Becoming Otherwise

Piecing together Foucault's ethical project

A thesis

submitted in fulfilment

of the requirements for the degree of

Master of Laws (By Research and Thesis)

At

The University of Kent at Canterbury

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Supervised by

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Word Count: 35.160

2015

Kent
Law School

Abstract:

Towards the end of his life, Michel Foucault turns his attention to antiquity where he locates an additional process by which the subject is constituted. Technologies of the self comprise an important contribution to the study of subjectivity, however Foucault employs these findings to set out towards a new direction, challenging the way we think about morality. Against a singular truth and a singular way of life as promulgated by western moral theories, Foucault understands his work as a toolbox capable of assisting in the exploration of multiple styles of living. Nevertheless, references to this new direction are not only scattered but also incomplete. Drawing upon his most recent understanding of subjectivity and the latest reformulation of his work, the dissertation attempts to piece together Foucault's ethical project. In doing so, the dissertation will address two major limitations arising from Foucault's ethical endeavour. As his ethical project draws upon technologies of the self, it has been misinterpreted as an aesthetic turn while his ethical findings have also been challenged as conceptually erroneous. However, the study indicates that Foucault's ethical project comprises of two components: enhancing de-subjectification and the intensification of processes of subjectivation. By pulling together various elements of Foucault's work, the dissertation indicates how he perceived the study of subjectivity as a counter-effect to processes of subjectification but also to the promotion of a singular way of life. Moreover, a study in Stoicism shows that Foucault was not wrong in identifying the care of the self in antiquity but most importantly, that his focus on the self is not an aesthetic turn but a call for transformation. The dissertation therefore proposes a reading of Foucault's ethical project not as aesthetic but as relational and transversal.

NE: Aristotle, *Nicomachean Ethics* (University of Chicago Press, 2011), Trans. Robert C. Bartlett and Susan D. Collins

Leg: Cicero, *De Re Publica: De Legibus* (Loeb Classical Library), Trans. C.W. Keyes

T.D.: Cicero, *Tusculan Disputations* (Loeb Classical Library), Trans. J.E. King

De Fin: Cicero, *De Finibys Bonorum Et Molarum* (Loeb Classical Library), Trans. Rackham M.A

Disc: Epictetus, *Discourses* (In two volumes, Loeb Classical Library), Trans. W.A. Goldfather

Ench: Epictetus, *Enchiridion* (Loeb Classical Library), Trans. W.A. Goldfather

Med: Marcus Aurelius, *Meditations*, (Loeb Classical Library), Trans. C.R.Haines

Ep: Seneca, *Epistles 1-124* (In three volumes, Loeb Classical Library), Trans. Richard M. Gummere

In addition, the dissertation draws upon the translations provided by Anthony Long and David Sedley's sourcebook "*The Hellenistic Philosophers*".

D.L.: Diogenes Laertius

Stob: Stobaeus

For example:

Stob. 2.77, 16-27 =SVF 3.16 (63A), where 63A indicates the exact location of the translated source in the book.

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Introduction

Moral philosophies are often associated with the search for a universally applicable moral code; understood as "philosophies of obligatory action"[1] and systems defining the criteria of rightful and appropriate action that everyone should submit to. The history of Western thought and Western moral philosophies is heavily influenced by the social, artistic, scientific and philosophical innovations of the late seventeenth and eighteenth century; a period which came to be known as the Enlightenment. During this period the west employs "intellectual power" to develop a "systematic knowledge of nature and to serve as authoritative guide of practical life"[2]. Within this framework, moral philosophies developed as both secular and naturalistic[3], grounding ethical duties to the "understanding of the natural world"[4]. But the Enlightenment is not characterised by either consistency or consensus, giving rise to a variety of philosophical approaches to morality. However, moral philosophies within these philosophical traditions developed as dogmas, as codified systems regulating conduct. In this sense, morality is conceived as natural and universal, an already existing principle that needs to be discovered, deciphered, and applied.

The epitome of moral philosophies in this period can be said to be in the writings of Immanuel Kant. An *a priori* conception of morality, as held by Kant, emphasises on the universal element found in every human being and makes us capable of moral action: reason[5]. Kant attempts to replace "blind dogmatism" with another sort of dogmatism, a kind of "*self-critical* rational knowledge that understands its own powers, capabilities and limits"[6]. Morals, for Kant, exist in the form of a fundamental law, the consciousness of which "may be called a fact of reason"[7]. His infamous categorical imperative serves as the "supreme principle of practical reason[8]", an innate characteristic of human reason, capable of recognising fundamental laws. Reason commands and it is the "*only* source of unconditional demands that human beings can ever have access to"[9]. Within this philosophical tradition then, the study of morality focuses on "the *a priori* character of the experienced world and the science of the *a priori* conditions of experience itself[10]".

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[1] Taylor, *Sources of the Self*, p 79.
[2] Bristow, "Enlightenment."
[3] Ibid.
[4] Ibid.
[5] Kant, *Grounding for the Metaphysics of Morals*, p 2.
[6] Houlgate, "Kant, Nietzsche and the Thing in Itself," p 116.
[7] Kant, *Critique of Practical Reason*, p 28.
[8] Williams, "Kant's Account of Reason."
[9] Ibid.
[10] Houlgate, "Kant, Nietzsche and the Thing in Itself," p 119.

A Kantian notion of morality assumes a reasonable subject; therefore a universal subject with identical, or at least similar, traits serves as the foundation for the development of Kant's moral philosophy. Any morality based upon a conception of human nature is bound to be universal and absolute in the sense that it does not allow us to work beyond the limits set by our understanding of who we are. Therefore, what Foucault proposes is that only through an alteration in the way we conceive ourselves and the refusal of the naturalness of the present (and by naturalness I mean any given or self-evident truths promoted within western moral thought) can we overcome our understanding or morality. Nietzsche was the first to establish a departure from the search of a universal morality by critiquing those normative systems claiming that "particular metaphysical and empirical claims…must be true"[11]. By challenging its foundations, Nietzsche predicted the death of morality[12], only to be followed by Foucault who in a similar tone declared, *"morality as obedience to a code of rules in now disappearing, has already disappeared"[13]*.

At the heart of the rupture initiated by Nietzsche and adopted by Foucault, is the refusal of the subject as substance[14] and as transparent[15]. Subjectivity, for Foucault, is historically constituted and the subject is capable of constituting itself[16]; thus a "reality ontologically distinct from the body". By refusing to develop an *a priori* theory of the subject that will serve as the foundation for investigating forms of knowledge[17], Foucault prefers to approach the subject as a *form[18]*, constituted through practices[19]. Therefore Foucault's account of subjectivity is not only distinctive but contradicts the traditional understanding of the ahistorical subject. A historically constituted subject is shaped by two major historical processes *assujettissement* (translated as subjection, subjugation or subjectification - I will use subjectification from now on) and *subjectivation* (spelled in the same way in French and in English). While the former is used to denote the making of an individual into a subject by power, the latter denotes the activity whereby the individual constitutes oneself as a subject[20]. Thus, the subject is never wholly determined by either of these two processes but is a result of both processes operating simultaneously, albeit in different proportions according to each

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[11] Leiter, "Nietzsche's Moral and Political Philosophy."

[12] Nietzsche, *On The Genealogy of Morals*, Essay III, 27 (page 161).

[13] Foucault, "An Aesthetics of Existence," p 49.

[14] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 290.

[15] Leiter, "Nietzsche's Moral and Political Philosophy."

[16] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 290., Foucault, "Truth and Power," p 117.

[17] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 290.

[18] Ibid.

[19] Taking into consideration the divergent approaches adopted by commentators, I found Kelly's attempt to divide and categorise certain definitional, as he calls them, elements of Foucault's understanding of the subject very useful. Although certain commentators may adopt different approaches, I believe Kelly expresses what is now a commonly acceptable view. See Kelly, "Foucault, Subjectivity, and Technologies of the Self," p 513.

[20] For a discussion of the etymology and use of these two terms see Kelly, *The Political Philosophy of Michel Foucault*, p 87–89.

historical period. A genealogy of the subject in essence builds upon Foucault's previous work on power and is complemented by his latest work and the introduction of practices of the self; allowing us to trace both the historical techniques of domination and the techniques of the self that "constitute the subject in a determinate relation to himself"[21]. Such an analysis attempts to "put the subject back into the historical domain of practices and processes in which he has been constantly transformed"[22]. The subject is therefore constituted, or constitutes itself, in a specific form, as a subject of knowledge, a subject of ethics, a madman or a delinquent, "through certain practices that were also games of truth"[23], studying the interplay of power, subjectivity and truth through particular *experiences,* such as madness, the prison or sexuality.

After having spent much of his life researching power relations, Foucault diverts his attention to the study of sexuality as an experience of morality and ethics in antiquity; not in order to construct a new theory of ethics but in order to study ethics as part of our constitution as subjects. His study produced a rather idiosyncratic conception of morality as consisting of the actual behaviour of the people, the moral code operating at the time and, most importantly, ethics as the self's relationship to oneself. This last element in the composition of morality is the second process by which the subject is constituted, namely, the process of subjectivation. Based upon this understanding, ethics is not an expression of what is good and bad, but a way for individuals to constitute themselves as subjects of morality. However, the final works of Foucault do not only contribution to the study of subjectivity but also set out to alter a dominant conception in Western thought. As Foucault acknowledges, his endeavour is not conducted in a nostalgic manner advocating a grandiose return to the ancient world, but a return that would assist in adjusting the way we conceive of morality.

This final contribution to the study of morality and ethics was received with great discomfort, even hostility, from the classical academic community. In a review of his book just months after it was published and after Foucault sadly passed away, Martha Nussbaum termed his work as "mediocre" and a "departure[24]" from Foucault's earlier -and much valued - work. Her criticism focuses mainly on Foucault's incapability of addressing the ancient world as his knowledge of

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[21] Gros, "Course Content," p 526.
[22] Ibid., p 525.
[23] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 290.; In this sense, truth is a claim to the way things really are, they are experiences of reality that present the individual with the real state of being. Truth can be experienced in different ways depending on the method used to reach the truth. The sciences present a truth based on knowledge, establishing the criteria for the acquisition of such knowledge. On the other hand, employing a spiritual model (we will encounter this model further on in our discussion) allows the individual to experience truth as salvation. In both models (or methods or 'games') there may be different forms of knowledge or different experiences of salvation competing each other for the authenticity, validity or legitimacy of their claim or experience.
[24] Nussbaum, "Affections of the Greeks."

ancient Greek and Latin was limited and therefore he relied on translations, he was "ignorant of Greek political and social history and of the problems of scholarship surrounding the texts he uses[25]" and therefore could not situate texts. In short, according to Nussbaum, Foucault is neither equipped nor capable of writing on ancient thought and practices. Even Pierre Hadot, a classical scholar sympathetic to Foucault's work and with a similar approach to antiquity, expressed his criticisms to the last two volumes of the History of Sexuality: "I fear a new form of dandyism" and a "culture of the self that is too purely aesthetic"[26]. Foucault's insistence in the search for an aesthetics of existence led commentators, and especially philosophers, into believing that he is just another "rebel in the name of beauty[27]" promoting a kind of "Wildean aestheticism"[28]. An alternative morality appealing to *beauty*, renders ethics as an individualising practice of self-fulfilment and "the aesthetic as weapons which can be used to bring down the tyranny of modern morality"[29]. Philosophers tend to attack Foucault not on his reading of antiquity but upon his understanding of subjectivity. Whereas his earlier work announces the death of man and refuses the subject, his latest work on ethics was received as an 'abrupt theoretical shift … a return of the subject'[30], the return of the same subject Foucault proclaimed to be dead. In a similar argument, Béatrice Han[31] argues that Foucault's "subject is a transcendental ego", locating him "back into the philosophy of the subject"[32]. In light of this criticism, the dissertation focuses on the nature of Foucault's ethics and the possibilities the practice of ethics create. Will such a practice lead to just another individualising technique, focusing on the beauty of the self; or is there an other possibility within Foucaultian ethics that we failed to acknowledge?

The purpose of Foucault's final work is not only to deepen and complicate the genealogy of the subject by introducing a new axis of analysis but to assist us in altering the way we view morality. Although there is a reference to this aim in the introduction of the second volume of the History of Sexuality, Foucault does not draw clear conceptual links between his final work and this aim. However, such links may be found in the interviews, lectures and workshops he delivered before and after the publication of the final volumes in *The History of Sexuality.* In a discussion with Paul Rabinow and Hubert Dreyfus, Foucault passionately advocates that "*we have to get rid of this idea of an analytical or necessary link between ethics and there social or economic or political*

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[25] Ibid.
[26] Hadot, "Réflexions Sur La Notion de Culture de Soi," p 267.
[27] Mann, *Last Essays*, p 172.
[28] Kelly, *The Political Philosophy of Michel Foucault*, p 155.
[29] O' Leary, *Foucault and the Art of Ethics*, p 2.
[30] Dews, "The Return of the Subject in Late Foucault."
[31] See Han, *Foucault's Critical Project*. ;Han, "The 'Death of Man': Foucault and Anti-Humanism."
[32] Gutting, "Foucault, Hegel, and Philosophy," p 33.

structures…that between our ethics, our personal ethics, our everyday life, and the great political and social economic structures there were analytic relations, and that we couldn't change anything, for instance, in our sex life or out family life, without ruining our economy, our democracy and so on"[33]. Mark Kelly points out that for Foucault what actually constraints people, is not just the current political situation and its social institutions but the fact that "we perceive ourselves to be constrained by our circumstances"[34]. Therefore, in order to overcome these conceptions, Foucault believes that we should expose relations of power and the way subject are constituted within these relations. A conceptual link can then be drawn between Foucault's understanding of subjectivity and overcoming a conception of morality: since the subject is historically contingent it cannot form the foundation of morality.

In this post-Kantian era, Foucault does not assume the role of the legislator who sets down those *a priori* truths, which compose universal truth. Instead, he advocates for stylisation, the exploration of multiple styles of existence. He argues that since *"most of us no longer believe that ethics is founded in religion, nor do we want a legal system to intervene in our moral, personal private life"[35]* what needs to be invented is the *"ultimate way to relate to oneself and to others without the active participation of a religious, social or juridical system of authority based on the rule of law"[36]*. In the absence of a moral code, ethical questioning takes a creative form, searching for styles of life, which do not accord the "eternal values of Good and Evil"[37]. Foucault insists that*" To this absence of morality corresponds, must correspond, the search for an aesthetics of existence"[38]*. Therefore, the similarity of problems faced in antiquity and today is to be found in ethical questioning. This whole new endeavour can be understood as Foucault's *ethical project[39]*.

A general problem that arises when reading Foucault is that he never wrote as a philosopher or as a classicist, remaining therefore in the margins, if not outside, philosophical or classic traditions. In fact, he refuses to define philosophy in a Kantian or Hegelian manner as a "body of theoretical knowledge about fundamental human questions[40]" and as a result, he does not establish a theory or contributes any conclusions towards these traditions. Instead, Foucault treats his work as a self-forming exercise, he conceives philosophy as *ethos*, a practice. Indicatively he states, "The key to the

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[33] Foucault, "On the Genealogy of Ethics," p 261.
[34] Kelly, "Foucault, Subjectivity, and Technologies of the Self," p 522.
[35] Foucault, "On the Genealogy of Ethics," p 255–256.
[36] O'Farell, *Michel Foucault*, p 114.
[37] Gros, "Course Content," p 530.
[38] Foucault, "An Aesthetics of Existence," p 49.
[39] The term 'ethical project' is, obviously, a constructed term in the sense that Foucault himself never referred to his work or his thought as such, however, this term developed in posthumous secondary literature.
[40] Gutting, "Foucault, Hegel, and Philosophy," p 34.

personal poetic attitude of a philosopher is not to be sought in his ideas, as if it could be deduced from them, but rather in his philosophy-as-life, in his philosophical life, his *ethos*"[41]. Thus, Foucault's work can best be understood as an ethical project, an attempt to become otherwise than what we are. This objective often remains occluded due to the fact that when considering Foucault's ethics, the literature tends to focus on his final work. But ethics in Foucault is not just what we would call practices of the self, instead ethics is the whole process of becoming otherwise; a process which, as we will see, builds upon his previous work.

However, the criticism outlined above arises from the fragmentation of Foucault's work into eras (first, second, third) or themes (madness, power, sexuality) allows scholars to isolate Foucault's work and comment upon those aspects that fall within certain disciplines. For example, it allows scholars to attack Foucault's ethical project based upon his reading of antiquity. But Foucault's ethical findings are not what we would call his *ethical project*; instead what Foucault identifies in antiquity is the final contribution towards his understanding of subjectivity. Classical scholars, for example, tend to attack Foucault on his reading of antiquity and ignore his previous work[42] while legal and political theorists either tend to ignore his latest work[43]. Even when scholars tend to read Foucault's work as a holistic project covering his whole life, they tend to adopt the criticism offered by philosophers and classical scholars as the accepted view[44]. It is important to point out that because of the disciplinary orientation of these scholars, the focus of their criticism falls on Foucault's engagement with their discipline, failing to engage with other parts of his work. Although the more recent literature tends to read Foucault holistically[45], the effects of fragmentation are yet to be addressed since the criticism generated by the various disciplines remains and is adopted by later scholars.

For this reason, and in order to address the nature of Foucault's ethical project, the dissertation adopts a unified reading of his work, an approach he also endorsed towards the end of his life. In describing and explaining how he, with an element of hindsight, conceived his work, Foucault characterised it as the history of thoughts and not ideas. He was careful to distinguish his analysis from two already existing methods: the history of mentalities and the history of representations. By thought he indicates an analysis "of what could be called focal points of experience in which forms

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[41] Foucault, *The Foucault Reader*, p 374.
[42] See for example Hadot, *Exercices Spirituels et Philosophie Antique.*, Hadot, *Philosophy as a Way of Life.*, O' Leary, *Foucault and the Art of Ethics.*.
[43] Walzer, "The Politics of Michel Foucault."
[44] Kelly, *The Political Philosophy of Michel Foucault*.
[45] See for example Hoy, *Critical Resistance: From Poststructuralism to Post-Critique.*, Kelly, *The Political Philosophy of Michel Foucault*.

of a possible knowledge (savoir), normative frameworks of behaviour for individuals and potential modes of existence for possible subjects are linked together"[46]. Put simpler, Foucault's work attempts "to create a history of the different modes by which, in our culture, human beings are made subjects"[47]. Interestingly enough, Foucault revisits his writings and reformulates his findings so as to form a "general project…of the history of thought'"[48] as he terms it.

At the centre of a history of thought is an analysis of the ways by which human beings are made into subjects. Accordingly, a threefold mode of analysis follows, distinguishing three "modes of objectification[49]", or in three axis of analysis namely, forms of knowledge, forms of behaviour and the constitution of the subject's mode of being[50]. Each axis asks "How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions?"[51]. Hence, in the *Order of Things* he studies forms of knowledge by focusing on the development of empirical sciences (such as natural history, grammar and economics) in the seventieth and eighteenth century, identifying ways in which the "human subject defines itself as a speaking, living, working individual[52]" within scientific discourses. He then studied power *(Madness and Civilisation* and *Discipline and Punish)* in the form of techniques and technologies that conduct the conduct of others, tracing the "emergence of the subject from social practices of division"[53] and analysing different norms of behaviour as procedures of government. Importantly, Foucault accepts that up to that point he considered the relationship between the subject and truth as the result of coercive practices (the prison or psychiatry) or of theoretical / scientific games[54]. But his later work, what he would term as the third axis, brings to light the "subject's own role in implementing or refusing forms of subjectivity"[55], indicating the individual's contribution to the formation of subjectivity, and analysing the "different forms by which the individual is led to constitute him or herself as subject"[56]. Adopting this threefold mode of analysis, we can analyse any human experience "whether it be our experience of ourselves as living beings, as deviants, or as subjects of desire"[57]. We therefore need to understand Foucault's late work not in isolation, not as a distinct era but as a continuation of his previous work, a continuation

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[46] Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 3.
[47] Foucault, "The Subject and Power", p 327 (The essay was first published in *Critical Inquiry* (1982): 777-795)
[48] Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 2.
[49] Foucault, "The Subject and Power", p327
[50] Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 3–4.,
[51] Foucault, *The Politics of Truth*, p 117.
[52] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 281.
[53] Gros, "Course Content," p 512.
[54] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 281–282.
[55] Oksala, *Foucault on Freedom*, p 164.
[56] Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 4–5.
[57] O' Leary, *Foucault and the Art of Ethics*, p 60.

of forms of subjection but on a different axis that contributes not only to our rethinking of ethics in a postmodern world[58], but also rethinking the subject.

A unified approach, however, is not wholly endorsed as some commentators argue for a discontinuity in Foucault's work. Whereas his earlier work announces the death of Man, Foucault's turn towards antiquity and practices of the self has been viewed as an 'abrupt theoretical shift … a return of the subject'[59], the return of the same subject Foucault proclaimed to be dead. It is true that Foucault moves away from the study of "power as apparatuses" and the "genealogy of systems" in order to study practices of the self and problematizations of the subject[60]. It is also true that his turn to a historical "study of the relationship to pleasures" in the Classical and Hellenistic period seems to be incompatible to his previous work, which dealt with the "demonstration/denunciation of a vast enterprise of normalisation undertaken by the State and its laicised henchmen[61]". What we have, though, is a shift of emphasis[62], not an abrupt theoretical shift. What we find is an evolution in his thought, constantly improving his understanding of the subject and its relationship to truth. The question "Who are we" is therefore asked, if not explicitly then implicitly, in every work of Foucault, retaining in this way the subject at the centre of his focus. Alternatively, the question 'Who we are' can be reformulated in asking: Who do we think that we are? How do we conceive ourselves? In other words, what do we consider as *true* about oneself.

