical critique become themselves the main problem for emancipation. The question of the transcendental legitimisation of such a critical practice becomes obsolete to the extent that, as Foucault himself admits, it becomes impossible to "ever accede [..] a point of view that could give us access to any complete and definitive knowledge of what may constitute our historical limits"[55]. The intellectual's critique cannot and must not fall behind this threshold of the immanence of critique; it must be constantly reshaped and not be measured against standards of absolute objectivity. Therefore, again quoting Frieder Vogelmann, "Foucault's critique cannot even give its own theoretical concepts a stable epistemological status. [...] As excavation work under our own feet, this practice of critique sooner or later turns against itself."[56]

In that way genealogy cannot be the fundamental critique it wants to be since – as I have shown above – it functions by partially adhering to the specific normative game of truth of science. At least in parts it needs to be an immanent critique of the scientific regimes of truth that are connected to the real life institutional structures of power that stabilise hierarchy, domination and form societies through exclusion. But it can only work inside the double zone between science and fiction, relating to these realities in a mediated way. A more free-floating and radical form of critique, one that actually fulfils what Foucault is talking about in *What is Critique* and *What is Enlightenment* would not be allowed to link itself to such a predetermined set of rules, like the game of truth of science. One possible form of critique can be found in Foucault's own intellectual activism, another one was theoretically reflected by himself in the notion of *parrhesia*.

Foucault's interest in the ancient practice of *parrhesia* is one of his last theoretical projects, developed in lectures abroad and his last two years at the Collège de France. *Parrhesia* in the original meaning Foucault attributes to it is the act of telling the truth under the threat of being killed for telling it.[57] "We have here the point, at which the subjects deliberately tell the truth and deliberately and explicitly accept that this telling of the truth could cost them their own existence."[58] Reconstructing Greek texts Foucault isolates the theatrical structure of this truth telling not by analysing the internal form of truth, the essence of what constitutes it, but by describing the social situations, the conditions under which truth becomes truth. *Parrhesiastic* utterances are not true, because of their internal structure like their quality as pedagogy, rhetoric or proofs, but because

55 FOUCAULT, Michel. "What is Enlightenment". In: FOUCAULT, Michel; RAINBOW, Paul (Editor). The Foucault reader. Pantheon Books, New York, 1984, 47.

56 VOGELMANN, Frieder. Die Wirksamkeit des Wissens. 2022, 287.

57 see FOUCAULT, Michel. Die Regierung des Selbst und der anderen. 2012, 77.

58 FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 84

of the social setting they occur in.[59] In other words, there is not essential value to truth, but truth exist as truth nonetheless. At the end of his January 12th lecture from 1983 Foucault remarkably condenses this methodological approach towards *parrhesia*:

> "One cannot find the essence of *parrhesia* [...], one cannot isolate it, cannot grasp it by analysing the inner forms of speech or in the effects that this speech intends to achieve. One does not encounter it in what one might call discourse strategies. So what does it consist of if not in the speech and its structures? [...] If one wants to determine the essence of *parrhesia*, then neither in relation to the inner structure nor in relation to the purpose that the true discourse seeks to achieve with regard to the interlocutor, but in relation to the speaker, or rather in relation to the risk that speaking the truth entails for the speaker."[60]

While Foucault continues to develop the *parrhesia* into a social and ethical practice, intersecting the practice of philosophy an ethics of good living, the government of others through the government of the self and the original meaning of telling the truth in dangerous situations[61], *parrhesia* is especially interesting in the context of Foucault's critical projects because it exemplifies a way to deal with the question of truth, reason or a fundation of critique while at the same time not finding it inside the contents of critique itself. To count as *parrhesia* the spoken word has to "actually be the real truth"[62], but since another necessity for *parrhesia* is the danger, the courage and the freedom of choice to tell the truth, both sides culminate in "truthfulness"[63]. Telling the truth to power renders the speaker truthful. Foucault thus draws the conclusion – and here the fundamental link between the above mentioned understanding of critique in Foucault late works, the debate about freedom as a political rationality or a personal state of critique and resistance – that "if one accepts this definition of *parrhesia*, a fundamental philosophical question arises [...], which is nothing more and nothing less than the existing connection between freedom and truth. It is not the well-known question of the degree to which truth limits or restricts the exercise of freedom, but in a sense the reverse question. How and to what extent is the commitment to truth - the 'committing oneself to truth', the 'committing oneself by truth and by speaking the truth' - itself an exercise of freedom, and a dangerous exercise at that. To what extent is the fact that one commits oneself to the truth in reality the exercise, and indeed the highest exercise, of freedom?"[64]

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59 see FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 78-82.