A genealogy of the subject has as its ultimate aim not simply the decipherment of the present but *becoming otherwise.* His ethical project becomes an attempt to explore the possibilities for new subjectivities, acting as a way of liberation, a way of resistance to power. In the extract that follows we find a concise formulation of what his ethical project is about: *"The conclusion would be that the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state and from the state's institutions but to liberate us both from the state and from the type of individualization which is linked to the state. We have to promote new forms of subjectivity through*

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58 Oksala, *Foucault on Freedom*, p 160.
59 Dews, "The Return of the Subject in Late Foucault."
60 Gros, "Course Content," p 508.
61 Ibid., p 512.
62 Davidson, "Archaeology, Genealogy, Ethics.", Foucault, *The Foucault Reader*, p 3–29. Oksala, *Foucault on Freedom*, p 164–165. Without degrading the importance of other commentators and their critical comments on Foucault's thought, we must state here that this view is expressed by Rabinow and Davidson, two scholars who may be able to comprehend Foucault's work better than other due to their friendship with Foucault. Paul Rabinow has been a close friend and colleague of Foucault at Berkley, where Foucault retreated whenever he had the chance to do so, giving them the opportunity to engaged in numerous discussions, a fact that allows Rabinow to comprehend Foucault's thought and his project much more accurately. Rabinow's, and Foucault's for that matter, position is that we should understand ethics as yet another axis in the genealogy of the subject, analysing the interplay of technologies of domination and technologies of the self in the formation of the western subject.

the refusal of this kind of individuality which has been imposed on us for several centuries."[63]

The political, the ethical, the social and the philosophical, all suffer from a common problem, if the solution is a common one. And if the common solution is to be found in the promotion of new subjectivities then the common problem is to be located in the production of the subject. Thus Foucault's ethical project consists mainly of two parts. Firstly, deciphering the present reality through a genealogy of the subject. The intended effect of this activity is to recognise the historical processes that give shape to subjectivity so as to dissolve it, in other words achieve de-subjectification. Secondly, to explore the conditions for new modes of being and coming together, within the space created by de-subjectification.

The dissertation is divided in two main chapters, each focusing on one of the two main component of Foucault's ethical project. Thus, the first chapter asks how can a genealogy of the subject assist one in breaking away from a given form of subjectivity, in other words how can one achieve de-subjectification? The primary aim of this chapter therefore is to serve as a kind of propaedeutic to the practice that we term as *ethics,* connecting Foucault's work and indicating how his earliest writings on power and subjectivity contribute towards an ethical project. As a consequence, this chapter asks what is this truth which Foucault is refusing, but also how is this truth created, promoted and internalised by the individual? And how is this truth the foundation of our thinking? The chapter has two main parts; firstly, it identifies humanism as the foundation of Western morality and secondly, it looks more closely at technologies of domination operating in western communities and which give rise to what is termed as Western subjectivity. More specifically, the dissertation looks at the production and promotion of a singular truth within power relations, focusing on the ways law can bind the subject to a specific truth thus acting as an instrument of subjectification. The dissertation attempts to complement this proposition by looking at the operation of rights, and more specifically human rights. Consequently, the dissertation focuses on the ways a subject is shaped through the interaction of law, power and political philosophy as a discourse of truth, the ways power employs political philosophy to promulgate a truth about the subject. In essence, the question asked is how is the subject tied to a truth by the operation of a political discourse funnelled through the legal system? To clarify my position and the purpose of this investigation, I should state that I am not arguing that the operation of human rights gives birth to a legal subject, albeit the operation of a legal persona in the eyes of the law. Instead, I acknowledge that power produces 'subjects of', what comes next varies, it can be subjects of

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[63] Foucault, "The Subject and Power", p 336

sexuality, the mad subject, subjects of ethics, subjects of religion, class, gender, nationality, and so on. In addition, I do not claim that this is the only operation of law, we must be careful when we talk about law in modernity and in the work of Foucault. Following Rose and Valverde but also Alan Hunt[64], I find it difficult, if not impossible, to talk about a unitary conception of law, there isn't one concept of law to which we can refer. Instead, within the legal complex, we find different operations of law, which might often contradict each other. We will return to this contradiction in due time, for now it suffices to say that the chapter will concentrate on the philosophical foundations, the enactment and application of human rights, so as to indicate how subjectification and normalisation can occur through the legal system. The discussion then moves away from the specific example of human rights, to consider the wider effects of law within biopolitical regimes and the coexistence of law and power. The purpose of this chapter is to indicate how Foucault's work could be united into an ethical project; how our conception of morality restricts other ethical possibilities from being conceived and how can a critical ontology alter the way we think about morality.

The second chapter focuses on the creative aspect of Foucault's ethical project and those historical processes, which enable the individual to constitute oneself as a subject. It is well established that Foucault never developed a comprehensive ethical theory, his concern was to identify problems not provide solutions[65]. However, the last two volumes of the *History of Sexuality* comprise a comprehensive study of ethical practice in antiquity, spanning a period of more than six hundred years, from Socrates and Plato up until the end of the Hellenistic period. Foucault's emphasis on the care of the self generated much controversy, however, friendly voices argued for the need to reconcile for our "failure to come to terms with the conceptual and philosophical distinctiveness of Foucault's last works"[66]. Contra to the conventional reception of Foucault's reading of antiquity, Arnold Davidson argues that although Foucault's account may suffer from an interpretational error, it does not suffer from a conceptual error[67]. In assessing this proposition the dissertation revisits the Hellenistic period and more specifically the Stoics in order to assess whether Foucault is correct to point out that in antiquity, the individual could become an ethical subject by choice through the operation of practices of the self. The dissertation focuses on a particular philosophical school of the Hellenistic period since it at this period where Foucault identified an intensification of practices of the self[68]. The chapter examine two themes: transformation and

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[64] Rose and Valverde, "Governed by Law?", Hunt, "Encounters with Juridical Assemblages: Reflections on Foucault, Law and the Juridical," p 78.
[65] Foucault, "On the Genealogy of Ethics," p 256.
[66] Davidson, "Ethics as Ascetics," p 123.
[67] Ibid., p 130.
[68] See Foucault, *The History of Sexuality: The Care of The Self.*, Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82.*

ethics. A study in Stoic doctrines aims in indicating that Foucault's reading of antiquity may be problematic but is conceptually correct[69], reinforcing in this way Davidson's claim that Foucault's error is not conceptual but interpretational. The chapter, therefore, draws a strict distinction between Foucault's reading of ethics in antiquity and his ethical project. The former is a peculiar but innovative study of ethics while the later is the conceptualisation of Foucault's work as a project directed towards new ways of being and coming together. The second theme concerns transformation. Positioning the care of the self at the centre of his reading of antiquity is the main reason why Hadot, feared Foucault was suggesting a new form of dandyism. But is this reversal of the gaze towards oneself a call for self-fulfilment and beauty or is it a call for transcendence? In this dissertation I argue that Foucault's reading of antiquity indicates the need for transformation not the need for a return to oneself as an object of care. This need for transformation is then transposed into Foucault's ethical project, retaining the spirit of antiquity but not its characteristics.

At this point I would like to point out that when reading Foucault's late work we must always be aware of the periods he is studying. Although he may often refer to the Greeks in general, he studies the classical and the Hellenistic period,[70] two very distinct periods. As some scholars have pointed out "to speak globally of 'the Greeks', 'the ancients', or 'ancient ethics' is potentially very misleading"[71] and can cause confusion amongst authors not familiar with classical literature and the periods he studies. What divides these two periods is not only a time-gap of 500 years, but most importantly certain cultural and institutional differences. Between these two periods we find an evolution of ethics, a historical evolution that is beyond the scope of this research. I have tried to avoid the confusion caused by the fusion of the classical and the Hellenistic ages by limiting the ambit of this study within Stoicism. Furthermore, I would like to make a brief comment on the sources used by this study with regards to Stoicism. The Stoa covered a period of almost 500 years, going through major social transformations such as the transition between city-states to an Empire. It originated in Athens in around 300B.C and its last major philosopher is the Roman Emperor Marcus Aurelius who died in 180 A.D. Therefore, a risk of discontinuity within Stoa is very much plausible. Instead of focusing on the early or late Stoics (Foucault emphasises on Roman Stoicism, that is the late Stoic philosophers such as Marcus Aurelius, Seneca, and Epictetus), I draw evidence from nearly every period of Stoic philosophy. There is an obvious difference between Chrysippus and Seneca in their approach towards philosophical knowledge, the epitome of which can be found in Epictetus's words: "Isn't it enough to learn the essence of good and bad…and not to bother about

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[69] Davidson, "Ethics as Ascetics," p 130.
[70] He engages with the Classical period in his second volume of History of Sexuality, *The Use of Pleasure*, and with the Hellenistic period in the third volume called *The Care of the Self*.
[71] O' Leary, *Foucault and the Art of Ethics*, p 44.

those things that are beyond us?"[72]. But I would argue that although late Stoics emphasise on what we would call practical truths such as ethics and politics,[73] in order to formulate their convictions they relied on the knowledge produced by the early Stoa. The importance of physical truths (scientific knowledge), even if they avoided commenting on "the technicalities and complexities of early Stoic cosmology"[74], never declined as it served a foundational purpose. In other words, a shift of focus may be observed but not in such a way so as to mark a discontinuity between the early and late Stoics.

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[72] Long, *Epictetus*, p 149.
[73] Foucault, "The Return of Morality," p 246.
[74] Long, *Epictetus*, p 148.

Chapter 1: Who we are

Towards the end of his life Foucault appears as a historian of the present, focusing on who we are by looking back in order to realise or conceptualise the present. Paradoxically, his ambition is not to record the past but to decipher the present and imagine the future, thus his ethical project is orientated on who we might be, not on who we once were. Consequently the past is only useful in indicating the *contradiction* between who we are and who we once were, revealing the *historical contingency* of our conception and allowing us to overcome any barriers erected by discourses of truth. Although his ambition was to conceive the unconceivable, live in ways otherwise unimaginable, he restricted this experimental practice in the confines of his personal life, providing us only with the necessary analytic tools to decipher the present.

In an attempt to understand who we are *now*, to situate ourselves and conceive ourselves as "something more than generalities"[1], whereby our identity is found in our historical composition, Foucault shifts his attention to a historical approach, a critical ontology of ourselves. It is our history, our collective experiences that made us who we are today, "not because it had to but because it did, because at certain junctures it took one path as oppose to another"[2]. We could have been *this* instead of *that* depending on the events, but our history has brought us *here* it made us who we are. As such, history can be conceived as a "temporal movement that has deposited us on these particular shores"[3]. Therefore, Foucault's approach reframes our answer to the question "Who are we?" by focusing on our historical composition, we is no longer an individual I but a collective we. A historical ontology treats the 'we' in the question as a collective matter, the 'we' is found in history and our history is not found in one theme but in many interconnected themes. It consists not only in acts and facts but also in practices, how we "go about knowing things and how we go about knowing ourselves, and lastly, that our historical composition is never static but *contingent and changeable*[4]".

In the lecture entitled "What is Enlightenment" Foucault develops this notion, stating that "*the critical ontology of ourselves has to be considered not, certainly, as theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a*

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[1] May, *The Philosophy of Foucault*, p 12.
[2] Ibid., p 15.
[3] Ibid., p 11.
[4] Ibid., p 16., emphasis added. May calls these characteristics as the five constituents of historical ontology.

philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them[5]". A critical ontology is understood as an attitude whereby the individual relates to contemporary reality, a problematisation of "man's relation to the present"[6]. The roots of such an attitude are traced by Foucault in the Enlightenment and more specifically to Kant's *'Aufklärung[7]'.* Reflecting on the question set by a journal at the time asking "What is Enlightenment", Kant's inquiry focuses and reflects on the reality of the present[8]. Asking the philosopher to position herself not in accordance to a doctrine, a tradition or of a community but as a part of the present, of contemporary reality[9], is a novel question, one that gives birth to a new attitude. Kant's text gave rise to two traditions, two diverse philosophical traditions that Foucault terms as the "critical philosophy" and "critical questioning"[10]. While the former is concerned with "conditions of possibility of a true knowledge"[11], the latter asks what is reality, the present experience, it involves "an ontology of the present reality, an ontology of modernity, an ontology of ourselves"[12]. When referring to this particular way of philosophising, Foucault parallelises it with *ethōs*. Borrowed from antiquity, this notion of *ethōs* denotes a way of behaving and acting that is not declared in writing or speech but is evident in the way one lives. In antiquity one's *ethōs* could be seen in one's clothing, one's appearance[13] and most importantly in one's reactions to specific events[14]. Similarly, Foucault uses *ethōs* to describe critical ontology as an attitude a "mode of relating to contemporary reality; a voluntary choice made by certain people; in the end, a way of thinking and feeling; a way, too, of acting and behaving"[15]. Such a philosophical *ethōs* is "appropriate to the critical ontology of ourselves as a historico-practical test of the limits that we may go beyond, and thus as work carried out by ourselves upon ourselves as free beings"[16]. Thus, the two terms are used to refer to a particular way of philosophising, an attitude towards the present, but also an attitude characterising one's everyday life, one's behaviour and relations with others.

Foucault sees himself as falling within the second tradition since his point of departure is always

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[5] Foucault, *The Politics of Truth*, p 118.
[6] Ibid., p 108.
[7] A word of warning; this is Foucault's *interpretation* of Kant's *Aufklärung,* a very particular interpretation which does not go unchallenged
[8] Foucault, *The Politics of Truth*, p 98.; Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 11.
[9] Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, p 13.
[10] Ibid., p 20.
[11] Ibid.
[12] Ibid., p 20–21.
[13] See *"The Philosopher's Beard"* in Sellars, *The Art of Living.*, Chapter 1.
[14] Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom," p 286.
[15] Foucault, *The Politics of Truth*, p 105.
[16] Ibid., p 115.

the question "What are we and what are we today? What is this instant that is ours?"[17]. A critical ontology of ourselves is conducted along three axis of analysis, "the axis of knowledge, the axis of power, the axis of ethics"[18]. Each axis asks "How are we constituted as subjects of our own knowledge? How are we constituted as subjects of our who exercise or submit to power relations? How are we constituted as moral subject of our actions?"[19]. By tracing the path that brought us where we are now, either through "archives or earlier arrangements of practices[20]", Foucault identifies the emergence and development of western subjectivity and persists on the *historical contingency of our perception*. Consequently, *"if we do not have to see things the way we once did, if we do not have to be who we once were, then we do not have to be who we are now"[21]*.

A genealogy of the subject indicates therefore the historical contingency of our perception of who we are, subjectivity is created and dissolved in history. By indicating the historically specific nature of the self as opposed to a timeless and universal subject, Foucault's ethical project intends to create the necessary conditions for transgression; the exploration of new modalities of constitution of subjectivity. A critical ontology, the *ethōs* and attitude that accompany this method of philosophising, are inextricable to this project as it allows for the creation of the space within which such explorations may occur. In the remainder of this chapter I will focus on the first two axis of analysis, indicating how Foucault's genealogical inquiries can achieve an alteration in the way we conceive ourselves and by extend, morality.

The Foundations of Humanism

By acknowledging the barriers and limitations set by a restrictive morality in the exploration of different modes of subjectivity, Foucault sets out to shake the foundation of universal morality based upon an understanding of human nature: humanism. Whether a conception of human nature arises from religion beliefs, science or politics, humanism constructed a specific conception of man that serves as a foundation for our thinking, which is then translated and transformed into a moral structure. Humanism may not be consistent throughout history, for example Christian humanism and scientific humanism are diametrically opposite, nevertheless, similar in that both promulgate a universal, unitary and timeless truth for the nature of human beings. Humanism is supported by the knowledges, and by knowledges Foucault means the variety of different practices, psychological,

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[17] Ibid., p 136.
[18] Ibid., p 117.
[19] Ibid.
[20] May, *The Philosophy of Foucault*, p 97.
[21] Ibid., p 98.

medical, educational, penitential, which gave shape to a conception of humanity that we now receive as normative and self-evident and upon which we based our conception of ethics[22]. Under the jurisdiction of these new sciences, freedom takes the form of "universal human fulfilment[23]", what Foucault termed also as the "Californian cult of the self". By deciphering the nature of human beings, sciences developed discourses of truth, promulgating what is 'good' for humanity, what to consume, on which time of the day, how to structure our daily lives, how to sleep, how to wake up, there is a 'how-to' guide for every aspect of everyday life, all supported by a 'recent study'. Humanism can be multifaceted, but at its core we find an emancipatory conception of human nature, in other words, freedom. By promoting a "universal moral core common to humanity[24]", humanism appears as an emancipatory narrative but Foucault sees not an progressive emancipation but uniformity, subjectivation and "discipline of a single, universal code of behaviour"[25]. In essence, humanism is everything and anything that postulates a conception of who we are and by extension of how we should live. Constructing a morality upon a conception of human nature is what Foucault finds catastrophic as it confines the individual to one morality applicable to all, setting limits and barriers to thought, action and behaviour, restricting alternatives and submitting everyone to the same mode of being. Humanism is dangerous because it "*presents a certain form of our ethics as a universal model for any kind of freedom. I think that there are more secrets, more possible freedoms, and more inventions in our future than we can imagine in humanism as it is dogmatically represented on every side of the political rainbow: the Left, the Center, the Right[26]*".

Placing the subject back into its historical domain yields an analysis of subjectivity capable of challenging the foundations of western morality. Foucault's first axis of analysis considers the relationship between subjectivity and truth, how are we constituted as subjects of our own knowledge. His aim is to trace the emergence of the reasonable subject as a mode of subjectivity that allows us to decipher our existence and construct a morality based upon that knowledge. However, reformulating his work towards the end of his life as a genealogy of the subject and a critical ontology of ourselves created numerous problems, one of which is the position of Foucault's earliest work. Béatrice Han reaffirms the position that there isn't a theoretical shift and that Foucault's earliest findings become relevant again in his work when he redefines his project as a

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[22] We should not forget that religion is also another form of humanism, where truth is only to be found in the scriptures and holy texts. Freedom is achieved only when the individual reaches God, or returns to his natural state. Both denote the same thing and it is nothing more than an assimilation to what is holy.
[23] Ingram, "Foucault and Habermas," p 247.
[24] Ibid., p 242.
[25] Ibid., p 244.
[26] Foucault, *Technologies of the Self: A Seminar with Michel Foucault*, p 15.

genealogy of the subject, albeit with a "considerable twist"[27]. Such a twist is grounded in a methodological shift, moving away from an archaeological analysis of discursive practices towards a genealogy of the subject. Han attributes this shift to Foucault's latest inventions of subjectivation processes and the mutual interdependence between subjectification and subjectivation. Foucault no longer considers the subject as the "passive product of techniques of domination"; but reconfigures his understanding of the subject as a product of history and the combined effect of the techniques of domination and techniques of the self present at the each historical period.

Perhaps the most debatable shift in Foucault is the way he reconfigures his findings in the *Order of Things* where he examines the constitution of knowledge, analysing the "specific relations between being and language, relations in which the subject of knowledge did not always or necessarily have a place[28]". Central to Foucault's account in the *Order of Things* is the idea of representation. From Descartes to Kant "representation was simply identified with thought", but with Kant it becomes "possible to raise the question of whether ideas do in fact represent their objects and, if so, how they do so"[29]. Within these relations, Foucault identifies "the invention of a new position for the subject of knowledge, that of Man, which according to Foucault generated the Analytic of Finitude and ultimately resulted in the 'anthropological sleep' criticised at the end of *The Order of Things*."[30] Man is born in the eighteenth century and it denotes "each and every finite concrete individual as well as the term we use to designate the universal Spirit that both inhabits and transcends the individual"[31]. Human beings and human nature are understood in a certain way whereby man is both the "source of knowledge of the world, and at the same time a being in the world that can be known"[32]. In the beginning of the eighteenth century, man is born out of the "demiurge of knowledge fabricated with its own hands"[33], an empirico-transcendental doublet[34], a "fact to be studied empirically" while he is at the same time the "transcendental ground for all knowledge"[35]. Humanity, and by humanity we mean nothing more than a conception of it, is produced through its "knowing activity[36]". In producing this conception, modern thought is in search of: "*A Discourse whose tension would keep separate the empirical and the transcendental, while being directed at both; a discourse that would make it possible to analyse man as a subject, that is,*

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[27] Han, "The Analytic of Finitude and the History of Subjectivity," p 176.
[28] Ibid.
[29] Gutting, "Michel Foucault."
[30] Han, "The Analytic of Finitude and the History of Subjectivity," p 176.
[31] Ingram, "Foucault and Habermas," p 249.
[32] Oksala, *Foucault on Freedom*, p 31.
[33] Foucault, *The Order of Things: An Archaeology of the Human Sciences*, 336.
[34] Ibid., p 347.
[35] Oksala, *Foucault on Freedom*, p 31.
[36] Ingram, "Foucault and Habermas," p 247.

as a locus of knowledge which has been empirically acquired but referred back as closely as possible to what makes it possible, and as a pure form immediately present to those contents[37].

Hence, Foucault's archaeology attempted to "think the conditions of possibility of knowledge solely in reference to the discursive level, independently of any specific positioning of the subject"[38]. However, Foucault later develops a genealogy of the subject, positioning the subject within the historical situation in which it arises. This shift in method results in him re-reading his analytics of finitude[39], only to position Kant as the continuation of Descartes's thought, constituting Kant's thought as the "extra turn of the screw[40]" in the history of the subject. Han explains that after re-reading the analytic of finitude, "Kant is now considered as a continuer of Cartesianism, and not as the initiator of a new mode of discursively", thus Descartes initiates modernity with the "invention of the universal knowing subject and of truth as the representation of the real"[41]. Therefore, in answering the question 'Who we are' Foucault is not concerned with the conditions and possibility of knowledge but instead, reinstates the subject back into the historical domain where "identities are formed" and it is "there also that they are unmade"[42]. Indicatively, Foucault explains that what his latest reformulation attempts is "to explore the possibilities of a genealogy of the subject while knowing that historians prefer the history of object and philosophers prefer the subject who has no history"[43]. In doing so, Foucault examines not the possibility of knowledge at a discursive level but the production of truth and how the subject is tied to this truth. In addressing the question 'Who we are' Foucault is not inquiring into what is true about oneself but how is the subject bound to a truth about oneself. What have people, historically, considered true about oneself and how was truth to be accessed? Thus the history of truth and the history of subjectivity become inseparable[44].

Reading *The History of Sexuality* in conjunction with *The Hermeneutics of the Subject* reveals the depth and force of Foucault's latest innovations[45]. If in *The History of Sexuality* Foucault presents an analysis of an "historically singular form of experience[46]" in the *Hermeneutics of the Subject* he presents an analysis of the "different forms of experience, of the relation between the subject and

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[37] Foucault, *The Order of Things: An Archaeology of the Human Sciences*, 349.
[38] Han, "The Analytic of Finitude and the History of Subjectivity," p 202.
[39] Ibid., p 197.
[40] Ibid., p 188, 197.
[41] Ibid., p 198, 197.
[42] Gros, "Course Content," p 526.
[43] Ibid., p 525.
[44] Han, "The Analytic of Finitude and the History of Subjectivity," p 177.
[45] Davidson, "Introduction," p xix.
[46] Foucault, "Preface to the History of Sexuality , Volume Two," p 199.

truth"[47]. Foucault's interest in the relationship between the subject and truth is evident in his attempt to reinstate the "*gnōthi seauton*" back into its "variable, historical and never universal meaning"[48]. Taking Socrates as his point of departure, he investigates the two precepts that defined philosophical thought and practice of the time; "know yourself" *(gnōthi seauton)* and "take care of yourself" *(epimeleia heautou)*[49]. Foucault observes that *epimeleia heautou* provides the philosophical framework within which the precept "know yourself" is placed and practiced. Since the philosopher needed to know himself in order to take care of himself, the precept "*gnōthi seauton*" was formulated within the precept "*epimeleia heautou*", giving precedence to the latter. Within the *epimeleia heautou*, Foucault identifies a certain way of understanding the cosmos, an attitude towards the self, others and the world. It comprises a standpoint, shifting one's attention towards oneself and involves certain actions or exercises on the self by the self in order to transform ones mode or style[50] of being. The care of the self, a term developed by Foucault as part of his reading of antiquity, is elaborated from the "perspective of the history of practices of subjectivity"[51]. Therefore, the notion of *epimeleia heautou* consists of a "body of work defining a way of being, a standpoint, forms of reflection, and practices which make it an extremely important phenomenon…in the history of practices of subjectivity"[52]. This small passage is vital in our understanding of Foucault's latest work. In essence, what he identifies are a number of practices, which, once activated, allow one to shape oneself. Through the care of the self, and by activating these 'technologies of the self', the individual is capable of forming his own subjectivity. We therefore have an active subject, one that determines their style of being.

Care of the self, working upon oneself, transforms the individual and in turn allows one to give form to oneself. This transformation is indistinguishable to the search for truth. In their quest for truth the philosophers would ask *"What is the price I have to pay for access to the truth? What then is the work I must carry out on myself, what fashioning of myself must I undertake, what modification of being must I carry out to be able to have access to the truth?"[53]* Formulating the question in the above manner gives rise to three defining factors of the relationship between the subject and truth. Firstly, the subject by nature possesses neither the right nor the capacity to reach

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[47] Davidson, "Introduction," p xxi.
[48] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 462.
[49] Ibid., p 4.
[50] Following Davidson, I use the term 'mode of life' and 'style of life' as indicating the same thing. (Davidson, "Ethics as Ascetics.")
[51] Davidson, "Introduction," p xx.; (Here Davidson clarifies that in order to avoid misinterpretation we should say 'practices of subjectivation'. The difference between the two lies in the particularity of Foucault's perspective and analysis of ethics. As we will see later on 'practices of subjectivation' or 'mode of subjugation' refers to the relationship between the subject and the moral rule)
[52] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 11.
[53] Ibid., p 188.

truth. Our default mode of being does not allow us to see the truth; it shuts us off from reality. This leads on to the second element, the idea that in order to access the truth, the subject needs to undergo a conversion. One needs to change his mode of being if he is to access the truth. Thirdly, the effect or rather, the result of spirituality is the salvation of the subject. Salvation experienced in the form of happiness, completion, fullness.[54] This transformation is affected by spirituality, the "*search, practice, and experience through which the subject carries out the necessary transformations on himself in order to have access to the truth. We will call spirituality then the set of these researches, practices and experiences, which may be purifications, ascetic exercises, renunciations, conversions of looking, modifications of existence, etc., which are not for knowledge but for the subject, for the subjects very being, the price to be paid for access to truth*"[55].

A cultural chasm may divide the Classical and the Hellenistic period, but also the various philosophical schools in the Hellenistic period, however the care of the self is found throughout antiquity rendering philosophy a practice, an art of living rather than simply a discourse. Philosophy therefore is concerned with ways of leading a beautiful life, it becomes an *art of living.* Philosophical activity was assimilated to the care of the soul[56], every practicing subject aimed in constituting himself "as full, self-sufficient and complete subject"[57]. It may be that each philosophical school of the Hellenistic period developed its own tradition, but all of them deployed philosophy, the art of living, in order to take care of one self.[58] The notion of *epimeleia heautou* remained as a form of activity, not just "an attitude of awareness or a form of attention that one would focus on oneself".[59] It was therefore not limited to theory but it was considered as a constant practice, one that continued throughout ones life.[60] Care of the self was viewed as both "a duty and a technique",[61] a form of living[62] which also defined their conception of philosophy and their vehicle to truth.

The need for transformation is displaced when the subject becomes "capable of truth[63]". The *cogito* is introduced as a mode of subjectivity whereby one can access truth by following the correct methodological procedures, accepting only that which can be empirically proven. This is what Foucault terms the *Cartesian* moment, a moment in history where we can identify a rapture in

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[54] Ibid., p 190.
[55] Ibid., p 15.
[56] McGushin, "Foucault and the Problem of the Subject," p 635.
[57] Ibid., p 636–637.
[58] Ibid.
[59] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 95.
[60] Ibid., p 94.
[61] Ibid.
[62] Ibid., p 96.
[63] Ibid.

philosophical thinking. The Cartesian moment is both a historical question but most importantly, a question concerning the relationship between the subject and truth.[64] Needless to say, Foucault does not claim that this alteration in the conception and practice of philosophy is due to Descartes alone, nor does he claim that the Cartesian moment can be traced back to a historical moment.

Descartes approaches the question 'Who we are' by asking what we could know[65]. At a certain moment in Descartes's thought we observe a shift in method, caused by what he called the deception of the senses: *"I realized that once in my life I had to raze everything to the ground and begin again from the original foundations, if I wanted to establish anything firm and lasting in the sciences"[66].* He acknowledged the fact that his "reliance on sense perception for knowledge of the world",[67] was the cause of deception, thus shifting his focus to establishing solid criteria for distinguishing between true and false representations. This methodological shift created the thinking subject, the subject of *knowledge.* For Descartes we consist of a physical and a mental substance and in order for the body to be activated, to act and move, it requires a mind, thus giving precedence to the mind over every other physical substance that constitutes us[68]. Although Cartesian physiology may be disputed by today's scientific discoveries, this does not hinder the legacy left behind by Descartes in addressing the question of who we are. The philosophical writings of Descartes's thoughts have remained with us until today, not necessarily in their content but in the way we organise our own subjectivity, the way we understand and relate to ourselves as *thinking* beings that can govern both themselves and their relation to truth[69] simply by following the correct method.

Philosophy is rendered into a discourse capable of reaching the truth only by following its own internal rules. According to this philosophical tradition then, "truth is ascertained through the act of seeing clearly what is evident" through "proper methodological thinking"[70], detaching the philosopher's life and actions from his experience of truth. Descartes, according to Foucault, claims "To accede to truth it suffices that I be *any* subject that can see what is evident… the relation to the self no longer needs to be ascetic to get into relation to the truth"[71]. After Descartes we have a subject of knowledge that can be immoral and still know the truth*.* Philosophy then becomes the

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[64] Ibid., p 189.
[65] May, *The Philosophy of Foucault*, p 3.
[66] Descartes, *The Philosophical Writings of Descartes*, 2:p 12.
[67] McGushin, "Foucault's Cartesian Meditations," p 51.
[68] Ibid.
[69] McGushin, *Foucault's Askesis: An Introduction to the Philosophical Life*, p 271.
[70] Ibid., p 272.
[71] Foucault, "On the Genealogy of Ethics," p 279.

"form of thought that asks, not of course what is true and what is false, but what determines that there is and can be truth and falsehood and whether or not we can separate the true and the false. We will call "philosophy" the form of thought that asks what is it that enables the subject to have access to the truth and which attempts to determine the conditions and limits of the subject's access to the truth."[72]

Truth becomes independent of the subject, it is no longer necessary (as it was in antiquity) for one to go through a transformation in order to have access to the ultimate truth, he only needs to follow the conditions and limits set by philosophical discourse. This is the first implication that arises from the Cartesian moment. The second implication arises from the individualised yet universal approach followed by Descartes[73]. For Descartes one exists as long as he can think, echoing his much-quoted phrase "I think therefore I am". Without denying that people may experience an event collectively, Descartes does not include such collective experience in his analysis of who we are. As May indicates, for Descartes who we are contains a universal element, whereby one is not contingent to time and place, the particularities of history, culture and society do not affect one's definition of being, the "universal and the individual go hand in hand"[74]. This approach assumes that who we are is defined by an innate capacity or attribute common to all humanity; it is at "once timelessly universal and radically individual"[75]. McGushin explains that what makes us Cartesian is our relation and approach to "texts as objects of knowledge, to problems as objects of thought, to ourselves as thinking beings",[76] thus determined by the Cartesian moment both in our practice of philosophy and in the way we understand our relationship to philosophy. This form of subjectivity is evident in the institutions of philosophy, in the discourse we made out of it and the academic norms to which we abide. "One becomes a philosopher through the incorporation of the proper mode of subjectivity, the proper relation to oneself as a thinker, and the proper relation to truth defined as knowledge"[77].

In the eyes of Foucault, Kant finalises the rapture in philosophy initiated by Descartes by showing that the "subject is the condition of all possible experience" and that in order to acquire and advance knowledge we must recognise the limits set by reason[78]. Kant, in the Critique of Reason, responded to the contemporary debate of his time concerning the relationship between the subject

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[72] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 15.
[73] May, *The Philosophy of Foucault*, p 7.
[74] Ibid., p 8.
[75] Ibid.
[76] McGushin, *Foucault's Askesis: An Introduction to the Philosophical Life*, p 284.
[77] Ibid.
[78] Ibid., p 272.

of knowledge and the subject of ethics. Kant's universal subject comprises of the subject of knowledge but with an ethical twist, an ethical attitude[79]. In Kant although truth is only attainable through knowledge without the need for a transformation, the subject of knowledge acquires the truth that renders him ethical. The subject becomes capable of truth in its own right, provided that she reasons soundly and reasonably[80]. Foucault explains how Kant completed the rapture:

"that which we are not capable of knowing is precisely the very structure of the subject who knows, which means that we are not capable to know it. Consequently the idea of a certain spiritual transformation of the subject, which would finally give it access to something to which it does not have access at the moment, is chimerical and paradoxical. So the liquidation of what one might call the condition of spirituality for access to the truth, this liquidation takes place with Descartes and with Kant; Kant and Descartes appear to me the two central moments"[81].

At stake is not only the way we conceive and practice philosophy but a form of subjectivity, a way of understanding ourselves and relating to truth. The coupling of Descartes and Kant by Foucault aims in indicating how philosophical tradition conceives the relationship between the subject and truth. In answering the question "Who we are", we have developed a certain form of subjectivity influenced by these great thinkers, a form that considers us as thinking subjects who can only access truth via the employment of reason, which itself has certain limits.

Foucault indicates how the 'We' in the question 'Who we are' is not treated as a *collective* 'we' but rather as an *individual* 'I', emphasising on "who each of us is in his or her nature"[82]. By conceiving ourselves as individuals, we decipher ourselves as individual organisms capable of being studied and understood; an approach that allows for the decipherment of the subject as an individual organism by the sciences but also allows for the transposition of this form of knowledge into a universal truth. A truth reached only via our capacity to reason, what is true is only that which can be known by the employment of reason. The subject is at once an object to be studied but also the medium through which this object is studied. In essence, philosophy has postulated a truth about the subject whereby it allows humanity to decipher its own existence by employing its capacity to think in order to reach the truth. Most importantly, this mode of subjectivity gives rise to humanism, which in turn underpins a universal and restrictive morality.

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[79] Foucault, "On the Genealogy of Ethics," p 279.
[80] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 190.
[81] Ibid.
[82] May, *The Philosophy of Foucault*, p 7.

Discourses of Truth: Political philosophy, law and power

Despite having spent a great deal of his life researching complex power relations, Foucault refuses to see himself as a theorist of power, stubbornly insisting that the subject remained at the centre of his research[83]. Foucault positions this era as his second axis of analysis in the history of subjectivity. He believes the subject to be an "element of [power's] articulation"[84], thus his second axis of analysis may be a radical (re)conceptualisation of power formations and relations but he retains a constant concern on the subject, asking how it is that the subject is "gradually, progressively and materially constituted through a multiplicity of organisms, forces energies materials, desires, thoughts etc."[85].

Foucault's ethical project is the embodiment of theory into everyday practice, the translation of theory into practice. In developing the *ethōs* appropriate to a critical ontology of ourselves, the philosopher has to relate to the present, engage in the activity of the decipherment of those social conditions which make us who we are; in other words, identifying those techniques of domination operating at the time so as to be able to say 'I don't want t be governed in this way'. The purpose of a genealogy of the subject is to *"criticise the workings of institutions that appear to be both neutral and independent, to criticise and attack them in such a manner that the political violence that has always exercised itself obscurely through them will be unmasked, so that one can fight against them[86]". "This form of power"* Foucault explains, *"applies itself to immediate everyday life which categorises the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognise and which others have to recognise in him. It is a form of power which makes individuals subjects. There are two meanings of the word "subject": subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to"[87].* Foucault's inquiry into the nature of power is thus concerned with forms of subjection, analysing the present, who we are and how power is capable of binding the subject to truth, to his own *identity*.

But to talk about truth on its own is rather futile as truth and power are two interlinked, interrelated and therefore inseparable notions. As Foucault states power and knowledge *"directly imply one another… there is no power relation without the correlative constitution of a field of*

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[83] Foucault, "The Subject and Power", p 326
[84] Foucault, "Two Lectures," p 98. (Also published as part of the lectures entitled "Truth and Juridical Forms" in *Power: The Essential Works of Michel Foucault 1954-1984*, edited by James D. Faubion, 326–348. Penguin, 2002, p1-89)
[85] Ibid., p 97.
[86] Chomsky, Foucault, and Elders, *Human Nature: Justice versus Power: The Chomsky-Foucault Debate*, p 49.
[87] Foucault, "The Subject and Power", p 331

knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations[88]. Power, thought, is a term worthy of definition, especially when we deal with Foucault's work. Consequently we need to firstly introduce Foucault's power/knowledge thesis[89]. When it comes to studying power, Foucault argues, we are empty of analytical tools, limited by either a legal model asking what legitimates power or institutional models asking what is the state[90]. Therefore, in order to study the "objectivizing of the subject[91]", Foucault found it necessary to expand our understanding (and definition) of power beyond established and accustomed legal or institutional models. He sets out to challenge our conception of power as "a possession which is wielded to deny certain forms of action[92]" by locating different forms of power in different historical periods, beginning with a juridical model that encoded power as an "absolute right of the sovereign"[93]. A 'juridico-discursive' conception of power, as this is located in monarchic regimes, is presented as a historically specific arrangement of power, later to be consumed and replaced by other forms of power. Law is indissociable from the juridico-discursive formation of power, it is interwoven with sovereign power as the "monarchic system's mode of manifestation and the form of its acceptability[94]". Purely negative in its nature, sovereign power can only express a restriction: "though shall not near, though shall not touch"[95]. Sovereign power, as found in this era, expresses the will of the monarch through the juridical while violence and the threat of punishment is often used to achieve obedience[96], thus "repressive in its mode of operation"[97]. The sovereign's power, and the way he relates to his subjects, is regulated by the will of the sword as the sovereign has the right to take life or let live[98]. Any reference to the law is a reference to an armed force which replies to transgressors with brute force, using the sword to impose its will and pass, if necessary, the ultimate sentence: death.

Formations of power, however, are never timeless, and in modernity Foucault identifies biopower as the dominant formation, comprised of two superimposed technologies of government,

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[88] Foucault, *Discipline and Punish*, p 27.

[89] The two main monographs dealing with power/knowledge are *Discipline and Punish* and *The History of Sexuality Vol.1*. However, there are numerous (countless one may say) other sources springing from interviews, workshops, lectures, articles etc., from which we may draw information about, and references to, this thesis.

[90] Foucault, "The Subject and Power," p 327.

[91] Ibid.

[92] Tadros, "Between Governance and Discipline: The Law and Michel Foucault," p 77.

[93] Rose and Valverde, "Governed by Law?," p 542.

[94] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 87.

[95] Ibid., 1:p 84.

[96] Foucault introduces us to monarchical violence in his opening pages of *Discipline and Punish* where he describes the torture of William of Orange in 1584. Golder and Fitzpatrick, *Foucault's Law*, p 18.; Foucault, *Discipline and Punish*, 3–6.

[97] Golder and Fitzpatrick, *Foucault's Law*, p 16.

[98] Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, p 240–241.

the disciplines and governmentality[99]. Biopower is a positive and creative power as opposed to the sovereign that is negative and restrictive. The disciplines and governmentality do not express a prohibition, instead they attempt to control the body by producing reality[100], delivering punishment not in occasions of disobedience but in instances where one fails to conform to the norm. The disciplines, a concept elaborated by Foucault in his book *Discipline and Punish,* emphasised on the body as an individual organism, taking control over it[101] through norm producing institutions such as the prison, the asylum, the school and the army. Thus, the focal point of disciplinary power is the fabrication of the modern subject, the disciplinary individual[102], through the production of a norm. In the first volume of the *History of Sexuality* Foucault develops, or rather supplements[103], the idea of disciplinary power by elaborating the concept of governmentality[104], which he defines as the "*the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principle form of knowledge political economy, and its essential technical means apparatuses of security*"[105]. Population, not the individual, is the political object of biopower, as life enters the realm of politics and political power now attempts to administer life[106], control the "random events in a living mass… and compensate for its effects"[107]. The government regulates birth and mortality rates, health and life expectancy in an attempt to improve the well being of the governed population. In this sense, governmentality is understood as those "techniques and procedures for directing human behaviour. Government of children, government of should and consciousness, government of a household, a state, or of oneself"[108].

Characteristically, biopower attempts to conduct the conduct[109] of its population. The "specificity of power relations" is best captured, according to Foucault, by the term conduct, as it connotes leading others and "a way of behaving within a more or less open field of possibilities"[110].

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[99] Tadros, "Between Governance and Discipline: The Law and Michel Foucault," p 78.
[100] Foucault, *Discipline and Punish*, p 194.
[101] Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, p 242.
[102] Foucault, *Discipline and Punish*, p 308.
[103] Golder and Fitzpatrick, *Foucault's Law*, p 21.
[104] Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, p 107–108.. I use the term governmentality to denote all those governmental techniques used to control populations. Foucault may use interchangeably the terms governmentality, biopolitics and biopower causing conceptual confusion. In order to avoid this confusion I will use the term governmentality and 'the disciplines' to refer to the two axis (also termed as techniques / technologies) of biopower.
[105] Foucault, *The Foucault Effect: Studies in Governmentality*, p 102.
[106] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 139.
[107] Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, p 249.
[108] Foucault, *Ethics*, 1:p 82.
[109] Foucault, "The Subject and Power," p 341.
[110] Ibid.

The conduct of conducts entails acting "upon the actions of others"[111], thus governing the conduct of others. Due to such technologies of regulation, and with the simultaneous operation of the disciplines, power has "succeeded in covering the whole surface that lies between the organic and the biological, between body and population[112]". As we can see, the two formulations of power are not contesting but are rather a micro and macro picture of modernity, discipline emphasises on the body whereas governmentality emphasises on the masses[113]. As he puts it "the discipline of the bodies and the regulation of the population constituted the two poles around which the organization of power over life was deployed"[114]. Power therefore is understood as productive, it "produces reality, it produces domains of objects and rituals of truth[115]".

The dispersal of power but also its ability to be productive is vital in the relationship between power and truth.[116] Social practices "such as economics or punishment, seek to justify themselves by reference to a true discourse[117]", reinforcing in this way their position. The production of truth is indissociable to the political question[118] as "we are subjected to the production of truth through power and we cannot exercise power except through the production of truth[119]". Power and knowledge feed each other, as power uses discourses of truth to ascertain a position and create life, while knowledge is sustained and reinforced by the operation of power. In this sense, truth is not found outside power nor does it lack power[120], it is characterised by a "circular relation" with power, establishing a "regime of truth"[121]. "*Each society has its regime of truth, its "general politics" of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true[122]".* So when we talk about power/knowledge we refer to the production, circulation and sustainment of discourses determining what counts as true and false, imposing or rather allowing for the *prevalence of a*

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[111] Ibid.
[112] Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, p 253.
[113] To avoid confusion, Foucault is not segmenting history into definitive periods, the 'juridico-discursive' model of power has not been completely effaced, we have the simultaneous operation of sovereignty, governmentality and the disciplines and not the replacement of one mode of power by the other. See Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, 107–108.
[114] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 139.
[115] Foucault, *Discipline and Punish*, p 194.
[116] Truth can be defined as "a system of ordered procedures for the production, regulation, distribution, circulation, and operation of statements". See Foucault, *The Foucault Reader*, p 74.
[117] Falzon, O' Leary, and Sawicki, *A Companion to Foucault*, p 886.
[118] Foucault, "Truth and Power," p 133.
[119] Foucault, "Two Lectures," p 93.
[120] Foucault, *The Foucault Reader*, p 72.
[121] Ibid., p 74.
[122] Ibid., p 72–73.

singular truth rather than the multiplicity of truths that can be found.

Western morality is founded upon the production and prevalence of a singular truth which is in turn internalised by the operation of techniques of domination. In his formulation of power, Foucault emphasised on the pervasive effects of other discourses of truth such as political philosophy. A conception of human nature is postulated through political philosophy, creating a relationship between the individual and the state but also a relationship between oneself and self, and oneself and others. In a society where power relations "constitute the social body", discourses of truth establish, justify and consolidate a relationship between power and the individual[123].In other words, what is characteristic of Western societies is that the individual establishes a relationship with the state, a relationship with a long history. At a certain point in history we have the almost simultaneous emergence of the declaration of The Rights of Man and Citizen in France, the American Declaration of Independence and Bill of Rights, as well as the philosophical writings of great liberal thinkers such as Hobbes, Locke and Rousseau. At that point in history, political thought and practice believed that certain self evident truths existed, such as *"that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness",* to quote a *cliché* from the United States Declaration of Independence. These 'self evident truths' are constitutive of what Foucault calls discourses of rights and which operate in order to establish a relationship between the state and the citizen. The state is created in order to safeguard, enhance and promote these self evident truths. Traditional discourses on political philosophy, therefore, are concentrate with fixing limits to rights of power through discourses of truth (philosophy[124]).