60 FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 83.

61 See FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 68.

62 FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 84.

63 FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 94.

64 FOUCAULT, Michel. Die Regierung des Selbst und der anderen, 94-95.

    To exercise freedom means to tell the truth, constituting a relation to the self, especially when this self is put in a situation of imminent danger by telling this truth. Daniele Lorenzini analyses Foucault's understanding of *parrhesia* with the framework of analytical philosophy of language and speech act theory. Through this lens Foucault's approach becomes very clear, since the *parrhesiastic* utterance has to fulfil certain external requirements to induce a passionate response in the audience/interlocutor, mainly that what the *parrhesiastic* speaker has said comes to be understood as the actual truth. The social situation of *parrhesiastic* speaking has the potential to change the regimes of production of truth, in as much as the speaker renders the truth he has told the actual truth by putting his life on the line. Lorenzini isolates in length the necessary conditions of the social situation and the speech act to count as *parrhesia*: Unpredictability of the effects of the utterance, freedom of the speaker, criticism of the interlocutor's ethos, indeterminate risk taken by the speaker, courage shown by the speaker, transparency of the utterance which conveys the speakers though purely and simply and [as more of a corollary of these requirements being fulfilled than a requirement itself, J.L.] alethurgy – the manifestation or irruption of truth as an ethico-political force.[65]

    With this understanding of truth telling Lorenzini also shows how intertwined *parrhesia* is with the practice of critique. By evoking their freedom, the stakes that arise for all participants and their ethical views and thus the way they understand themselves as subjects and their ways of producing truth are openly questioned. Just as Foucault's notion of critique has to be more than just a genealogical inquiry, *parrhesia* also needs to break with questions of legitimacy and therefore put itself out the security of the game of truth that the discourse of philosophy and science it is operating in. Critique neds to go into the uncharted and free territory of just saying what is wrong in the real world and the way it treats all those fundamentally excluded by the regimes of truth. The infamous people, the sick, the mad, the criminals, the sexually deviant, those in vulnerable bodies or of inferior race[66], in short everyone a-normal because these after all are always the subjects of Foucault's inquiry and critiques. How does this basic motive of courage, freedom and transgression[67] that underlies both *parrhesia* and critique connect back to Foucault's intellectual activism?

    Not blurring the lines between the analysis of *parrhesia* as critical practice and

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65 LORENZINI, Daniele. The force of truth. 2023, 89.

66 There has been systematic critique of Foucault's deficient treatment of questions regarding Race and colonialism. See for example JAMES, Joy. Resisting state violence, Radicalism, gender, and race in U.S. culture. University of Minnesota Press, Minneapolis, Minn, 1996; and SPIVAK, Gayatri Chakravorty. "Can the subaltern speak?, revised edition, from the "History" chapter of Critique of Postcolonial Reason". In: SPIVAK, Gayatri Chakravorty; MORRIS, Rosalind C. Can the subaltern speak?, Reflections on the history of an idea. Columbia University Press, New York, 2010.

67 Catherine Malabou convincingly argues that this should be understood as an anarchist attitude towards philosophy by Foucault. See MALABOU, Catherine. Au voleur!, Anarchisme et philosophie. Presses Universitaires de France, Paris, 2022, 205-264.

ethic of the self with Foucault's intellectual activism is important. Just as it is not theoretically sound to uncritically project the socio-historic analysis of disciplinary, pastoral or sovereign power onto the contemporary reality – something that I have criticised above as a wrong reading of power and discourse as ontology – Foucault's intellectual engagement should not just be compared to an antique practice of truth ethics or worse understood as a modern incarnation of it. There is however a striking similarity in the critical undertone and its harsh rejection of any legitimation discourse surrounding the acceptance of social critique, as Foucault has argued in *What is Enlightenment?* Circling back to his activism as public intellectual, the common motive of rejecting the 'correct' forms of critique and in this politico-historical context philosophical liberalism's understanding of progress through mediated discussion and compromise embedded in the form of (international) law can be found on 19th of June 1981. Foucault was in Geneva talking about the 'boat people' and about their human rights situation. His very brief intervention is particularly interesting with regard to the idea of a transgressive and free floating critique.

While mentioning the question of human rights Foucault talks about how it is important for the activists to "make their own right"[68], to not be instated by someone but themselves, to not have any legitimacy to talk for the refugees other than being humans themselves. His argumentation does not rely on any legitimating discourse, like the privileged position of the intellectual or the previously established frameworks of international and humanitarian law. The remarks hint towards the radical moment in which the pre-established rules of critique are rendered incompetent to deal with the reality and truth of the individuals currently in peril.