By introducing human nature into the notion of rights, political philosophy comprised a new "ideational source of law" in the eighteenth century, forcing the legal institution to accommodate this "revolutionary idea"[125]. In the end of World-War II human rights are brought into the proscenium once again. The term 'Human Rights' is a "combined term"[126], referring to humanity and a particular conception of human nature but also to the legal discipline. It is the perfect example of humanism combined with the discipline and institutions of law, indicating how legal institutions "move in tandem with the aspirations of political philosophy or the plans of political science"[127]. The renewal of rights discourse and culture plays a key role in the configuration of our postmodern

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[123] Foucault, "Two Lectures," p 93.
[124] Ibid.
[125] Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century*, p 19.
[126] Ibid., p 18.
[127] Ibid.

world by placing the individual at the centre of it[128]. Freedom "in the form of autonomy and self-determination [is] the organising ideal of our legal and political systems"[129]. Douzinas indicates how "in liberal jurisprudence the return of the subject is evident, on the right in the recent domination of rights theories and, on the left, in the moralism of political correctness", reinstating in this way morality into politics and humanism in law[130].

"Human rights are" therefore "both creations and creators of modernity"[131]. Simple, yet precise, Douzina's argument pinpoints the interconnectedness between law, political philosophy and subjectivity. We observe, therefore, how a political discourse became a source of law, capturing and utilising the long established institutions of law in order to decipher, recognise, codify, apply and enforce this new wave of political discourse. The subject of rights is thus born. She is part of civilisation and of humanity, vested with rights purely on the basis of her being human. She is "emancipated", becomes an "individual", and is established at "the centre of social an political organisation and activity"[132].

Discourses of rights, however, also operate as a veil for the domination of power, disguising power "as the legitimate rights of sovereignty, and on the other, as the legal obligation to obey it", thus eliminating the "fact of domination and its consequences[133]". Foucault famously said that we might have "sent our sovereigns to the guillotine a long time ago, yet in political thought we had yet to cut of the King's head"[134]. In simple words, although the sovereign-subject relationship created by the juridical model of power seized to describe the relationship between subject and power as soon as the political configuration altered, discourses of sovereignty[135] operate as an ideology of right to sustain the narrative of that relationship and successfully conceal the operations of disciplinary power. In order to unveil the domination which lies in the power relations established by discourses of sovereignty and right, Foucault asks: *"what rules of right are implemented by the relations of power in the production of discourses of truth? Or alternatively, what type of power is susceptible of producing discourses of truth that in a society such as ours are endowed with such potent effects?[136]".* Inventively enough, Foucault inverts his mode of analysis (from what are the limits of power, to what limits power sets) setting aside what he considers to be a limiting method of

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[128] Ibid., p 17.
[129] Ibid.
[130] Ibid.
[131] Ibid., p 19.
[132] Ibid., p 20.
[133] Foucault, "Two Lectures," p 95.
[134] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 88–89.
[135] Foucault, "Two Lectures."
[136] Ibid., p 93.

scrutinising power to concentrate on locating "the techniques and tactics of domination"[137],
illustrating the elusive control of power, whereby a right is not restricted to laws but is found in
institutions and the "regulations responsible for their application", establishing relations of
domination instead of sovereignty[138].

Discourses of rights are perhaps one of the most powerful political discourses permeating
modern subjectivity. By promulgating a free individual, one that can legislate the laws of one's life
(autonomous), political discourse not only shapes one's subjectivity, it defines one's position within
society, and by extension within the world which she inhabits. The operation of rights "consolidate
the fiction of the sovereign individual"[139] and everything that it entails, thus tying the subject to a
truth. Constitutional fictions and narratives are therefore deployed in "our current configurations of
the true and the false[140]". But their operation is not only subjectifying, they also consolidate the
"naturalised identities of particular individuals"[141], in other words, they are normalising. Numerous
examples can be used to support this claim, but we will focus on one example as it is articulated in
feminist literature. Wendy Brown is eager to outline the insufficiency of rights as a measure of
emancipatory politics for women. Instead of granting protection and reversing existing power
formations responsible for the subordination of women, rights augment "the power of the
powerful"[142]. For the purposes of this section we are only concerned with the proposition that
rights, as a legal measure, reiterate and reinforce the "norms of femininity"[143].

A 'norm' is a term often used in Foucaultian literature but several commentators argue as to its
definition and use by Foucault. Alan Hunt traces the etymology of the word 'norm', but also its usage
by Foucault. He argues that since Foucault used the word 'normalisation' almost always in
conjunction with the disciplines, its use denotes "the processes whereby individuals are rendered
'normal'"[144]. Therefore, Hunt contends, Foucault proposes that law (we should remember Foucault's
proposition that the law "*operates more and more as a norm[145]*") operates as an articulation of that
which "has been designated normal (normal conduct) and then seeks to fix it prescriptively by

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[137] Ibid., p 102.. Baker criticises Foucault for offering an unsatisfactory formulation of his thesis but also a closely Marxist view. See Baker and Goldstein, "A Foucauldian French Revolution?" The paper has addressed this inadequacy by complementing our discussion with the example of the application of human rights.
[138] Foucault, "Two Lectures," p 95–96. Baker criticises Foucault for providing, not only See
[139] Brown, "Suffering the Paradoxes of Rights," p 238.
[140] Rose and Valverde, "Governed by Law?" p 542.
[141] Brown, "Suffering the Paradoxes of Rights," p 238.
[142] Ibid., p 232.
[143] Ibid.
[144] Hunt, "Encounters with Juridical Assemblages: Reflections on Foucault, Law and the Juridical," p 72.
[145] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 144.

conferring normative force on it"[146]. By extend, normalisation is the attempt by power to bring into parity the conduct of the population with the current conception of the norm. If we now return to Wendy Brown, we can understand how the operation of rights enhances the norms of femininity. Brown contends that the rights exercised by "women tend to consolidate the regulative norms of gender, and thus function at odds with challenging the norms"[147]. In this critique of rights we can see how they operate in a "regulative dimension of identity based rights". As such, they need to always be deployed within a "discursive, hence normative context", reiterating and reinforcing the identities formed[148].

In our discussion until now, law appears as an instrument, a tool, of power. Although some commentators may agree that the position of law within biopolitical regimes is reduced to that of a normalising instrument, others will disagree. An on-going debate has been unfolding and developing over the past decades as to the position of law within Foucault's thought. These questions have troubled legal and political theorists but also legal anthropologists and sociologists for some time now. Positioning the role and function of law within biopolitical regimes and by extension within biopower allows us to unmask the pervasive effects of biopower, at least those aspects of it which emanate from the operation of law. Our discussion moves away from the examination of human rights as a process of subjectification to consider whether the operation of law can be said to have the same effect. By reading into the different formulations of law in modernity, I want to point out that despite the different formulations of the relationship between law and power, all share one common characteristic: the fact that legal mechanisms and legal institutions are deployed in the process of subjectivation, tying the subject to truth.

Despite Foucault's encounters with the discipline of law within genealogical inquiries on, for example, criminal punishment or issues of public law[149], he never engaged directly with the history, nature or idea of the law. As a result, Foucault's work lacks a consistent and mature argument or conceptualisation of the nature of law in modernity; we cannot find a theory of law in Foucault's work. Additionally, one of the major problems we are faced with is that of interpretation, since ordinary techniques are somewhat futile and ineffective, forcing us to resort to selective and indirect techniques of interpretation[150]. As Rose and Valverde point out "quotable quotes can no doubt be

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[146] Hunt, "Encounters with Juridical Assemblages: Reflections on Foucault, Law and the Juridical," p 72.
[147] Brown, "Suffering the Paradoxes of Rights," p 234.
[148] Ibid., p 232.
[149] Piška, "Radical Legal Theory Today, or How to Make Foucault and Law Disappear Completely," p 252.
[150] Baxter, "Bringing Foucault into Law and Law into Foucault," p 450.

extracted from his writings to support all kinds of interpretations"[151]. The reason for this is that however hard we try to connect Foucault's comments on legal matters, we cannot retract a theory of law from his work[152]. Despite acknowledging such a major limitation, Alan Hunt and Gary Wickham wrote the first monograph which attempted to trace the role of law in modernity, developing what came to be known as the expulsion thesis[153]. The authors of *Foucault and Law* only used Foucault as a point of departure in order to elaborate upon a new approach of the "sociology of law as governance"[154]. For the purposes of this dissertation we are only concerned with their formulation of the expulsion thesis, a reading of law in Foucault that remains with us until today. Adopting a historical approach to the function of law the thesis argues that since law is considered as a negative power expressing only a prohibition and is repressive in its operation[155], it is superseded, along with the juridico-discursive formation of power, by a more productive form of power. The thesis claims that Foucault placed disciplinary power and law in opposition, resulting in the subordination the former to the latter, expelling law from his analysis of power relations in modernity by marginalising and subordinating the law to other modalities of power, thereby denying it any constitutive role within modernity. Law exists only as an individualising disciplinary instrument, an "accessory or support for more insidious and pervasive forms of disciplinary or biopolitical power"[156]. The operation of law, as theorised by the expulsion thesis, is to render individuals as subjects, a process of subjectification operating within biopolitical power.

Since Hunt and Wickham's first formulation of the expulsion thesis several attempts have been made to re-read Foucault's law. An attempt has been made to restore the significance of law by refusing its expulsion by disciplinary power[157]. Despite the fact that democratic characterisations of law and the rule of law serve as a veil, covering the control of the masses, Beck argues that law is both "a mask and a real source of power, at least of equal importance to the disciplines"[158]. The view that law and disciplinary power can be considered as mutually interdependent finds sanctuary in a lecture course given by Foucault on the making of hospitalisation orders in 1975[159], where law enabled "the operation of psychiatric power by establishing it as a medical discipline[160]". The

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[151] Rose and Valverde, "Governed by Law?," p 542.
[152] Hunt and Wickham, *Foucault and Law: Towards a Sociology of Law as Governance*, p viii.
[153] Hunt and Wickham, *Foucault and Law: Towards a Sociology of Law as Governance*.
[154] Ibid., p 77–78, 99–102.
[155] Foucault, "Truth and Power," p 119, 122.; Foucault, "Powers and Strategies."; Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 48.
[156] Golder and Fitzpatrick, *Foucault's Law*, p 25.
[157] Beck, "Foucault and Law: The Collapse of Law's Empire."
[158] Ibid., p 494.. The idea of law and the disciplines as interdependent finds support by other scholars such as Ivison, "The Technical and the Political: Discourses of Race, Reasons of State."; and Rose and Valverde, "Governed by Law?".
[159] Foucault, *Abnormal*.
[160] Ibid.

employment of law by the disciplines does not allow the expulsion of law, on the contrary, it indicates a constant interconnectedness of law and the disciplines which defines their relationship. Beck's formulation attempts to reinstate law in a predominant position within modernity. By accepting though that law is in need of the disciplines, and vice versa, in the production of life, he indirectly accepts that law operates positively within biopower. Law is thus part of the subjectification process.

Due to the specific and almost idiosyncratic understanding of law as negative, the expression of sovereign power, Francois Ewald[161] attempts to distinguish between the *juridical* and the *legal.* Foucault's close friend and colleague contents that the norm is not opposed to the law but to the juridical in its function as the "institution of law as the expression of a sovereign's power"[162]. In other words the norm functions against the juridical as a mode of power. This particular reading of law in Foucault emphasises upon the interaction of law and norm and has as a point of departure Foucault's oft-cited passage where he states that: *"Another consequence of this development of bio-power was the growing importance assumed by the action of the norm at the expense of the juridical system of the law…I do not mean to say that the law fades into the background or that the institutions of justice tend to disappear, but rather that law operates more and more as a norm and that the juridical institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory"[163].* Ewald is eager to reinstate the importance of law in the exercise of power. Despite the development of biopower, law's operation did not decline, on the contrary, we observe a proliferation of legislation in the process of normalisation[164]. What we have is the emergence of "legal practices that typify the Welfare State"[165], what he terms as 'social law' and is in essence "a new legal system"[166]. In this system the law does not express universal principles but is a "political instrument, an instrument of power"[167], wielded in order to resolve social conflict[168]. In developing this concept, though, Ewald "ends by assimilating the law to the norm"[169]. Therefore, law does not disappear but operates "according to the logic of the norm"[170], it becomes *"disciplinary and biopolitical"[171].* Similarly, Tadros

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[161] Ewald, "Norms, Discipline, and the Law."
[162] Ibid., p 138.
[163] Foucault, *The History of Sexuality: The Will to Knowledge*, 1:p 144.
[164] Ewald, "Norms, Discipline, and the Law," p 138.
[165] Ewald, "A Concept of Social Law," p 40.
[166] Ibid.
[167] Ibid., p 46.
[168] Golder and Fitzpatrick, *Foucault's Law*, p 38.
[169] Ibid.
[170] Ibid., p 36.
[171] Ibid.

argues that "modern form of law is not juridical"[172], proposing a heterogeneous definition of the term juridical, where it refers both "to a code which is used to describe power and as a network of power relations that was once in place"[173]. The statement becomes clearer after an exegesis where Tadros sets out three phenomena which can be captured by the word juridical but are different. Law is the first phenomenon and it is not captured by one defining form but can take multiple forms. A network of power relations can be termed as juridical, capturing a specific historical formation, but can also take the form of disciplinary power or governmentality. Lastly, there is the code by which "power presents itself" and is consistently juridical[174]. Law in modernity operates within a power formation for which it "no longer provides the model but in which it plays an important role"[175]. The importance of law, though, lies in adjusting disciplinary and biopolitical mechanisms, in other words, in this account law is a technique of power, assisting and participating in the subjectivation process.

A common aspect to be found in the aforementioned readings is the attempt to extract an understanding of law based on Foucault's work. However, more recent investigations focus on the study of the configuration of what came to be known as a legal complex[176] from the perspective of government. Such an approach considers the ways in which that is how legal institutions and legal reasoning tends to regulate a specific problem, gives rise to the following question: "how a particular problem…come to emerge as a target for government, and what role is played by legal institutions"[177]. The variety of legal practices, institutions, codes, norms, authorities, texts, discourses and forms of judgment comprise the 'legal complex'[178], an assemblage that has been affected by the rise of the knowledges, as it resorted to the expertise of positive knowledges. As the legal complex employs the medical, psychological, criminological, and so on, sciences, the complex is governmentalized, incorporated into the normalisation and disciplinary mechanism[179]. Law, therefore, has no unity or any privileged position in their analysis. In fact, "there is no such thing as *'The Law'* "[180], an arguably fictitious body of knowledge created by the discipline of law, including legal texts, jurisprudence concepts criteria and governed by internal rules and principles. By refusing

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[172] Tadros, "Between Governance and Discipline: The Law and Michel Foucault," p 81.
[173] Ibid., p 82.
[174] Ibid.
[175] Ibid., p 102.
[176] Continuing along this line of argument, Alan Hunt proposes a method of analysis which attempts to take into consideration the multiplicity of elements found in a juridical assemblage. The legal, the juridical and the normative are three key constitutive elements of the assemblage which need to be interpreted and considered[1], not simply in isolation but in the way the coexist, forming various combinations in different sites. As Hunt explains "the key feature of the assemblage concept is that it involves a differential set of combinatory elements and that these elements play different roles in each variant assemblage" See: Hunt, "Encounters with Juridical Assemblages: Reflections on Foucault, Law and the Juridical," p 78.
[177] Rose and Valverde, "Governed by Law?," p 546.
[178] Ibid., p 542.
[179] Ibid., p 543.
[180] Ibid., p 545.

law a coherent nature, in other words a unified system, Rose and Valverde analyse law "from the perspective of government" turning "away from the canonical texts and privileged sites of legal reason, and turn towards the minor, the mundane, the grey, meticulous and detailed work of regulatory apparatuses"[181]. In doing so they emphasise on the "techniques, discourses and judgments of law" which contribute towards our "modern experience of subjectivity, responsibility, citizenship both public and private, even of rights, or of guilt and innocence"[182]. In this sense, law functions throughout the social body as part of the techniques of government, along with the disciplines, and the sciences[183] causing a "mutual inter-dependence of law and norm"[184]. Using a Focuauldian understanding of power rather than a reading of Foucault's law, Valverde and Rose reach the conclusion that law is an instrument, a process of subjectification.

Whether law operates as an instrument of power, along the disciplines, as norm or as governmentality, one key function of the law is to create subjects and tie them to a particular truth, to normalise, to discipline. This could be a reason Foucault did not distinguish between law and power. His concern was to appreciate the effects of abstract yet animate forces upon subjectivity. Consequently, law is considered as yet another way by which the subject is tied to truth, another process of subjectification. However, a recent contribution to the study of law within Foucault's thought complicates the above proposition. Contra to the conventional reading of law in the work Michel Foucault, Ben Golder and Peter Fitzpatrick[185] propose a radical theory of law. Ambitiously enough, they attempt to retrieve what the accepted view on Foucault's law has relinquished: its specificity; thereby reversing our understanding of the nature, the position and operation of law in Foucault's thought.[186] Their main contribution is not a departure from what we would call the expulsion thesis but a development, the law remains "susceptible to domination by predominant powers (be they of the sovereign, the disciplinary or the bio-political)[187]" but not due to its surpassing by other modalities of power or its instrumentalization by the disciplines and governmentality. Its specificity springs from law's "innate susceptibility", thereby failing to be contained by an "enduring stasis"[188] We locate law's specificity in its vacuous, ahistorical nature which enables it to being determinate and responsive at the same time.

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[181] Ibid., p 546.
[182] Ibid.
[183] Golder and Fitzpatrick, *Foucault's Law*, p 34.
[184] Rose and Valverde, "Governed by Law?," p 542.
[185] Golder and Fitzpatrick, *Foucault's Law*.
[186] Ibid., See Chapter 2.
[187] Ibid., p 54.
[188] Ibid.

A conception of law as relational[189] is developed whereby the law and the disciplines are mutually constitutive. Law exists in relation to power while power is dependent upon law. The two engage in a process of exchange, whereby "discipline is given legal justification and its actions are made legitimate through the exercise of a restrained juridical supervise then the same discipline allows the law to function on a certain domain of truth. The law appears as guarantee of the naturalness of that which itself serves to constitute as natural". Therefore, in the process of "judicial naturalisation of disciplinary power[190]" law limits its own jurisdiction by becoming an adjudicator of normality[191], providing with authority the knowledges employed by disciplinary power. Law as relational describes the relationship of law and power but it does not tell us anything about the nature of law. By emphasising on texts concerned with the relations between power-resistance and limit-transgression, the authors derive a conception of law that reflects its specificity.[192] Stemming from Foucault's analysis of power, they argue for a law constituted of a responsive dimension, allowing it to form itself by encountering what is beyond it. Law's responsive dimension disrupts it as it is receptive of resistance and transgression. Inherent to law's nature isn't only its responsiveness but also its determinacy, expressing a definite content[193]. Determinancy is linked to a "definite concept given to law in standard jurisprudential perceptions by such entities as the sovereign, a class a society and so forth"[194]. What defines law is this duality of determinate and responsive. Its equivocal nature enables a "constitutive inconsistency - or (ir)resolution- in Foucault's theoretical object: Law"[195].

Even Golder and Fitzpatrick accept that due to law's vacuous nature, it can be captured by the disciplines; thus becoming part of the subjectification process. The fact that transcendental forces can also occupy law, is not capable of eradicating the normalising effects of legal institutions. What our discussion has indicated up to now, is that the connecting thread between the different formulations of law in modernity is that law, or rather, the effects of legal institutions, are deemed to be normalising and subjugating, producing western subjects. Thus, when we refer to law within biopolitical structures, we refer to an instrument of power, another technique of domination. As such, the effect of law is to bind the subject to the particular truth that operates, and is circulated, within biopolitical structures.

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[189] Golder and Fitzpatrick, *Foucault's Law*. See Chapter 2.
[190] Ibid., p 66.
[191] Ibid., p 64.
[192] Piška, "Radical Legal Theory Today, or How to Make Foucault and Law Disappear Completely," p 254.
[193] Golder and Fitzpatrick, *Foucault's Law*, p 71.
[194] Ibid., p 77.
[195] Ibid., p 79.

Conclusion

In this chapter, the dissertation attempted to draw upon different eras and fragments of Foucault's thought in order to piece together his ethical project; a project conceptualised towards the end of his life, drawing upon the whole spectrum of his work. The challenge posed by the project is not to distinguish between theory and practice, but to successfully incorporate theory into practice. For this reason, the chapter focuses on the way theory can be transposed into action, indicating how an ethical project is primarily an attitude, a way of relating to oneself and each other but also of deciphering the present. The connecting thread running across morality and subjectivity is the production of truth. By tracing the relationship between subjectivity and truth, Foucault successfully indicates that western morality is based upon a conception of the self as an empirico-transcendental doublet, a substance to be studied through its own means. This is precisely why Foucault insists that an alteration in the way we conceive of ourselves will inevitably affect moral questions. Foucault's attack on humanism comprises an *"ontological and ethical statement"* that seeks to substitute a *"particular political, religious or scientific image of man"*[196] by indicating that there is no "order of human life, or way we are, or human nature, that one can appeal to in order to judge or evaluate between ways of life"[197]. Moreover, a study on power reveals how, within power relations, the subject is tied to "someone else by control or dependence, and tied to his own identity by a conscience or self-knowledge"[198]. The effect is passivity, the bare acceptance of discourses of truth, allowing power to shape one's conception of oneself and leaving little room for the creation of alternative modes of being. The individual does not choose to become a liberal subject, or attach a 'feminine' identity upon herself. Instead, through the combined operation of discourse and power, the individual is shaped into a subject. Studying the relationship between state and subject through the operation of human rights has indicated, firstly how a truth about oneself is constructed and secondly how the individual is tied to truth. Within these power relationships, law serves as the medium through which the state funnels through these 'self evident truths' it promulgates to exist, creating subjects of rights. Discourses of rights not only permeate subjectivity but also serve as a veil of domination and power. Within these power relations the wider effect of law has been assessed, forwarding the proposition that law acts as a process of subjectification. Law is therefore "one strategic possibility amongst others"[199], it is only one technology of domination, a process of subjectification among the many operating within the age of biopower. Emanating from our discussion in this chapter is the understanding of Foucault's ethical project as a response to the

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[196] Foucault, *Technologies of the Self: A Seminar with Michel Foucault*, p 15., emphasis added.
[197] Taylor, "Foucault on Freedom and Truth," p 93.
[198] Foucault, "The Subject and Power," p 331.
[199] Gros, "Course Content," p 226–227.

limiting effects of humanism by creating an experimental space within which truth is not singular nor absolute, barriers are not erected but are transient. Theory serves as the creator of this space by altering our conception of subjectivity and morality.

Chapter 2: Foucault, the Stoics and Ethics

The final two books published by Foucault's may carry the title *"History of Sexuality"*, however his latest work is best conceived as a history of ethics whereby sexuality is the experience through which such a history is conducted. The distinctiveness of this work lies not in the interpretation or use of ancient sources but in the framework within which such an interpretation occurs. It offers an innovative conceptualisation of ethics and a new approach both in our study of ethics and the way we write the history of ethics[1]. Foucault's "interpretative framework" provides an understanding of ethics as a component of morality "that concerns the self's relationship to itself"[2]. The way we understand morality and ethics, but also the way we study them, moves away from the history of moral codes and focuses on "the forms of moral subjectivation, to how we constitute ourselves as moral subject of our own actions"[3].

Foucault distinguishes between two systems of morals with distinct focal points. Firstly, a system based on a moral code, a set of values and rules of action passed on by prescriptive agencies such as the family and educational institutions. It can be forwarded as a coherent whole or a complex network of rules that may contradict each other on specific circumstances but are, nevertheless, united together as a "prescriptive ensemble"[4]. The focal point of a moral code is obedience, achieved through the imposition of penalties for deviants. Secondly, a system of moral behaviour, whereby the degree of compliance with what is considered acceptable and unacceptable action depends upon the relation developed between codified rules and values and the individual. This system focused on the relationship developed by the individual with oneself, what Foucault called *ethics*. A distinction is therefore drawn between morality and ethics. The former is to be understood as a prescriptive code while the latter is to be understood as a relationship of oneself with self.

In investigating moral behaviour Foucault identifies four ways "in which one ought to 'conduct oneself' asking how it is that an individual "forms oneself as an ethical subject acting in reference to the prescriptive elements that make up the code"[5]. The quadripartite division of ethical fashioning suggested by Foucault consists in a set of conceptions, practices and goals[6], exercised by the

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[1] Davidson, "Ethics as Ascetics," p 123–124.
[2] Ibid., p 125–126.
[3] Ibid., p 126.
[4] Foucault, *The History of Sexuality: The Use of Pleasure*, 2:p 25.
[5] Ibid., 2:p 26.
[6] O' Leary, *Foucault and the Art of Ethics*, p 11.

individual in an attempt to modify his mode of being. In expanding his study of moral behaviour, Foucault firstly investigates the different ways individuals conduct themselves as ethical subjects. In essence Foucault is asking which is the 'prime material'[7] of moral conduct that the individual is focusing on, in other words which part of the self "needs to be worked in order to achieve moral conduct"[8]. This practice he terms as the determination of ethical substance. Taking conjugal fidelity as an example, fidelity is the rule to conform with. Obedience may be achieved by strict adherence to the interdictions and obligations, emphasising on restricting the act itself or by focusing on the elimination of desire or by sustaining a reciprocal relationship with one's partner. Determining the ethical substance focuses on the activity one selects to control in order to achieve adherence to the rule. Secondly, the mode of subjugation is also responsible for differences in ways of adherence. The term 'mode of subjugation' is explained as the relationship established between the individual and the rule in order to recognise her moral obligation to obey the rule. Such a relationship may be established due to the individual's membership to the group that has established the rule. Alternatively, one can follow the rule because it is required for the constitution of specific forms of life, whether this is beauty, perfection or nobility. Practices of the self, or ethical work, is Foucault's third identification. Ethical work indicates an effort to transform oneself into an ethical subject. Between an individual and a desired ethical subject stands ethical work, a kind of work implemented by oneself upon oneself so as to achieve a transformation. For example, one can memorise and repeat precepts so as to prepare for a given scenario before it occurs and applying the precept when the scenario actually occurs in real life. Lastly, different formulations of an end goal (*telos*) contributes to different moral behaviour. An act is considered moral not in its singularity but in an nexus of acts leading to a specified end or a pattern of behaviours. Moral actions do not only aim in singular instances of conformity, as if isolated from all other acts, but are done in pursuit of a mode of being. Studying the history of morality entails a history of the ways in which "individuals are urged to constitute themselves as subjects of moral conduct…developing relationships with the self…for the transformations that one seeks to accomplish with oneself as object"[9]. This particular investigation of morality Foucault describes as a *history of ethics and ascetics*.

Such a history of ethics is innovative in the sense that what Foucault identifies is the way in which an individual becomes a subject of morality, the ways through which an individual relates to a morality, whittling one's behaviour in relation to the moral code. The framework allows us to study

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[7] Foucault, *The History of Sexuality: The Use of Pleasure*, 2:p 26.
[8] O'Farell, *Michel Foucault*, p 115.
[9] Foucault, *The History of Sexuality: The Use of Pleasure*, 2:p 29.

ethics both when moral codes are static or undergoing major changes[10]. In essence what Foucault has contributed to our understanding and study of ethics is the way one relates to the code, how one internalises a moral code, transforming and translating it into action. Ethics therefore should be viewed as a "specific component of morality[11]", the way through which an individual establishes a relationship with oneself influenced by the moral code.

However, this framework came under severe criticism as Foucault's use and interpretation of ancient sources is often questionable. Not only does he fail to distinguish between historical eras and periods of antiquity, Foucault fails to address the different eras found within the Stoa and completely ignores vital sections of Stoic philosophy such as physics and logic. The most striking omission is the absence of the concept of nature, one of the most -if not the most- important concept of Stoic philosophy. It is undisputed therefore that Foucault's account of antiquity is historically erroneous. He has been accused of lacking those "scholarly tools" necessary to conduct a study of sexual practices and ethics in antiquity, and that he "is not enough of a classical scholar even to perceive the issues"[12]. But Foucault never claimed to have produced a historically accurate account of sexual practices in antiquity, in fact he stated that his work is not the work of a historian but a philosophical exercise[13]. Nussbaum stated in a dissatisfied tone that "this is not a legitimate distinction…the philosophical writings of an era connote be fruitfully recovered or assessed without understanding it as part of a culture"[14]. Arnold Davidson moves away from this line of criticism to argue that what is important in Foucault's latest work is his ethical framework and not his use or interpretation of ancients texts. He believes that Foucault's study of ethics as a relationship of oneself to the self provides a framework "that allows us to grasp aspects of ancient thought that would otherwise remain occluded"[15], a distinctiveness so many classicists have overlooked or fumbled by engaging in debates concerned with whether Foucault is a serious enough scholar, with adequate knowledge of Greek and Latin to be talking about these issues[16].

To which extend then is Foucault's historical inaccuracy a threat to his ethical findings? Is the care of the self Foucault's philosophical imagination or was he correct in identifying in antiquity a technology of the self through which the individual could internalise a rule so as to become an ethical subject? My aim is to reinforce Davidson's claim that Foucault's error is one "of

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[10] Davidson, "Archaeology, Genealogy, Ethics," p 230–231.
[11] Oksala, *Foucault on Freedom*, p 160.
[12] Nussbaum, "Affections of the Greeks."
[13] Ibid.
[14] Ibid.
[15] Davidson, "Ethics as Ascetics," p 130.
[16] See for example Nussbaum, "Affections of the Greeks."

interpretation not of conceptualisation"[17], thereby safeguarding Foucault's conceptualisation of ethics as the relationship of oneself to the self. My analysis will follow Foucault's quadripartite division of ethical behaviour but will refrain from focusing on Foucault's reading of antiquity through sexual experience and sexual ethics. I will instead provide a classical account of Stoicism based on the doctrines issued by the school but also the paradoxes generated by their teachings. In this way the study avoids much of the criticism generated by Foucault's reading of the Stoics and the so obvious absence of the concept of nature[18].

Re-visiting Foucault's ethical framework

i: Philosophy as a way of life, an art of living

An understanding of ethical behaviour and ethical practice in antiquity as the "self's relationship to itself"[19] is not unthinkable as ethics are isolated from social and juridical institutions. In the absence of a prescriptive code, ethical behaviour is grounded upon a systematic philosophy that has developed a coherent theory of the cosmos. Despite a tripartite division of philosophy in logic, physics, and ethics every strand of their philosophy is interlinked, creating a unified and systematic whole that cannot be divided or unwind. Such interdependence between the different parts of their philosophy constitutes Stoicism as a demonstrative system[20] explaining the whole of the cosmos and any form of life within it. Based upon their conception of the cosmos, the Stoics developed a holistic philosophy, engaging not only with demonstrative theorems but also with the issuing of ethical rules and precepts. Contra to our conception of philosophy as an abstract system or process of analysis that may have some impact on the life of the philosopher but transformation is not a necessary component; the Hellenists believed that philosophical convictions are "primarily expressed in one's way of life"[21].

Just as wood is the material of the carpenter and bronze the material of the statuary, life is the raw material for exercising the art of living.[22] As "each man's own life is the subject-matter of the art

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[17] Davidson, "Ethics as Ascetics," p 130.
[18] A number of scholars will argue that Foucault excluded the role of nature and reason. I only refer to nature because, as I will show, nature and reason are two terms that signify the same thing, they are in a sense identical as one is found in the other.
[19] Davidson, "Ethics as Ascetics," p 126.
[20] de Lacy, "The Logical Structure of the Ethics of Epictetus," p 112.
[21] Sellars, *The Art of Living*, p 167.
[22] Disc, 1.15

of living",[23] life becomes the object of inquiry contemplating ones mode of existence. He who practices philosophy engages in an activity where "one is one's own object and end"[24] whereby the results of this activity are reflected in one's actions. Hellenistic philosophy is therefore conceived as an art of living (*techne peri tou biou*) comprised of both rational principles (*logos*) and practical training (*askesis*), directed towards achieving an end goal (*telos*) that produces works (*erga*).[25] Philosophy is not only considered as a discourse developing a rational understanding of the world with no "necessary connection between knowledge and action" but is conceived as an art, a *techne*, involving both theory and practice, *logos* and *askesis*,[26] and which is only expressed in one's way of life.[27] Despite being necessary for the development of philosophical life, theorems are useless unless they cultivate the excellence of the soul (*hareti*)[28]. This duality in the nature of Hellenistic philosophy, and the necessary translation of theorems into action is very clearly set out by Sellars: "Stoic philosophy should be understood as an art(techne) grounded upon rational principles (*logoi*) which are only expressed in one's behaviour (*bios, erga*) after a period of practical training(*askesis*)"[29]. It is upon this practical and determinative philosophy that the Hellenists managed to structure an ethical system independent of social institutions and this is precisely the reason why Foucault conceives ethics as the self's relationship to itself.

ii: Ethical substance

Stoic inquiry about the nature of the cosmos was initiated by the need to treat diseases of the soul. They ask what kind of knowledge (theorems, *logoi*) will allow one to live a happy life, but also how will this knowledge transform the individual towards a state of serenity. In response to this inquiry, the Stoics acknowledged that individuals may get carried away by their feelings, yielding turbulent emotions such as jealousy, and states of mind such as greed, the pursuit of glory or malice[30]. Consequently, the identified as the source of unhappiness the pursuit or desire of goods that are not the right sort of thing[31] - otherwise termed as the *passions*. The passions are the source of irrational action[32] and examples of a weak opinion created by an unhealthy state of mind. As humans we are responsible for our state of mind and by extension we are also responsible for

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[23] Disc, 1.15.2
[24] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 177.
[25] Sellars, *The Art of Living*, p 108.
[26] Ibid.
[27] Disc, 1.26
[28] Musonius Rufus fr.3 , See Cora Lutz, *Musonius Rufus Stoic Fragments*.
[29] Sellars, *The Art of Living*, p 118.
[30] Stob. 2.90,19-91,9 =SVF 3.94 (65E)
[31] Striker, "Following Nature," p 2.
[32] Stob. 2.88,8-90,6 =SVF 3.378, 389 (65A)

controlling our passions, a conviction that explains their emphasis on strengthening one's will of character[33].

The closing words of Epictetus's Enchiridion *"Anytus and Meletus can kill me but they cannot hurt me"[34],* successfully indicate the kind of disposition Stoic philosophy aims in achieving: to reach a state of happiness whereby the individual is inaccessible to external misfortune or disorder. Hellenistic philosophy, as an art of living, aims therefore towards healing diseases of the soul trough the cultivation of an internal mental state, a disposition of the soul defined as excellence (*areti*) or wisdom (*sophia*)[35]. Acting in its therapeutic guise, philosophy is a "a medical art of the soul whose aid need not be sought, as in bodily diseases, from outside ourselves[36]" but within oneself. By this Cicero not only draws the medical analogy between philosophy as a medical art for the soul, he also indicates that the only cure to such disease is to be found within oneself, since, as indicated above, a disease of the soul is caused by false beliefs and opinions. Seneca also uses the medical analogy parallelising philosophical arguments to drugs capable of "healing [his] own ulcerous sores[37]", leading, or at least progressing, towards tranquillity and self-sufficiency.[38] The individual adopts and implements philosophical arguments not because he will face punishment but because she has embarked on a journey to self-sufficiency. Ethical behaviour is lead not by a strict adherence to the code but by the inner will of the agent to eradicate a disease of the soul. Most importantly though, philosophy is a tool employed by the individual in order to transform his thought, address his passions and his diseases so as to cure oneself.

Likewise, the first constituent of Foucault's ethical framework is ethical substance. What he identified is moral reflection on what he terms as the *aphrodisia,* referring to desires, acts and pleasures, specifically those belonging to Aphrodite.[39] Reflecting upon the *aphrodisia,* Greeks and later the Hellenists, did not produce a code of licit and illicit acts but an 'aesthetics of existence'[40]. Becoming an ethical subject in relation to the pleasures required the individual to master the pleasures, not being their slave but their master. Moral life was constituted not by the exclusion of acts but by general principles[41] governing the way one managed one's own pleasures[42]. In the

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[33] Long and Sedley, *The Hellenistic Philosophers*, 1:p 421.
[34] Ench. 53
[35] Sellars, *The Art of Living*, p 57.
[36] T.D. 3.6
[37] Ep. 82
[38] Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, p 316–7.
[39] Foucault, *The History of Sexuality: The Use of Pleasure*, 2:p 38.
[40] Ibid., 2:p 92.
[41] Ibid., 2:p 89.
[42] O' Leary, *Foucault and the Art of Ethics*, p 41.

Hellenistic period, the ethical substance remains fairly unchanged from the classical period. The passions, as we have seen, occupy a central role in Stoic philosophy as these are translated into irrational acts, giving rise to the need of combating the passions as a way of attaining the right mental attitude, thus fulfilling one's nature and reaching the end goal of life. There is a clear parallel between the 'passions' and the *aphrodisia,* thus Foucault's account is not conceptually flawed albeit the fact that it may not be completely accurate, especially since the term *aphrodisia* does not appear within classical literature. Foucault retains the key element of the passions which is nothing more than that part of the self that the individual needs to address in order to develop an ethical attitude; and by 'part of the self' I mean that aspect of one's life, attitude or thought that one needs to address and transform in order to reach the *telos*.

iii: Formulations of the telos

A discussion of the Stoic *telos* will indicate two components of Foucault's ethical framework, the mode of subjugation and the end goal - *telos*. The *telos* (end) is defined as "that for the sake of which everything is done, but which is not itself done for the sake of anything"[43], and is best understood as a *mode* of life everyone should pursue[44]. Echoing Aristotle, the Stoics believed that "knowledge of this good [is] of great weight" and that "like archers in possession of a target, we better hit on what is needed"[45]. Every action, therefore, contributes in the pursuit of the *telos*. Of course this presupposes the existence a goal that we have to pursue; a teleological conception of life is therefore adopted throughout antiquity without ever questioning the presupposition that life has an end[46]. By adopting a functionalist approach to their inquiry[47], the Stoics focus on ethics concentrate as the investigation of a way of life, which will allow one to pursue and fulfil one's nature[48]. As a result, ethical theories developed, arguing on "how we should act and what kind of person we should try to be"[49].

The Stoic conception of the end is articulated in different manners creating conceptual confusion and complication. Most famously, the *telos* consists in living in accordance with nature, but is also expressed as *eudaimonia* (happiness[50]), living well (*eu zēn)*[51], living a virtuous life or living

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[43] Stob. 2.77,16-27 =SVF 3.16 (63A 1)
[44] Striker, "Following Nature," p 12.;
[45] NE, 1.2, 1094a 22-4
[46] Striker, "Following Nature," p 2.;
[47] Long and Sedley, *The Hellenistic Philosophers*, 1:p 398.
[48] Ibid.
[49] Striker, "Following Nature," p 2–3.
[50] Happiness is defined as the sum of all goods; a potency sufficient for living well; fulfilment in accord to nature; a living

in accordance to reason, all of which are equally valid[52]. With so many "bewildering variety of versions" on the Stoic *telos,* Gisela Striker acknowledges a confusion surrounding this doctrine as sources on the end are rather "sketchy and incomplete", while commentators tend to complicate the matter further with propositions such as "living in agreement with nature is the same as living virtuously" or "virtue is the same as perfect rationality[53]". This confusion is very much evident in Stobaeus's account of the Stoic *telos*:

> They [the Stoics] say that being happy is the end, for the sake of which everything is done, but which is not itself done for the sake of anything. This consists in living in accordance with virtue, in living in agreement, or, what is the same, in living in accordance with nature. Zeno defines happiness in this way: 'Happiness is a good flow of life.'[54]

Markedly, the Stoic *telos* is rather unclear as happiness is referred to as good flow of life but consists in living in accordance to nature, which is also equal to a virtuous life. Such uncertainty or obscurity in the definition of the *telos* caused scholars to give precedence either to one formulation or the other. For example, Julia Annas gives precedence to the virtuous life[55], while Striker gives precedence to the normative role of nature.[56] In the account that follows I will try to map an account of the different formulations of the *telos*, indicating that despite the confusion caused by the sources, the Stoic *telos* is not troubled by inconsistency but is united by a mental attitude characterised by reason.

Order, harmony and the cosmic structure

In disentangling what seems to be the Stoic Gordian knot we should firstly understand precisely what the Stoics meant by living in accord with nature. Initially expressed by the founder of the school, Zeno, as 'living in agreement', this doctrine has evolved during the early years of the Stoa in order to address the incompleteness of Zeno's formulation. The doctrine took the form of 'living in agreement with nature' and was later developed further by Chrysippus who expressed it as 'living in accordance with experience of what happens by nature'[57]. As it is evident from this last formulation

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being's sufficient benefit. Long and Sedley, *The Hellenistic Philosophers*, 1:p 399.
[51] Ibid., 1:p 398.
[52] Long, "The Logical Basis of Stoic Ethics," p 85.
[53] Striker, "Following Nature," p 3–6.
[54] Stob. 2.77, 16-27 =SVF 3.16 (63A)
[55] Annas, *The Morality of Happiness*.
[56] Striker, "Following Nature."
[57] Stob. 2.75,11-76.8

of the *telos* by Chrysippus, in order to live in agreement with nature one needs to firstly understand the composition of the cosmos. This is a vital point, one that I cannot stress enough. Formulating the end in such a way indicates not only what the end is but also what kind of knowledge is necessary for the individual to reach this end. Our first encounter with knowledge necessary for wisdom occurs with the study of physics. It serves as propaedeutic to ethics as it seeks to explain the generative force of life but also that which holds the universe together[58]. In fact, the primal aim of the study of physics is to distinguish between right and wrong thus making the distinction between factual (physics) and moral (ethics) statements difficult to establish[59]. It remains unclear though how experience of nature indicates ethical behaviour.

Diachronically the Stoa remained loyal to its central thesis that Nature "organises the world in the best way possible [causing] order, regularity and coherence of all its parts".[60] Harmony is evident in the works of Nature, providing therefore the ideal structure one should adopt in his life. Springing from their conception of the world comes their definition of the 'good', which consists in the individual's realisation that nature's order is the optimal way of living; the only way of attaining *homologia,* that is coherence and consistence[61]. We therefore encounter the first transposition from Stoic cosmology to Stoic ethical theory. It is still unclear, though, how the transposition from physics to ethics is achieved. Why does our knowledge of the composition of the cosmos is indicative of the way one should structure his life? Long attempts to clarify this obscurement by arguing that Chrysippus's use of the term 'Nature[62]' denotes cosmic Nature, also referred to as God, craftsman, fiery eather or breath. According to Long, this use of the word 'Nature' "expresses what is good or right *in itself* and all other things have *value if and only if they accord to nature*"[63]. Therefore the use of 'Nature' as a term hides an innate evaluation of things, and as nature is perfection, any act of it is right. Experience of what happens in Nature is experience of perfect harmony and order; it is experience of good[64]. Evidently, Stoic ethics derive from physics, as their propositions concerning what is good and bad is based on propositions of how things really are[65]. In other words, by experiencing what happens in Nature, one observes occurrences in the physical world which are then used as a criterion of value[66]. Although the source of much criticism, the moral derivative from

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[58] Lapidge, "Stoic Cosmology," p 161.
[59] Long, "Language And Thought in Stoicism," p 103.
[60] Striker, "Following Nature," p 10.
[61] Ep, 124.18; "What is good is never disorderly or confused"
[62] Long uses Nature with a capital 'N' to distinguish between cosmic nature and human nature. I will also use this same distinction as it is useful in clarifying the different concepts in need of analysis.
[63] Long, "The Logical Basis of Stoic Ethics," p 85., emphasis added.
[64] Ibid., p 88–89.
[65] Ibid., p 87.
[66] Long, *Problems in Stoicism*, p 6.

factual experience is a legitimate one according to A. A. Long since Nature, for the Stoics, is an evaluative term[67].