Here Foucault does have the full freedom just to say what he wants without having to rely on the previously established rules of critique, moreover only through this freedom and also the openness for criticisms this entails, is he able to actually, properly criticise the system without falling back into the already walked paths of critique in the human rights framework. It is this radicalism that transcends normative critique by being more normative in a sense, as it does not put the individual and their suffering behind abstract and transcendental models of critique. This understanding is now remarkably close to what Ulrich Bröckling has laid out, especially considering the complex relationship between critique and normativity and so it does not come as a surprise that another scholar in the field of governmentality studies, Thomas Lemke, comes to a similar conclusion in his text on Foucault's intervention from 1981. Understanding freedom not as a state of being that can be secured or fulfilled by institutions, like the law, but in a broader sense. Pre-existing institutions might help, but only as a practice that has

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68 FOUCAULT, Michel. „Face aux governements, les droits de l'homme" In : FOUCAULT, Michel; DEFERT, Daniel (Ed.); EWALD, François (Ed.). Dits et écrits II, 1976-1988. Gallimard ; Quarto, Paris, 2001, 1526.

to be invoked can critique be realised.[69] Only by pushing that which is critique over its limits, proper critique can be realised – Criticising properly means not criticising at all.

Summary

Foucault's model of critique has been widely criticised, elaborated on and developed further for a changed world, since the 1980s. Especially the methodological questions have brought up a normative critique in which Foucault's works and his intellectual activism have been subject to harsh attacks. This text aimed to show that there is no easy answer to the criticism, at least if the arguments are substantiated and not purely ideological attacks on "postmodern philosophy". The tradition engaging with genealogy, represented here by Martin Saar, Frieder Vogelmann and Daniele Lorenzini tries to overcome the question of normativity by excavating its (meta-) normative core. The incorporation of truth as a mediated (by the scientific discourses) normative set of rules, not in a transcendental moral sense, but as a reconstruction of games and regimes of truth – i.e. the order of discourses – has been one strategy to reconcile Foucault's efforts with the polemics against his work. Genealogy transcends the rules and norms of knowledge production and thus subjectivation from the insight with a carefully planned and staged methodology and thus produces effects in the real conditions of power and human life in society.

Karsten Schubert, although under different circumstances, also sees a normative core in Foucault's critique, mainly in the form of a political theory of increasingly reflexive subjectivation by political institutions. Deliberately staying away from questions of normativity to not fall into the trap of procuring governing knowledge has been the other major strategy of Foucault's interpreters, represented here by the field of governementality studies, more precisely Ulrich Bröckling, but also by the interpretations of Foucault's later works on critique, *parrhesia* and his intellectual activism. Both these argumentative strands retain a sense of tactical critique, not leaning into the need to justify critique in a normative sense, rather staying abstinent. Foucault's courage of truth does not postulate a universal transcendental truth but shares with Bröckling's definition of critique a sense of intelligibility. Critique, subjectivity and freedom cannot stem from either procedures of absolute transcendental normative grounding or a non-normative stance, but from personal or collective "creativity"[70], a non-governable moment of subjectivity that makes both power and freedom possible and that

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69 See LEMKE, Thomas. » Freiheit ist die Garantie der Freiheit «-Michel Foucault und die Menschenrechte. Vorgänge. Zeitschrift für Bürgerrechte und Gesellschaftspolitik. 3, 2001, 275.

70 Ulrich Bröckling therefore extensively focuses on the concept of creativity. see BRÖCKLING, Ulrich. Gute Hirten führen sanft. 2017, 411-22.

marks the change from theory to activism and from morals to ethics. Criticising, telling the truth or living ethically thus refer to the same dynamic. Not referring to a universal, but affirming the particular, more precisely trusting individual subjects that they will do, say, think and acknowledge the 'right' things, even searching out situation of personal peril to ostentatiously underline their claims to truth (*parrhesia*) or exposing themselves with their particular knowledge as intellectuals not in the name of humanity, progress or freedom, but in their own name in service of those they see being mistreated with their existences not being accounted for in the social order.

Against a liberal framework of critique Foucault therefore does not try to show the philosophical way to find what is always right, but affirms that there is always opportunity for everyone to see what's right and act accordingly. Criticising can be achieved not by measuring the world against ideal or at least immanent standards but by ethically positioning oneself and disturbing the order of things and the regimes of truth. Both ways of dealing with normativity in Foucault's critical project have their merits, both bring value to the critique of real suffering and both are easily found in Foucault's own approach. His own activism can be understood as ameliorating, enriching and expanding his theoretical works. Genealogy as an immanent practice of critique, *parrhesia* and intellectual activism as a historical and a contemporary form of transcending but not transcendental critique. Not retreating to universal values, but always measuring one's own standards of critique against the situation and the object of investigation itself, and always searching for the hidden exclusions, requires a threefold vigilance towards the social present, the necessarily inadequate scientific practice and one's own position in the field of power – a vigilance Foucault undoubtedly retained.

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