Put simply, the argument goes as follows: To live in accordance with our experience of nature refers us to the study of physics. The composition of the cosmos is indicative of Nature's structure and is characterised by order and harmony. As this is the work of Nature, it is perfect. The individual should then follow this structure in order to have good flow in his life. Order and harmony are equal to happiness and happiness is the purpose of life. Therefore to live in accordance with our experience of what happens by nature (first formulation of the end) is equal to harmony, which is equal to happiness.

Materiality, impulses and Reason

But why is the individual to follow the same structure as that of Nature? A short digression into physics and psychology is necessary in order to establish this connection between the individual and nature, a connection Foucault termed as the mode of subjugation, one's connection or relationship to the rule. Following the Platonic dogma, Zeno claimed that "everything which exists is capable of acting or being acted upon"[68], therefore nothing existed but the material. Any material body possessed two principles, an active and a passive, where the active principle is God and the passive is matter[69]. God is perceived as a fiery eather, often described as 'breath'[70] and it is the act of this breath upon matter, which creates the world and holds it together as in a continuum[71], passing through the four elements "out of which everything else is formed"[72]. As the universe is evolved out of fire[73], so does the human soul, which is created from fire and air and is the cause of life[74]. The soul, also called breath or fiery eather, extends through the body and is seen as corporeal. Materiality, although a doctrine of physics, is vital to the development of Stoic Ethics as it provides the necessary connection between the individual and the cosmos. It would be wrong to distinguish between human and cosmic soul, as there is one soul identical to the divine craftsman of the universe[75] and of which our own soul consists of. Possessing both a macrocosmic and microcosmic

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[67] Long, "The Logical Basis of Stoic Ethics," p 89.
[68] Pearson, *The Fragments of Zeno and Cleanthes*, p 85.
[69] Ibid., p 11.
[70] Sandbach, *The Stoics*, p 85.
[71] Ibid., p 31.
[72] Pearson, *The Fragments of Zeno and Cleanthes*, p 11.
[73] Ibid.
[74] Sandbach, *The Stoics*, p 82.
[75] Long and Sedley, *The Hellenistic Philosophers*, 1:p 319.

dimension[76], the fiery breath is the foundational structure of the world. Our own soul is, by extension, an offshoot of the world; we are microcosmic beings with identical composition to the universe[77].

Interconnectedness is not limited between humans and the cosmos but extends between every living being within the universe. Nature, as the craftsman of the universe, guides living beings to fulfil their own specific *physis*[78]*.* Non-rational animals for example are guided by impulse, this is their specific *physis*. An impulse is understood as a "movement of the soul towards something"[79] triggered by an impression, also understood as a state of awareness[80], formed in the mind through the sensory organs. We can describe it as an instantaneous response towards an external stimulus, shared both by the rational and the non-rational animal[81]. Humans however have been bestowed with reason, making it natural for rational beings to act, not according to the dictates of impulses, but according to reason. This is man's specific nature as opposed to his animalistic nature that he shares with the rest of the animal kingdom. Rationality comes to modify primitive impulses[82], distinguishing between impulsive and rational behaviour and thus between humans and animals. As it is natural for animals to act according to their impulses, it is also natural for rational beings to act in accordance to their reason. In order to understand the function of rationality, imagine a filter. A human being is experiencing impulses in the same way as an animal. Instead of dictating our actions, those impulses are being processed by reason, acting as a filter between impulse and action. Any *mature*[83] action therefore, has assent as its necessary precondition, acting as the "arbiter of what is appropriate to human nature as the craftsman of impulse"[84].

The Stoics bring human nature in parity with cosmic Nature by attributing reason to humans, an attribute shared by both human and cosmic Nature. From this derives the second formulation of the

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[76] Ibid.

[77] Ibid.; D.L 7.143 =SVF 2.633 (53X)

[78] Φύσις (*physis*) is the Greek word used to denote the nature of living beings and of the universe. Although the word is ambiguously translated as 'nature' the meaning of *physis* signifies much more than what the English word nature does. Literary it means growth, but is used to indicate the way a 'thing grows' by extension 'the way a thing acts and behaves'. The stoics believed that a material force would cause any organism, whether plant, animal human or any other living being, to act and behave the way it does, but also that each animal has its own *physis,* its own way of growing, acting and behaving. The material force responsible for governing the behaviour of every living thing, forming therefore its *physis,* also governs the universe. Universal governing physis, for the Stoics, is identical to God. For further discussion see Sandbach, *The Stoics*, p 31-32

[79] Stob. 2.86,17-87, 6 =SVF 1.69 (53Q)

[80] Long and Sedley, *The Hellenistic Philosophers*, 1:p 322.

[81] Stob. 2.86,17-87, 6 =SVF 1.69 (53Q)

[82] Sandbach, *The Stoics*, p 33.

[83] The Stoics believed that rationality developed after the age of twelve. Therefore, for an action to be rational it needs to be a mature action.

[84] Long and Sedley, *The Hellenistic Philosophers*, 1:p 353.

end, 'to live in accordance to reason'. Since the cosmos is rational "through and through"[85], humans as part of the whole are to perfect their own rationality in order to conform with universal nature, which is itself perfect. Keeping in mind that Nature is an evaluative term, living in agreement with reason, a faculty endowed by Nature, derives its goodness "*from* and not on the grounds of living in accord with Nature"[86]. In other words, living in agreement with reason is the ultimate way of living because it is a faculty that Nature has endowed us with, and Natural events "exclude anything which is not right"[87]. It is vital, at this point, to establish why is it that this formulations of the end is not contradictory, but in line, with the first formulation. As it was stated earlier, Chrysippus's formulation of the end refers to knowledge gained by our experience of nature. The harmonious structure of the cosmos is "the best possible *rational* order"[88]. Rationality, as a property of Nature, is what causes harmony. Since rationality leads to harmony the goal of the rational animal *qua* rational, is reason.

Virtue: A self-sufficient art of living

To live virtuously is the third, and final, formulation of the *telos*. Understood as a "self-sufficient art of living" embracing the whole of Stoic philosophy[89], virtue as *telos* draws upon the previous two formulations and creates links with a number of Stoic doctrines and concepts to form one understanding of what the end goal of life is. Sextus Empiricus explained that "Good is benefit and by benefit they mean virtue", to continue with a definition of virtue as a "disposition of reason and virtuous action"[90]. Good, as we can recall from earlier in the discussion, is also equal to agreement, consistency; *homologia*. The link between good and virtue is to be found in perfecting one's rational nature[91]. Since good is of a superior nature it can only be found where "there is a place for reason[92]", as opposed to vice and the non-rational. Virtue, as "primary species of good"[93], is therefore harmonious and rational. Consequently, living virtuously is equivalent to living in harmony and living in accord to reason. For this reason, virtue is also understood as the "natural perfection of a rational being as a rational being"[94], while virtuous action is achieved only through a "reasoning

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[85] Ibid., 1:p 319.
[86] Long, "The Logical Basis of Stoic Ethics," p 94.
[87] Ibid., p 92.
[88] Striker, "Following Nature," p 10.
[89] Long and Sedley, *The Hellenistic Philosophers*, 1:p 383.
[90] Sextus Empiricus, *Against the professors*, 11.22-6 =SVF 3.75 (60G)
[91] Striker, "Following Nature," p 11.; D.L. 7.94
[92] Ep., 124.13-14
[93] Long and Sedley, *The Hellenistic Philosophers*, 1:p 383.
[94] D.L. 7.94 (383)

faculty which is sound and consistent[95]". And by giving man reason, Nature provides the necessary cognitive faculty for moral judgment. At this point we can see how the Stoics developed the doctrine of inwardness of morality[96] by defining virtue as *wisdom*, a state of mind capable of having "clear and consistent perception of what is good and what is evil"[97]. Similarly, Aristo termed it as knowledge of good and bad[98]. The rational agent, when confronted with a choice, a decision, recognises that good and bad are solely distinguished by moral value. Good (*agatha*) and bad (*kakon*) are interpreted as moral perfection and imperfection respectively while anything that lies between moral perfection and imperfection is deemed as indifferent (*adiaphoro*). Therefore what is required by the individual is to develop the right mental attitude, in other words establish a specific "character of the soul's commanding faculty (reason)"[99]. The virtue of wisdom is therefore dispositional[100], establishing a clear link between the *telos* and one's disposition of the mind or soul. The virtues assess and evaluate the mental attitude of the agent as this is found in the action itself[101]. A virtuous[102] man (also known as the Stoic Sage) will never err, for his "expertise concerned with the whole of life[103]" directs his action in every instance.

As it is evident from the above discussion, the three formulations of the *telos* could potentially lead to uncertainty as to what the Stoics perceived to be the end goal. However, a connecting line can be found between the different formulations of the *telos*. Between happiness, virtue, reason and nature we find a common characteristic and that is rational consistency[104]. Similarly, Long and Sedley observe that the telos consists in the "one and the same *state of mind*, the objective which will satisfy all people's natural desire for happiness and constitute the moral life they ought to pursue"[105]. The Stoics realised that it is the "overall pattern of the whole which gave it its value"[106], that is why virtue and happiness consist in the transposition of nature's rational order into one's life (harmony). Therefore *v*irtue represents happiness not a means to it[107], while the two coincide in the

[95] Long, "The Logical Basis of Stoic Ethics," p 95., See also See D.L. 7.85 =SVF 3.178 (57A 5); Ep. 124.13-14 (60H 3)
[96] Davidson, *The Stoic Creed*, p 153.
[97] Ibid., p 152.
[98] Plutarch, *On moral virtue*, 440E-441D (61B)
[99] Plutarch, *On moral virtue*, 440E-441D (61B 8)
[100] Rist, *Stoic Philosophy*, p 5.
[101] Long and Sedley, *The Hellenistic Philosophers*, 1:p 365.
[102] Since virtue is a state of mind, a person's reasoning faculty can be either consistent or inconsistent, there are no degrees of virtue. Such a state of mind is, as the Stoics accept, rare if not impossible although they insist on its possibility. The paradox which arises from this is that a man can be either wise or fool, a position which early Stoics defended but was later mitigated by the introduction of the term *prokomenos* (making progress, See *Disc.* 1.4), a state whereby the apprentice is moving towards virtue.
[103] Stob. 2.66,14-67,4 =SVF3.560
[104] For a similar argument see White, "The Role of Physics in Stoic Ethics."
[105] Long and Sedley, *The Hellenistic Philosophers*, 1:p 399–400.
[106] O' Leary, *Foucault and the Art of Ethics*, p 79.
[107] Sellars, *Stoicism*, p 124.

exercise of rationality[108]. Thus the aim was to bring one's logos in parity with universal logos, and this is achieved only by understanding the universe's pattern and organisation. The Stoic sage is characterised by this mental attitude, this state of mind and disposition. Therefore the Stoic conception of the *telos* despite its different formulations consists in attaining the right mental attitude,[109] one that allows the individual to live independently of external circumstances.

iv: Askesis

Up to this point, the discussion focused on the theorems produced by the Stoa, indicated that Foucault's quadripartite understanding of ethics in antiquity could be justified through traditional doctrines. All three elements explored, the passions, mode of subjugation and *telos* can also be explained using conventional interpretations of Stoicism. An important component of Stoicism is not yet addressed, and only when we introduce the role of *askesis* into our analysis will we be able to fully appreciate how a disposition of the soul can be achieved within Stoicism. Practising the art of living consists in mastering the two components of philosophy, theorems (*logos*) and *askesis*. The first step is to get acquainted with philosophical theorems, the apprentice will be presented with the doctrines and principles of the school and only after she has mastered these will she move on to practical training. In this second part, the apprentice aims in habituating and digesting theorems in an attempt to translate these into action. Foucault terms this process as 'practices of the self', a process which ensure a particular mode or type of moral subjectivation[110]. Practices of the self, best understood as practical exercises or as work conducted by the individual upon oneself, aim in achieving transformation; the desired state of mind.

In order to appreciate both the purpose and usefulness of *askesis* we will turn to a debate between two Stoic philosophers, Seneca and Aristo[111], on the usefulness of precepts. We need to clarify that by precepts we mean the issuing of rules aimed at governing behaviour. The Stoics issued numerous precepts based upon their theorems, which where then assimilated by the apprentice and translated into action through a number of techniques. This practical training aimed at the transformation of one's action is what we term as *askesis.* Between *askesis* and the issuing of precepts lays a vital distinction. Precepts are rules issued by the sage but because the sage is an

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[108] Long and Sedley, *The Hellenistic Philosophers*, 1:p 399.
[109] For a similar conclusion see Sellars, *Stoicism*.
[110] Foucault, *The History of Sexuality: The Use of Pleasure*, 2:p 29.
[111] Ep. 94 & 95

unattainable state the teachers issue precepts; whether these are heads of the Stoa, or leading figures such as Epictetus and Seneca. In essence precepts are an interpretation of theorems and doctrines, which aim in the translation of these into practical rules concerning one's behaviour. On the other hand, *askesis* are a set of exercises aimed at assimilation. A common example is the repetition of precepts, or the exercises of silence and writing.

The issuing of precepts emphasised on giving directions for particular circumstances, guiding the apprentice's actions. Aristo opposes this method arguing that precepts are superfluous since the philosopher can issue his own precepts, based upon philosophical doctrines.[112] His view is fuelled by his strong belief on the value of doctrines and the transforming effect these may have for the individual. In Aristo we find a central Stoic belief that a person who acts in opposition to his nature suffers from false opinions and in extend suffers from an ill health of the mind. Philosophy, acting in its therapeutic guise, can heal the diseases of the mind and soul by teaching wisdom. According to Aristo only wisdom can heal his ill mind, clearing the individual's mind from the cloudiness of falsehood thus avoiding any further error in his actions.[113] But what he illustrates is the state of mind of the sage, for only the sage has acquired wisdom. Seneca remains faithful to the spiritual strand of the art of living. Philosophy, he argues, is both theoretical and practical, it contemplates through inquiry but at the same time it acts. Doctrines are essential for the *techne* but so are precepts because they serve as the animation of doctrines, allowing the apprentice, not the sage, to observe how philosophical doctrines are put into practice. One is useless without the other. Precepts can only be realised within a greater understanding of the cosmos, but doctrines can only be transposed into action through the practice of precepts. In Seneca's writings we observe the two strands of philosophical *techne*, where the apprentice needs to firstly get acquainted with the school's theory thus gain knowledge of the whole and then act in accordance to these truths. Only the sage is not in need of precepts, for he has secured knowledge and can act in accordance to nature, whereas the apprentice who is still making progress (*prokopi)* needs to assimilate knowledge and translate it into action. Therefore, philosophical doctrines act as the concealed but necessary foundation for the exercise of philosophical practice[114] while precepts give examples of how an apprentice should act in accordance to the doctrines he is being taught. The combined effect of the two modes of teaching is to guide and ultimately change the apprentice's behaviour.

Stoic *askesis* consists in the repetition of precepts, theorems and principles in order to set and

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[112] Ep. 94.2-3
[113] Ep. 94.16-17
[114] Sellars, *The Art of Living*.

sustain a state of mind, shaping the apprentice's thought and by extension her character and actions. This process is divided into two stages, habituation and digestion. The process of habituation refers to an exercise of a repetitive nature that aims in the absorption of theorems by the individual. It is considered as practical training incorporating doctrines into the everyday habits of an apprentice, with the ultimate aim of transforming one's character and ultimately one's behaviour[115]: "The character of thy mind will be such as is the character of thy frequent thoughts"[116]. Philosophical principles and theorems should not be displayed to lay men, Epictetus argues, but they should be visible in one's actions after digestion.[117] Simply referring to these principles without exhibiting practical use causes disharmony between words and actions, an effect that the process of digestion aims in avoiding.[118] The combined effect of habituation and digestion consists in the "assimilation of theorems into one's soul[119]" thereby transforming one's life. Noticeably, these processes are found in late Stoicism, namely in the writings of Epictetus, Marcus Aurelius and Seneca.

In Marcus Aurelius' Meditations we find the scattered thoughts of a Stoic student and a Roman Emperor who's search for a beautiful existence leads him to meditate on philosophical theorems, transforming his thought, character and attitude. In e a text written not for publishing or circulation but in the form of a private notebook, Marcus Aurelius does not teach, preach or write to an audience[120], he writes for his own personal development, revealing the nature of philosophical *askesis*. Although there is no reasoned treatise[121] or structure in his writings, Sellars claims a tripartite division identical to the division of Stoic philosophy, namely logic, physics, and ethics.[122] What we observe in Aurelius' writings is the constant issuing of precepts supported by theorems. His style of writing, as we will see, adopts the position of a teacher indicating how one should think and react in specific circumstances. These precepts serve as personal directions issued by Aurelius for himself, directing his thought and action. Commenting on his rational nature as human being, he urges one to select what benefits him as a rational animal.[123] When someone faces 'bad luck' he should confront it with the right state of mind, "say it is my good luck that, although it has happened to me, I can bear it without getting upset"[124], Marcus Aurelius writes. He directs his daily routine by

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[115] Ibid., p 119–120.
[116] *Med.* 5.16
[117] Ench. 46
[118] Sellars, *The Art of Living*, p 122.
[119] Ibid., p 123.
[120] Aurelius and Haines, *Meditations*, xiii.
[121] Ibid., xii.
[122] Sellars, *The Art of Living*, p 149.
[123] *Med.* 3.6.6
[124] *Med.* 4.49.2

issuing precepts concerning his morning thoughts,[125] but also directing himself on how to cheer up. "Keep them ready at hand"[126], he says referring to the principles, for it is them that will alter his state of mind and cheer him up when he is upset. Throughout the Meditations we observe a constant animation of Stoic philosophy, from philosophical theorems to practical advice concerning real life occasions. Aurelius' aim is clearly obvious, to prepare himself in order to confront any given scenario with the right state of mind, always conforming to the principles and doctrines of Stoicism. Ultimately he attempts to reach a state of mind where he can view everything from above.[127]

Epictetus's handbook was written as a guide for students in the second stage of their training and thus contains practical advices rather than philosophical arguments. Once again, Sellars locates a tripartite division[128] in the handbook, each emphasising on the three areas of philosophical study. Epictetus's acknowledges three areas of study each of which corresponds to a theoretical area. Desires and aversions correspond to physics, impulse to act and not to act and appropriate behaviour corresponds to ethics while freedom from deception and hasty judgment corresponds to logic.[129] Both in Marcus Aurelius and in Epictetus, the tripartite division of practical advice reflects philosophical teachings, indicating a continuation in philosophical training from theorems to action.

Reflecting upon the nature of these writings we conclude that philosophy as an art is "directed towards the cultivation of an ideal disposition of the soul, a disposition that may be called excellence or wisdom"[130], expressed not in mere theoretical knowledge but in the translation of such knowledge into habitual action found in the life of the apprentice. Similarly, Foucault's emphasis on practices of the self reflects the importance of askesis. Recalling from the first chapter, the notion of *epimeleia heautou* consists of practical exercises worked by oneself upon the self in order to achieve a transformation. Thus, practices of the self (the fourth component of the ethical framework) are rightly identified as a philosophical practice that combines all three previously mentioned elements of ethical behaviour. Not only does it reinforce the mode of subjugation, the ethical substance is being 'worked' upon in pursuit of the *telos*.

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[125] *Med.* 2.1.1
[126] *Med.* 6.48.3
[127] *Med.* 9.30 "anothen epitheorei" "ἄνωθεν ἐπιθεωρεί"
[128] Sellars, *The Art of Living*, p 135.
[129] *Disc.* 3.2.1-2
[130] Sellars, *The Art of Living*, p 168.

Connecting the dots

Foucault's distinctive reading of antiquity bypasses much of the discussion above, ignoring the importance of nature in Stoicism and excluding most, if not all, of the traditional Stoic concepts and doctrines. If I had undertaken such a long study into the precise meaning or formulation of the Stoic *telos*, the passions and *askesis*, it was in order to indicate certain elements of Stoic ethics which would assist in responding to criticism against Foucault's ethical framework. The first issue I want to address is the historical criticism which claims that Foucault's reading of antiquity is wholly inaccurate and therefore wrong. Reconstructing Stoic ethics according to Foucault's quadripartite division of ethical attitude indicates that Foucault was not wrong in his conceptualisation of ethics. His distinctive account of ethics as the relationship of oneself to the self may challenge conventional readings of ethics in antiquity, however as I have indicated each constitutive element of ethical behaviour can be supported by classical literature.

Our discussion has indicated how Stoicism aims in developing a state of mind, a disposition of the soul capable of achieving happiness, whereby the philosopher's well being is independent of any exogenous factors. Earthly matters cannot affect the philosopher's state of mind, hence Epictetus's moving words "*Anytus and Meletus can kill me but they cannot hurt me*"[131]. The first stage in achieving such a state of mind is to identify the passions, those false impressions causing the disease of the soul. Foucault terms this as the ethical substance, that part of the self that needs to be transformed. Secondly, a mode of subjection is what relates the individual to the rule. Stoic physics draw the connection between cosmic rationality and the individual upon which a justification for adherence to the commands of reason is laid. Consequently, Foucault's claim that in developing an ethical attitude a relationship between the individual and the rule is established, can be justified. Thirdly the *telos* is nothing more than mastering the art of living and achieving serenity. To claim that an ethical attitude is teleological and therefore in pursuit of an end goal is uncontested. Lastly, techniques of the self can be refers to *askesis*, a practice indistinguishable from Stoicism. Any historical opposition therefore may be accepted when it comes to Foucault's use and interpretation of ancient texts but not against Foucault's ethical framework.

The second major criticism concerns not the use of ancient texts but the intended effect of Foucault's ethical framework. Foucault's emphasis on the care of the self and the "relation of oneself to oneself"[132] led commentators in arguing that his latest innovations may lead to a new

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[131] Ench. 53
[132] Foucault, *The History of Sexuality: The Care of The Self*, 3:p 65–66.

form of dandyism and a culture based on aesthetics. In response to this argument I will follow Davidson in arguing that Foucault's account of the care of the self is directed towards transformation not individualism. Moreover, I will indicate that in order to achieve this transformation the philosopher needs to achieve a state of mind, thus Foucault's formulation of the *telos* as a relation of self to the self is, firstly compatible with Stoic doctrines and, secondly, that is directed towards transformation.

Pierre Hadot, a classicists who wrote extensively on the spiritual exercises in antiquity[133], has expressed his concerns with regards to Foucault's writings and more specifically on Foucault's interpretation of Seneca. In this text, Seneca advices Lucilius to learn how to feel joy, for the true good resides in his "very self and the best part of you"[134]. What is misleading in Foucault's interpretation, Hadot says, is the form of pleasure that one finds by converting to oneself. He argues that by referring to "the best part of you" Seneca indicates perfect reason, an understanding of belonging to a Whole, reaching cosmic consciousness[135]. Quite rightly, Hadot points out that the 'best part' of oneself, indicated by Seneca, is a transcendent self. "Seneca does not find his joy in 'Seneca' but by *transcending* Seneca; by discovering that he has in him a reason that is part of universal Reason, that is within all human beings and within the cosmos itself"[136]. According to Hadot, then, the care of the self affects a passing "from individual and impassioned subjectivity to the objectivity of the universal perspective"[137]. Hadot's main concern is that by focusing too greatly upon the cultivation of the self and by combining this culture with an ethical model Foucault's ethics was slipping into an aesthetics of existence, "I fear" he says "a new form of dandyism, a version for the end of the twentieth century" a "culture of the self that is too purely aesthetic"[138].

An aesthetic of existence is indeed advocated by Foucault, nevertheless, not in the way Hadot fears. In an attempt to reformulate, or indeed clarify, Foucault's thought, Davidson refocuses our attention to the importance of *transcending* the self through the care of the self. As we saw earlier, Seneca urges a conversion to self that serves as a conversion to the *deus*, the deity within oneself. It is well evident that in antiquity, and more precisely in the Stoics, we find "the ideal of the sage at the basis of [their] ethics"[139]. The paradox in the Stoic texts is that "man appears in that which is most

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[133] See Hadot, *Philosophy as a Way of Life*.
[134] Seneca, Ep. 23, 3-6
[135] Hadot, "Réflexions Sur La Notion de Culture de Soi," p 263. As translated in English by Davidson, "Ethics as Ascetics," p 129.
[136] Hadot, "Réflexions Sur La Notion de Culture de Soi," p 262., emphasis added
[137] Hadot, *Exercices Spirituels et Philosophie Antique*, p 232.
[138] Hadot, "Réflexions Sur La Notion de Culture de Soi," p 267.
[139] Davidson, "Ethics as Ascetics," p 136.

his own, as something that is more than man, or, to speak more precisely, the true self of each individual transcends each individual"[140]. In the figure of the sage we identify an internal freedom, an interiority characterised by the "faculty of judgment, not in some psychologically thick form of introspection"[141]. The Roman Stoics, and this is evident in the writings of both Epictetus and Aurelius, persist in distinguishing all those that depend on us and those which do not depend on us in an attempt to indicate to the individual all those things which are immaterial to life and wellbeing[142]. This vital distinction between all those that depend on us and the things that do not depend on us lay upon the faculty of judgment, the ability of the individual to distinguish between two opposing representations and value only that which depends upon us. Developing one's judgment leads to an internal freedom the Stoics called *autarkeia* meaning self-sufficiency and is the means to *ataraxia* or *apatheia*, a state of tranquility defined by the absence of the passions[143]. This "dimension of interiority… constituted by vigilance and attention to the self, by self-examination… is in service of a freedom to judge that will guarantee one the independence of wisdom"[144].

During the late stages of Stoicism, in the Roman Stoics such as Seneca, Epictetus and Marcus Aurelius, Foucault identifies an "intensification of the relation to oneself by which one is constituted oneself as the subject of one's acts"[145]. Such an intensification is marked by what came to be known as a conversion to self, an *epistrophē eis heauton*[146], calling the individual to shift her attention towards the care of the self. Foucault claims that such a conversion allows the individual to experience the pleasure "that one takes in oneself. The individual who has finally succeeded in gaining access to himself is, for himself, an object of pleasure"[147], and this is what caused Hadot to argue for a wrongful interpretation of antiquity by Foucault. But in turning towards oneself Foucault identifies a movement towards 'the best part of us'. Describing this movement in the form of an Odyssey implies an art: just like the art of navigation the individual needs to apply the art of living in order to reach his own harbour, himself[148]. This movement towards oneself may constituting the self as our objective[149] but also signals a flight from human reason as it consists of the alleviation of the vices of the soul (deception, greed, ambition). Fleeing from human reason to join the company of Gods (the *consortium Dei*) indicates, firstly, the freeing of oneself from the passions and secondly

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[140] Hadot and Gadoffre, "Le Figure Du Sage Dans l'Antiquité Gréco-Latine," p 20.
[141] Davidson, "Ethics as Ascetics," p 138.
[142] Epictetus, *Ench*, 5; M.A *Med,* 6,16
[143] Strange, "The Stoics on the Voluntariness of the Passions," p 37.
[144] Davidson, "Ethics as Ascetics," p 138–139.
[145] Foucault, *The History of Sexuality: The Care of The Self*, 3:p 41.
[146] Ibid., 3:p 64.
[147] Ibid., 3:p 66.
[148] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 249.
[149] Ibid., p 272.

the movement towards divine reason[150].

A conversion to self does not constitute the individual as an object of knowledge it does not indicate decipherment of the self through the sciences of the mind, or through extortive reflection[151]. However, an *epistrophē eis heauton* did not exclude knowledge of the world, on the contrary, there was a necessity for interpreting and understanding the cosmos[152]. Knowledge of the world, that is knowledge that we consists of a Godly substance that we must attend to and realise, leads the individual to ultimate freedom and ultimate pleasure[153]. We realise ourselves as an individual cell operating in an organism, as a component placed at a specific time and place, yet as a part of a whole. We understand the purpose of our existence, thus concentrating on the objective of the self, turning our gaze to the self and remaining concentrated to this, we understand the rationality of our existence in relation to the divine.

As we can see there is no significant difference in the way Hadot and Foucault understand antiquity. It is true that Foucault did not emphasise enough on the fact that the reversal of the gaze towards oneself in antiquity consisted of the reversal of one's attention towards one's Godly substance, towards reason. However, Foucault never missed the *need for transcendence* in antiquity. He appreciated the value of the care of the self as a necessary precondition for a *transformation* that would give the philosopher access to wisdom and he was "correct to emphasise the ancient care of the self"[154]. But this should not be confused or degraded to the "kind of psychologization or estheticization that shrinks the world to the size of oneself"[155]. A closer reading of Foucault's lectures indicates what Davidson argues and that is nothing more than Foucault's emphasis, if not his obsession, with transformation, *transcending the self*, becoming otherwise. If there is an error in Foucault's reading of antiquity, this would be an interpretational and not a conceptual error[156].

Moreover, O'Leary concentrates on the correctness or accuracy of Foucault's reading of the *telos*, arguing that Foucault forgets that the ethical life consists in living rationally and naturally. Consequently, his particular reading of the *telos* as the establishment of a relation of self to the self is seriously misleading, elevating the theme of care of the self and diminishing the role of nature and

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[150] Ibid., p 275.
[151] Ibid., p 249–253.
[152] Ibid., p 249.
[153] Ibid., p 279.
[154] Davidson, "Ethics as Ascetics," p 137.
[155] Ibid.
[156] Davidson, "Ethics as Ascetics."

reason to mere mode of subjection[157]. The question addressed is, therefore, whether Foucault's insistence upon a formulation of the *telos* as conversion to self is justified. Having showed that the Stoic *telos* aims in reaching a state of mind and that the only way of achieving perfection is to establish this relation between oneself and the self, I argue that in the care of the self we find an interpretation of this disposition.

According to Foucault the first element of conversion to self is a "change in activity", to 'devote oneself entirely and exclusively to oneself' keeping in mind that the chief objective should be a "relation of oneself to oneself"[158]. Such a reading is not far away from Epictetus's teachings. Responding to a question on where the good is to be found, Epictetus responds "It is where you don't expect it, and do not wish to look for it. For if you had wished, you would have found it within you"[159]. The immanent character of good is the reason Foucault initiates the care of self with a conversion to self. But the conversion requires a shift of 'attention', the second element Foucault pointed out, alleviating the soul from the passions. Here Foucault repeats a cardinal Stoic conception, that the only thing that is good, and therefore of value, is moral perfection. It is unnecessary to present evidence that such an approach adheres to Stoicism, nevertheless, a glance to Epictetus's Discourses and more specifically to Book 1.4.18 where he states that real progress is made by him who "has turned attention to questions of his own moral purpose, cultivating and perfecting it", verifies this. Care of self, developing a relation to oneself should be interpreted exactly as the Stoic telos should also be interpreted: as a state of mind. Foucault clearly points this out: "*The individual who has finally succeeded in gaining access to himself is, for himself, an object of pleasure. This pleasure...is a state that is neither accompanied nor followed by any form of disturbance in the body or the mind. It is defined by the fact of not being caused by anything that is independent of ourselves and therefore escapes our control. It arises out of ourselves and within ourselves*"[160]. Foucault's account of the *telos* is therefore not far away from an interpretation of the end as a state of mind.

It may appear as if there is a contradiction arising due to the earlier formulation of the care of the self as indicating transcendence of the self, however, the two formulations are compatible not contradictory. Pairing of one's existence with nature is essentially what Stoicism aims in achieving, thus the need for transcendence, overcoming one's human nature and emphasising upon one's Godly substance. A disposition of the soul, as argued above, and the need for transcendence are two

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[157] O' Leary, *Foucault and the Art of Ethics*, p 76–81.
[158] Foucault, *The History of Sexuality: The Care of The Self*, 3:p 65–66.
[159] *Disc.* 3, 22, 39
[160] Foucault, *The History of Sexuality: The Care of The Self*, 3:p 66.

interlinked objectives that complete our picture of Stoicism. Transcending the self is accomplished only once this disposition is achieved. Only once the individual has attained a state of mind that allows her to concentrate upon the 'best part of' her, can one become otherwise.

A Restrictive Morality

Although Foucault explicitly rejected a return to the golden age[161] of the Hellenistic period, his work is received as a return to antiquity. In this final section the dissertation moves away from a discussion on ethics to indicate how Stoicism can be viewed as a restrictive morality. A discussion concerning Stoic law demonstrates the reasons why Foucault resented the school and subsequently, why Foucault's ethical project cannot be understood as a return to the ancient world.

The Stoic apprentice developed an *ethos*, a disposition through the practice of philosophy, voluntarily adopting and exercising an ethical lifestyle. In assessing Stoic law we have to ask whether there was any kind of code, any form of law that might, even vaguely, resemble a codified system. Katja-Maria Vogt has produced a rather meticulous and convincing account of Stoic law, arguing that such a law exists albeit independently from actual law and customs as these are found in cities and states[162]. Stoic law does not hand down a body of rules; it does not rest upon rule interpretation. Instead, it exists in wisdom, the perfection of one's rational disposition. Reason as law does not envisage in producing individual rules that prescribe, prohibit or permit action nor as instructions on what to pursue and avoid. Alternatively, Stoic law can be interpreted as a form of 'prescriptive-reason interpretation', where the sage issues commands that have the status of law. Although this is correct, it misses a central attribute of Stoic law: that it is substantive. Law in Stoicism is neither rule-interpretation nor prescriptive-reason interpretation[163]. Vogt argues that the Stoics forward "substantive claims about value and the nature of human beings without formulating rules"[164], indicating to the agent what considerations are appropriate for selecting between possible courses of action, providing in this way a substantive guide for living. Adopting a teleological approach to philosophy and defining the end as living in accord with nature indicates "one way of life for all"[165]. The *telos* can only be achieved by perfecting one's reason thus indicating what is good and bad, acceptable and unacceptable. However, many decisions of everyday life are neither good nor bad, they are indifferent. Selecting between 'indifferents' is treated by the Stoics in the theory of

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[161] Foucault, *The Hermeneutics of the Subject, Lectures at the Collège De France, 1981-82*, p 179.
[162] Vogt, *Law, Reason, and the Cosmic City*, p 161.
[163] Ibid., p 162–163.
[164] Ibid., p 163.
[165] Ibid., p 214.

appropriate actions, a theory that, as Vogt suggests, is indicative of the substantive nature of Stoic law.

Despite categorising goods such as health and wealth as indifferent, the Stoics accept that these are goods or activities appropriate to a living being's constitution[166]. These goods carry a certain value, the greater the value they carry the more preferred these goods are, while goods with disvalue (such as illness) are 'dispreferred'[167]. Amongst these goods there is an objective inclination towards preferred over dispreferred goods[168]. In deciding between indifferent things, the role of moral judgment is to determine whether in light of all circumstances, objective preference should prevail as the determining consideration. It may be the case that in certain circumstances moral judgment will indicate sickness over health and as the two are indifferent goods, the virtuous man should follow the dictates of reason.[169] The theory of appropriate functions (*kathēkonta*), as captured by Cicero[170], deals with selecting between indifferent goods. Proper functions do not refer to one's disposition or pursue of the end, alternatively, they deal with the particular actions and activities whose *outcome or process of selection is dictated by reason[171] and can be justified with a reasonable justification.[172]* An analysis of Cicero's text indicates what Vogt terms as substantive law.

The first proper function (*kathēkon)*, as Cicero records them, is to preserve one's natural constitution. In the case of humans the first impulse is towards self-preservation and as we develop our understanding of our constitution we strive to attain other functions more appropriate to our particular constitution. Based upon the concept of *oikeiosis[173],* the Stoics argue that an animal's first impulse is self-perception. Since the animal perceives that it exists, it soughs to preserve its existence and anything that belongs to it. Its body and by extension its family members, its property

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[166] Long and Sedley, *The Hellenistic Philosophers*, 1:p 365.
[167] Stob. 2.79, 18-81, 13; 82, 20-1 (58C); 2.83,10-84,2 =SVF 3.124 (58D); 2.84,18-85,11 =SVF 3.128 (58E)
[168] Long and Sedley, *The Hellenistic Philosophers*, 1:p 358.
[169] Sandbach, *The Stoics*, p 31., Long and Sedley, *The Hellenistic Philosophers*, 1:p 358.
[170] De Fin 3.17, 20-2
[171] D.L. 7.108-9 =SVF 3.495, 496
[172] Stob. 2.85,13-86,4 =SVF3.494
[173] We can trace the etymology of the word *oikeiosis* from the word *oikos*, meaning house. An *oikeios* would be someone who is a member of the household or a relative to its members. By extension, the meaning of the word *oikeios* would cover the belongings of a person, not simply economic but any kind of relationship denoting belonging and by further extension the word came do cover a variety of relationships. Contrasted with *oikeiosis,* is the word *allotrios*, meaning alien. F.H Sandbach used the word 'affinity' as a supplement to the word 'belonging', in an attempt to convey the meaning of the word from Greek to English, while Pembroke used the, artificial as he calls it, word of "well-disposed". Since affinity conveys an element of sentimentalism, as does endearment, and well-disposed is unclear due to its artificiality, the translation of Long and Sedley seems clearer, although as the authors acknowledge, any translation would miss something of the original. (See Pembroke, "Oikeiosis," p 115–116., Sandbach, *The Stoics*, p 32., Long and Sedley, *The Hellenistic Philosophers*, 1:p 346, 351.)

and finally the whole world, belongs to it.[174] Therefore, we act according to what is useful and that which belongs to us. This is what Cicero refers to as our 'natural constitution'. The second proper function concerns our nature as rational animals, we have to seize all those in accord to nature and banish their opposites, denoting self-sufficient ends such as virtue, reason, moral goodness and harmony. Once the individual has attained these, Cicero argues that he has attained the tools of selection, her moral judgment is developed. The final step is for selection to be fully consistent. Only once full consistency is achieved will the individual experience and understand that which is truly good. Once she has acquired this form of conception (*ennoia*)[175] she values regularity and consistency much higher that the objects of his "initial affection[176]". Rational consistency is appreciated as the ultimate good, far more valuable than the goods initially sought by the individual.

What Cicero describes is the development of considerations for choice. Proper functions are concerned with the reasoning process behind a choice. As such, Cicero's conclusion indicates what it is that the agent will value, indicating therefore how she will select between indifferent goods or actions. Let us consider the example of health and sickness once again. As rational consistency is what the agent values most, selecting between the two is indifferent to him, as none will contribute to the improvement of reason. It may be preferable to select health as this improves ones natural constitution. But if this is contrary to the dictates of cosmic reason (identical to her own perfect reason), she will select disease as what truly matters is sustaining a rational disposition. Reason as substantive law is understood as completely comprehending reality, the composition of the cosmos, in such a way that earthly goods are indifferent to her happiness. Selecting the opposite of what is deemed as objectively preferable is indicative of such a holistic comprehension of the universe that once is reached takes the force of law, not because such action is prescribed but because the agent only values her rational disposition.

Law as substantive can therefore be summarised as a law prescribed by each individual's reason[177]. Any living being with a perfect reason, whether that is the sage, god, or the cosmos, issues commands that are perfectly reasonable and coherent. These commands are to be executed; they carry the status of law. But achieving wisdom is nearly impossible for a human being. An individual's

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[174] D.L. 7.85-6 =SVF 3.178 (57A)

[175] *Ennoia* in Greek is translated as 'meaning'. therefore this form of conception, for the Stoics, is understood as the meaning of the end.

[176] By initial affection Cicero means the initial goods humans strive to acquire, goods associated with survival of the body.

[177] This conception of Stoic law is in fact Vogt's account, as this is expressed in her book Vogt, *Law, Reason, and the Cosmic City*.. Chapter four explicitly deals with the issue of Stoic law. For a rather short and precise summary of her argument refer to pages 161-164 and 213-216

reason issues commands that have a "law-like quality for *her*"[178]. Since reason issues commands that the individual obeys, it can be described as a form of individual faculty issuing laws. However, these may not be correct, or to use the Stoic terminology, may not be *appropriate*. *Kathēkonta*, the theory of appropriate actions, identifies those actions that are dictated both by one's reason and universal reason. Put simpler, if an agent decides to select health in a specific circumstance and health is the choice a sage would select, the act is appropriate. Stoic law differs from any other account of law because it is the agent who issues it. One does not come to realise an external source of law, there is nothing metaphysical to be discovered. Instead, one acts lawfully by perfecting her reason, extend her knowledge, achieve greater order, harmony and coherence while improving the overall state of one's soul. In Vogt's words, "The task of wisdom is to become perfectly reasonable in a substantive sense - to fully understand nature"[179]. Living lawfully, therefore, is equal to understanding nature, reaching an optimal state, both in terms of knowledge and in terms of one's disposition of the soul.

Vogt's account of Stoic law is both convincing and grounded. However, there is one limitation arising, not from her analysis, but from focusing her study on theorems. If we accept Stoic law as substantive, we accept a form of law that can only be comprehended by the sage. Wisdom is for the Stoics the ultimate good, a state of mind that is impossible (yet possible) to achieve. For this I would argue that conceiving Stoic law as substantive is limited to the theoretical aspect of Stoicism. Arguably, there is no other way to conceive or study Stoic law as the sources indicate that throughout Stoicism, law was referred to as a disposition of the soul, as nature and reason:

"Law is the highest reason, implanted in nature, which commands what ought to be done and forbids the opposite"[180]

"For neither men nor gods have any greater privilege than this: to sing for ever in righteousness of the universal law"[181]

However, Stoicism never restricted its teachings to theorems, it was always about the issuing of precepts, practical rules governing one's behaviour. Philosophical argument was used in order to heal diseases of the soul,[182] presenting the apprentice not just with a specific argument to treat a

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[178] Ibid., p 215.
[179] Ibid., p 216.
[180] Cicero, *Leg.* 1.18
[181] *Cleanthes, Hymn to Zeus (SVF 1.537)*
[182] For a detailed discussion of how philosophical argument heals diseases of the soul refer to Chapter 9 in Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*.

current problem but also with a coherent system that needed to be accepted and practiced if she was to be healed. Thus Stoic philosophy presents to the apprentice the conditional "If you want to live well then…" live virtuously[183]. One can either follow it and achieve a virtuous life or discard it and live a vicious life. If one selects to live a virtuous life, she must go through the assimilation of Stoic doctrines and principles (*askesis*) and then proceed to philosophical practice, endorsing and applying this philosophical system.

In the interpretation of theorems and the issuing of precepts we find practical directions for one's everyday life, governing every thought and action of the apprentice. Although not codified in the form of legislation as we know it today, the issuing of precepts can be viewed as a form of law that is then embedded deeply into the mind and practice of subject through *askesis*. Stoicism therefore dictates what one ought to think, how one ought to act and behave. Serving as a "truth and a rule[184]", precepts expressed the Stoic understanding of the world but also passed a rule to be followed.

When Foucault talks about a change in the mode of subjectivation in Stoicism he refers to rationality as normative, one has to act in this manner because she is a rational being. There is no longer the element of choice, moral action is defined and construed only within Stoicism, anything outside is vicious. Due to its rather self-centred or immanent approach, Stoicism is characterised as ethical in the sense that it concentrates on the individual's character (*ethos*) and by extension his actions and habits, as opposed to a codified moral code directing others on how to act, allowing us to conclude that "the art of living may form the basis for an ethics but not for a morality"[185]. However, Foucault feared that an ethics of such "immanent rigour would inevitably deteriorate to into a restrictive morality"[186]. If we accept that precepts act as a form of rule handed down to an apprentice, we can then justify Foucault's fear about the prospective restrictiveness of Stoicism. Its claims are based on universal truths, on their concept one of nature, which A. A. Long characterises as *" a normative, evaluative, or if you will, a moral principle"[187]*. Stoicism's insistence on universality, a universality that can initially be traced in their teleological approach to life, cannot be interpreted otherwise than a universal law common to every rational being, purporting a way of life common to everyone. Therefore what we have is a moral system albeit one that places its emphasis on ethics. This explains Foucault's disinclination towards Stoicism but also to any other universal system.

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[183] Sellars, *Stoicism*, p 123.
[184] Foucault, *Wrong-Doing, Truth-Telling*, p 133.
[185] Sellars, *The Art of Living*, p 169.
[186] Gros, "Course Content," p 532.
[187] Long, "The Logical Basis of Stoic Ethics," p 88.

Conclusion

In this chapter the dissertation addresses the main criticism arising from Foucault's ethical findings in antiquity. The purpose is twofold; firstly to indicate how an individual can develop an ethical attitude using Foucault's conceptualisation of antiquity, but without engaging with his interpretation of sexual practices. The main argument is that Foucault's account can be justified through an analysis of Stoic doctrines and is therefore suffering from an interpretational and not a conceptual error. Secondly, the chapter argues that Foucault's ethical framework and more precisely, his emphasis on the care of the self, does not yield an aesthetic culture of the self. Instead, such a great emphasis on the care of the self is orientated towards transformation and, ultimately, transcendence; becoming otherwise. Finally, the last section of this chapter supports the above proposition. Stoicism is portrayed as a restrictive morality, a practice that focuses on the assimilation of the theorems supported by the philosophical school thus limiting exploration and alternative styles of life.

However, the discussion does not simply respond to the criticism expressed against Foucault's ethical conceptualisation but is orientated towards enhancing our understanding of his ethical project. If Foucault is correct in pointing out that contemporary struggles revolve around the notion of subjectivity, refusing a given form of subjectivity and exploring new ways of life, then his work provides a practice capable of assisting in this endeavour. In the first chapter the dissertation indicated how an analytics of power serves as propaedeutic to becoming otherwise while this chapter focuses on the creative aspect of the ethical project. Consequently, the ethical framework identified in antiquity can be understood as one of the analytical tools assisting in the exploration of new ways of life. Foucault revolutionises our study of ethics by offering a new way of understanding ethical attitude as a relationship of oneself to the self, a purely personal practice focusing on the individual and the ways one relates, assimilates and practices a moral code. Such a framework could be said to pave the way for the creation and development of ethics as distinct from social institutions but most importantly, distinct from any universal claims to truth. Ethics as a quadripartite practice is capable of transforming the subject, it allows the subject to become otherwise, in one words ethics can be *ethopoetic.* Indicating that Foucault's ethical framework is conceptually correct, albeit his interpretational error is an important clarification that may prove useful in today's struggles.

Besides the ethical framework we also identified *askesis* as one of the major sources of inspiration Foucault identifies in antiquity. The use of the word 'inspiration' is not accidental since, as is mentioned numerous times until now, Foucault does not wish for the reactivation of these techniques today, especially since the purpose of *askesis* is to assimilate a conception of human nature. It is inspirational in the sense that one identifies an aspect of the self that needs transformation and works upon it in order to achieve the coveted alteration of being necessary for becoming otherwise. In the context of an ethical project, technologies of the self can be employed as a creative process of subjectivation. It is true that Foucault's approach towards the care of the self may be confusing as he identifies it in antiquity but orients it in a different direction from that of the Hellenists[188]. He retains, though, the philosophical attitude of the Hellenists that is concerned not with "conditions of truth but with forms of living"[189]. Most importantly, Foucault retains the idea of transformation and transcendence. As indicated, Stoic *telos* can best be understood as a state of mind, a particular perception of the cosmos influencing one's stance towards the self, others and society, in short towards life. The attainment of a state of mind (disposition of the soul) is what allows the individual to develop an *ethos*, progress towards virtuous action and, finally, wisdom. Similarly, Foucault's ethical project strives to alter one's conception about the self by rejecting a universal human nature and the relationship between oneself and others by rejecting a universal morality. Such a change rests upon transformation. In essence, Foucault's ethical project attempts to alter one's state of mind and one's perception about how life should be conducted. Crucially, though, such a project does not promulgate one way of life that everyone should submit to but the exact opposite. It lays down the necessary tools for the refusal of one way of life so as to constantly develop and redevelop alternative modes of life.

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[188] May, *The Philosophy of Foucault*, p 102.
[189] Ibid.

Conclusion: Becoming Otherwise

In the course of this dissertation my aim was to appreciate Foucault's comments on the significance of his work towards overcoming Western morality. As a thinker who refused to remain in stasis, Foucault constantly evolved his understanding of subjectivity, with his final study of sexuality as an ethical experience revealing a second process by which a subject is formed. Up until that time, Foucault understood the subject as passive, a by-product of processes of subjectification operating within a society. However, his study of sexuality and ethics in antiquity locates those technologies of the self operating at the time and allowed the individual to become an ethical subject. Due to this discovery, his understanding of subjectivity developed to be constituted as the interplay of two historical processes (subjectification and subjugation) that have always been operating, albeit in different degrees, depending upon social conditions. Likewise, his ethical project is concerned with unmasking processes of subjectification and enhancing processes of subjugation.

Despite the absence of clear conceptual links and a thoughtful, coherent account of this project, Foucault did manage to articulate its basic outline. In the last interview ever given he refers to this project, albeit in an indirect manner, firstly by refusing the search for a universal morality as this is conducted in Western societies and secondly by indicating the need for a search of new modes of being: "*The searches of styles of existence as different from each other as possible seems to me to be one of the points on which particular groups in the past may have inaugurated searches we are engaged in today. The search for a form of morality acceptable to everyone in the sense that everyone should submit to it, strikes me as catastrophic*"[1]. As it is evident, Foucault considered a universal morality restrictive as one style of life is imposed upon every individual, in other words, he argues that one should never be told how to live, in contrast, one should be allowed to find out how to live, to create and recreate styles of life. The main barrier in exploring alternative modes of being is the conception we have regarding what is good and bad, acceptable and unacceptable, virtue and vice. His ethical project sets out to challenge the foundations of a universal morality but also to provide the tools necessary for the exploration of alternative modes of being. Consequently, the aim of the dissertation has been to locate and draw together those elements of Foucault's thought constituting this project. Although the line separating his work on subjectivity and his ethical project may be obscure since his ethical project draws upon his conception of subjectivity, a distinction should be drawn between them. The dissertation has focused not on Foucault's genealogy of the

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[1] Foucault, "The Return of Morality," p 253–254.

subject but on the way he uses his work on subjectivity to articulate an ethical project whereby theory can be transposed into action. My main proposition is that his ethical project can be understood in two parts, firstly, a genealogy of the subject indicating the historical contingency of subjectivity but also orientated towards unmasking the pervasive effects of power. Only then will the individual be able to identify how the processes of subjectification operate upon oneself. The second part is a natural continuation of the first; Foucault attempts to provide the necessary analytical tools for the exploration of alternative modes of being.

In supporting this proposition, the dissertation turns its attention to identifying how Foucault challenges the way we think about morality. An understanding of the subject as historically constituted contradicts a universal understanding of the subject but also refuses humanism and the promulgation of a very particular understanding of human nature. By rejecting this foundational conception Foucault attempts to bring down the boundaries a universal morality has erected. A historically contingent subject is vital in forwarding the proposition that since we are not who we once were, we do not have to be who we are now. Moreover, the dissertation studies the effects of power by focusing upon the operation of discourses of truth (political theory) in conjunction with the operation of processes of subjectification (law) shape subjectivity through the internalisation of "Law and norms"[2]. By indicating how 'self-evident' truths "are precarious constructions which have an institutional basis"[3] and therefore a construct of the age we live in, Foucault's aim is to prove that "morality as obedience to Law is only one ethical possibility amongst others"[4] and that "the moral subject is only one historical realisation of the ethical subject"[5]. The results of such a study indicate how Foucault's ethical project aims in creating the space for transgression to occur, transcend the boundaries set by humanism so as to explore new modes of subjectivity.

Turning towards antiquity was a development few could predict as Foucault was navigating through unknown territories, employing novel techniques of analysis and reaching unsettling results. The second chapter of this dissertation addressed the main criticisms arising from Foucault's unprecedented approach to ethics in antiquity. In this chapter the dissertation indicated that despite Foucault's obvious interpretational errors, his understanding of quadripartite analysis of ethics as a relationship of oneself to the self is not flawed. In essence, the chapter defends subjectivation as a historical process capable of giving shape to subjectivity. As the main focus of the dissertation is Foucault's ethical project, the importance of this chapter is twofold. Firstly it contributes towards

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[2] Gros, "Course Content," p 227.
[3] Supiot, *Homo Juridicus*, p 4.
[4] Gros, "Course Content," p 227.
[5] Ibid.

the debate concerning the accuracy of Foucault's final contribution to the study of subjectivity. An analysis of Foucault's findings through Stoic doctrines indicates not the historical correctness but the conceptual accuracy of his understanding. Therefore, any historical criticisms expressed by classical scholars cannot alleviate the importance of Foucault's findings. Secondly, the chapter addresses a misconception that has been developing, namely, that Foucault's last contribution was a self-centred, narcissist and aesthetic by contributing to our understanding of the way Foucault employs subjectivation as an experimental process. Technologies (practices) of the self are orientated towards transformation and the cultivation of an alternative state of mind. In the same way that the Stoic *telos* consists in attaining a disposition of the soul, Foucault's ethical project sets out to change the way we view morality. Thus, the project does not aim in creating a beautiful self but in transformation, altering one's perception and relationship with oneself; a transformation capable of transcending the limits set by a universal moral code so as to explore new modes of life and new ways of *coming together.*

Although the dissertation indicates how theory can assist practice, especially by creating the space within which an exploration of alternative modes of being may be conducted, no links have been established with any examples of experimental practices. For this reason, I want to conclude this dissertation by referring to homosexuality as an example indicative of how Foucault perceived and practiced his ethical project. By referring to this example we can see how Foucault has employed the tools identified in the first two chapters in his own personal relations. Homosexuality is understood as "*a historic occasion to reopen affective and relational virtualities, not so much through the intrinsic qualities of the homosexual but because the 'slantwise' ['en biais'] position of the latter, as it were, the diagonal lines he can lay out in the social fabric allow these virtualities to come to light*"[6]. Thus, we can effectively observe how theory meets practice, how subjectivities are dissolved, truths are rejected and new modes of coming together are established. More importantly, the example of homosexuality depicts Foucault's ethics as *relational* and *transversal.*

Humanist traditions approach the *problem* of homosexuality as a universal question capable of being explained scientifically. The production of knowledge by practices such as medicine and psychology promote a conception of humanity, a singular truth about oneself. Likewise, the problem of homosexuality is approached through "science and scientific knowledge of what sexuality is"[7]. The discursive decipherment of sexuality and desire produces a universal truth explaining the problem of homosexuality. Power produces and uses this truth to create the homosexual subject. Foucault distinguished his position, rejecting an understanding of homosexuality as a scientific

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[6] Foucault, "Friendship as a Way of Life," p 138.
[7] Foucault, "Sex, Power and the Politics of Identity," p 163.

problem. Most importantly though, he rejects a mode of truth which ties homosexuality to the

question "Who am I?"[8] and the understanding of the individual as an ahistorical singularity.

For Foucault, the question homosexuality poses is not a scientific one but a relational one:
"What relations, through homosexuality, can be established, invented, multiplied, and modulated?"[9],
"Its a question of imagining how the relation of two individuals can be validated by society and
benefit from the same advantages as the relations - perfectly honourable - which are the only ones
recognised: marriage and family"[10]. Therefore, homosexuality asks not what is true about one's sex,
but how we can invent a multiplicity of relationships[11]. He urges the homosexual community to
"escape us much as possible from the type of relations that society proposes for us and try to create
in the empty space where we are new relational possibilities[12]." In order to achieve this, the
community should recognise that the "legal, social and institution world" which we inhabit promotes
not only few and limited but also simplified and poor relations[13].

An analytics of power and its effects assist in acknowledging how society through its institutions
has successfully limited relational possibilities to those few it can manage and accept. Marriage and
the family are two dominant and acceptable forms of relations which restrict the creation of
alternative relations such as homosexuality. The relational fabric is thus impoverished[14] due to the
operation of dominant institutional and social forms of relation. As a result, one may be free to
select between existing relations, select amongst the limited relational practices already in place,
but is not free to create. In this sense, an analytics of power serves as propaedeutic[15] for becoming
otherwise, it indicates the effects of power and knowledge on our understanding of homosexuality
and subjectivity, allowing "Foucault's transversal ethico-politics [to] intervene at precisely this pivot
point of biopower"[16], refusing normalisation and individualisation. With the risk of schematisation
and simplification, I would say this is the first 'stage' of Foucault's ethical project: To acknowledge
the effects of power and refuse a mode of subjectivity, refuse the singular truth posed by the
knowledges so as to achieve de-subjectification. In the context of homosexuality it is evident in the
way Foucault refuses the truth posed by scientific knowledge, the narrative of immorality forwarded
by religion and the limited array of relations found in the social fabric.

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[8] Foucault, "Friendship as a Way of Life," p 135.
[9] Ibid.
[10] Foucault, "The Social Triumph of the Sexual Will," p 162.
[11] Foucault, "Friendship as a Way of Life," p 135.
[12] Foucault, "The Social Triumph of the Sexual Will," p 160.
[13] Ibid., p 158.
[14] Ibid.
[15] Penfield, "Toward a Theory of Transversal Politics: Deleuze and Foucault's Block of Becoming," p 162.
[16] Ibid., p 164.

Often Foucault's propositions have been misunderstood or placed within already existing practises such as identity politics or the struggle for the recognition of gay rights, but he refused to accept that gay rights is the final chapter in homosexuality[17]. If the community restricts its imagination to gaining equal social, legal, financial privileges as heterosexuals then they limit their existence within existing institutional relations. In other words, the granting of rights is equally limiting because relations are construed within institutional and social boundaries. Similarly, equating identity politics to Foucault's ethical project[18], is a frail parallelism as it fails to capture the distinctiveness of his project. Identity politics refers to those movements concerned with altering both the "self conceptions and societal conceptions"[19] of those involved in the movement. Based upon the idea of oppression, identity politics attempt to reinstate an oppressed identity or correct the wrongs inflicted upon "innocent selves"[20]. The term is both general and vague and refers to political struggles by oppressed, neglected or forgotten groups with a collective but lost, or oppressed, identity[21]. Examples include indigenous movements, nationalist struggles but also feminism, gay, lesbian and queer rights movements, or movements supporting multiculturalism, and even includes political struggles of the mentally ill[22]. The line separating identity politics and Foucault's ethical project is thin and fragile but also crucial. Although identity politics attempt to alter a conception of the self, therefore oppose in a sense normalisation, this form of action lacks a vital characteristic of the nature of the practice advocated by Foucault: transformation. As we have seen in chapter two, transformation is the centrepiece of this practice, an indistinguishable component of the care of the self, rendering the project both transversal and transcendental.

The political force of the homosexual endeavour derives from its position of exteriority with regards to existing institutionalised forms of social relations. For these reason it is a direct response to the effects of biopower[23], a transcendental and political project. Such an "innovative directions we're moving in is no longer the struggle against repression", but the creation of new subjectivities, the creation of new relations, new ways of understanding who we are and new ways of coming together[24]. It is in this sense that Foucault argued that "*The searches of styles of existence as different from each other as possible seems to me to be one of the points on which particular groups*

[17] Foucault, "The Social Triumph of the Sexual Will," p 157–158.
[18] McNay, "Self as Enterprise: Dilemmas of Control and Resistance in Foucault's The Birth of Biopolitics," p 56.
[19] Anspach, "From Stigma to Identity Politics: Political Activism among the Physically Disabled and Former Mental Patients," p 255.
[20] Bickford, "Anti-Anti-Identity Politics: Feminism, Democracy, and the Complexities of Citizenship," p 113.
[21] Heyes, "Identity Politics."
[22] Anspach, "From Stigma to Identity Politics: Political Activism among the Physically Disabled and Former Mental Patients."
[23] Penfield, "Toward a Theory of Transversal Politics: Deleuze and Foucault's Block of Becoming," p 168.
[24] Foucault, "The Social Triumph of the Sexual Will," p 160.

in the past may have inaugurated searches we are engaged in today.[25]" His ethical turn - and not

return- to antiquity is directly related with the invention of new social relations, new ways of relating

to oneself and other, to new ways of being and becoming. The second stage of this project would be

to explore new relations and homosexuality is at the forefront of this search. As a consequence,

Foucault argues that what the homosexual community needs to focus on is not a recognition of who

they are, nor upon the comprehension of desire but on becoming homosexuals, to "create a gay life.

To *become.*"[26]

And in becoming, the problem of homosexuality tends towards the concept of friendship[27]. This

is a very interesting approach, albeit an unsurprising one, given Foucault's latest work. The real

question, or purpose if you like, for homosexuality is to successfully construct the relations which

are absent from the social fabric arguing that "they have to invent from A to Z, a relationship that is

still formless, which is friendship: that is to say the sum of everything through which they can give

each other pleasure"[28]. It is interesting how Foucault assimilates friendship, as a relational activity,

and homosexuality. Friendship in Greek culture is a virtue, one which consists in the "ability for a

free spiritual connection between two or more people, based upon mutual respect, appreciation,

loyalty, understanding and trust"[29]. The notion of friendship is paramount in Greek culture and can

be found in Homer's Iliad (C73), denoting a relative or a person with whom someone is closely

related, through to Plato, Aristotle, Pythagoras, up until the end of the Hellenistic period with Cicero

and Seneca referring to friendship extensively in their writings. Cicero, in his treatise on friendship

(*De Amicitia)* defined friendship as "a complete accord on all subjects human and divine, joined with

mutual goodwill and affection. And with the exception of wisdom, I am inclined to think nothing

better than this has been given to man by the immortal gods"[30]. Friendship is an idealised

relationship between two or more people, a relationship which has as its base, its foundation, not

desire or sexual relationship but admiration, respect and appreciation of the other person. Such is

the nature of relationship homosexuals have been developing, a form of relationship unknown and

unrecognised by the social fabric. Homosexuality may be received as a disgusting or disturbing act,

however Foucault contends that what disturbs society is not the sexual act but the fact that

"individuals are beginning to love another"; love interferes with rule, law and habit[31]. Only by placing

these words in the context of friendship can we grasp the force of Foucault's thoughts.

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[25] Foucault, "The Return of Morality," p 253–254.
[26] Foucault, "Sex, Power and the Politics of Identity," p 163. (emphasis in original)
[27] Foucault, "Friendship as a Way of Life."
[28] Ibid., p 136.
[29] Rassias, *Virtue*.
[30] Cicero, *On Friendship (De Amicitia) and Scipio's Dream & On Moral Duties (De Officiis)*.
[31] Foucault, "Friendship as a Way of Life," p 136–137.

Homosexuality disturbs people because it disturbs the relational status quo. Homosexual relations escape social and institutional relations, they escape any given and acceptable forms of relations by expanding the bond established by friendship to include sexual relations. In essence Foucault views homosexuality as a relationship of friendship including a sexual relation. Individuals love each other, they enter into intimate relationships beyond the heterosexual norm. What is disturbing therefore is this escape from the norm from what is relationally acceptable.

To be gay is an activity resembling *askesis*, the work of oneself upon oneself so as to achieve a transformation. The term 'gay asceticism' could be considered vague or contradictory given the fact that in antiquity *askesis* was employed to assimilate theory into action, it was a way for the apprentice to digest philosophical teaching and transpose them into action. Foucault doesn't specify what he means by gay asceticism or gives specific examples of such a practice. Doing so would restrict experimental practice and would also contradict his entire project. However, we can contextualise gay asceticism based on his previous statements and the intended effect of such a practice. Foucault believes that once the homosexual community reintroduces asceticism into their lives, they will then be able to invent - *not discover*[32] - a gay way of life, a new culture and a new ethics. Thus we observe the transposition of *askesis* from a practice found in antiquity to a practice assisting groups in creating new modes of being. Similar to antiquity, the individual engages in ethical questioning, identifies the ethical substance, mode of subjugation and *telos* to be achieved while *askesis* (technologies of the self) is employed as a process of subjectivation to achieve this *telos*. The key difference is that the contemporary use of asceticism is not to assimilate theorems or teachings; on the contrary, universal truths are rejected. Instead, asceticism is employed as an experimental practice, opening up possibilities and not restricting them. Gay asceticism "can yield intense relations not resembling those that are institutionalised"[33], it is capable of constructing "cultural forms"[34] previously unknown. We could say that the burden has fallen upon this community to be innovative and enter an existential struggle in the sense that they can create a homosexual way of life[35]. Such creations are not limited to the homosexual community, they are transferable to heterosexuals[36], and I would add that they are transferable generally to human interaction. At the core of homosexuality is the need for creation, for transformation and transcendence, for becoming otherwise through a new relational conception; not theoretically but

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[32] Ibid., p 137. (emphasis added)
[33] Ibid., p 138.
[34] Foucault, "The Social Triumph of the Sexual Will," p 157.
[35] Ibid., p 157–158.
[36] Ibid., p 160.

practically. A homosexual relationship therefore is "much more than the sexual act itself"[37].

Foucault's ethical project is directed towards affecting a change upon the social fabric, a change in the way we relate to each other. A change initiated by thinking about the outside "that has no form [so as] to reach the non-stratified."[38] Foucault's thought is both transversal and transcendental, not only does it diagonally cut across already existing lines of thought but it lays "outside subjectivity"[39]. The "thought from the outside"[40] indicates the transcendental elements of Foucault's ethical project; becoming otherwise involves a continuous death and rebirth of one's own subjectivity[41], whereby a re-birth of oneself entails a new self-relation[42]. The self becomes the centre of one's practice but not in a selfish or narcissist way, "it is not the emanation of an 'I', but something that places in immanence an always other or a Non-self."[43] In this sense, "practices of the self are neither individual nor communal: they are relational and transversal"[44]. Thus, Foucault's last project is not characterised by self-centrism, narcissism or pure aestheticism, on the contrary it is a relational project. By challenging the foundations of Western morality, Foucault attempts to create an ethical void, a vacuum and therefore a space within which new relations can arise. Foucault does not provide an answer to the Aristotelian question "How should one live?", but attempts to create the conditions which ensure the question retains its perennial nature.

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[37] Foucault, "Friendship as a Way of Life," p 137–138.
[38] Deleuze and Hand, *Foucault*, p 87.
[39] Foucault, "The Thought of the Outside," p 150.
[40] Ibid.
[41] Foucault, "The Thought of the Outside.", Cisney, "Becoming-Other: Foucault, Deleuze, and the Political Nature of Thought."
[42] Cisney, "Becoming-Other: Foucault, Deleuze, and the Political Nature of Thought," p 55.
[43] Deleuze and Hand, *Foucault*, p 98.
[44] Gros, "Course Content," p 545.

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