Foucault Studies

ARTICLE

Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages

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ABSTRACT: A growing body of interpretive literature concerning the work of Michel Foucault asserts that Foucault's critical project is best interpreted in light of various strands of philosophical phenomenology. In this article I dispute this interpretation on both textual and philosophical grounds. It is shown that a core theme of 'the phenomenological Foucault' having to do with transcendental inquiry cannot be sustained by a careful reading of Foucault's texts nor by a careful interpretation of Foucault's philosophical commitments. It is then shown that this debate in Foucault scholarship has wider ramifications for understanding 'the critical Foucault' and the relationship of Foucault's projects to Kantian critical philosophy. It is argued that Foucault's work is Kantian at its core insofar as it institutes a critical inquiry into conditions of possibility. But whereas critique for Kant was transcendental in orientation, in Foucault critique becomes historical, and is much the better for it.

Keywords: Michel Foucault, Critique, Immanuel Kant, Phenomenology, Transcendental Critique.

"You seem to me Kantian or Husserlian. In all of my work I strive instead to avoid any reference to this transcendental as a condition of the possibility for any knowledge. When I say that I strive to avoid it, I don't mean that I am sure of succeeding… I try to historicize to the utmost to leave as little space as possible to the transcendental. I cannot exclude the possibility that one day I will have to confront an irreducible *residuum* which will be, in fact, the transcendental."[1]

The philosophical project of critique inaugurated by Immanuel Kant has led to many important developments over the winding pathways of nineteenth- and twentieth-century philosophy. One of these pathways has unfortunately overshadowed many of the others. Kant envisioned his critical project, in his seemingly most famous moments, as a transcendental inquiry. This transcendental inflection of the critical project was then taken up in his wake by a number of different philosophical traditions, including its notable appropriation and extension in the work of philosophical phenomenology as inaugurated by Edmund Husserl in the late nineteenth century and then radicalized by Martin Heidegger in the twentieth. One central issue for the phenomenological pathway in critical philosophy has been the attempt to integrate a transcendental inquiry into universal and necessary conditions of possibility with historical forms of inquiry that acknowledge the situated contexts within which all human thought apparently unfolds. Unfortunately this phenomenological pathway has obscured other possible directions of furtherance for the Kantian project of critique. But there are others who have attempted to develop the Kantian project of critique along different lines. These other philosophers do not preserve the vexing idea of critique as a transcendental form of inquiry. Among these I count Michel Foucault, who is as able a practitioner of Kantian critique as one should hope for, but who was not therefore a philosopher engaged in transcendental inquiry.

Foucault scholarship on the whole has, however, tended to miss this point. Many early interpreters of Foucault expressed relief that his work was finally directing philosophy away from Kantian transcendental philosophy. These interpreters were right to be relieved at the exhaustion of the transcendental problematic, but perhaps hasty in their broad dismissal of Kant. A more recent trend in Foucault scholarship that deserves our attention today involves reclaiming Foucault as part of the Kantian tradition, but precisely by interpreting his thought through the lens of transcendental phenomenology. This latter set of interpretations sometimes takes the strong

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[1] Foucault to Giulio Preti in "A Historian of Culture," debate with Giulio Preti in Michel Foucault, *Foucault Live: Collected Interviews, 1961-1984*. Edited by Sylvère Lotringer (New York: Semiotext(e), 1972, 1996). References throughout contain, in many instances, two dates: in such cases the first date refers to the original year of publication in the original language and the second date refers to the year of publication of the translation and edition to which the page number citation refers.

form of an insistence that Foucault is himself something of a phenomenologist and at other times takes the weaker form of the claim that Foucault's thought must be read through its complex engagements with the phenomenological category of historical-transcendental critique even if these engagements resulted in Foucault's eventual departure from phenomenology. Both sets of interpretations, however, fail to detach the idea of Kantian critique from the idea of transcendental critique. Both sets of interpretations insist that Foucault was or was not undertaking Kantian transcendental critique. But both thereby fail to ask if perhaps Foucault was undertaking Kantian critique without implicating himself in transcendental critique.

In what follows I contest the weight of both sets of scholarly contributions by suggesting a quite different way of interpreting Foucault's historical analytics of genealogy and archaeology. I argue on textual grounds that Foucault rigorously avoided the transcendental as that which specifies the conditions of the possibility of our practices. I also argue that on philosophical grounds that this was a good move on Foucault's part for it enabled him to avoid certain conceptual difficulties implicated by any attempt at a transcendental historiography. For these reasons, I conclude, it is misleading to interpret Foucault through the lens of philosophical phenomenology, or at least any version of phenomenology associated with transcendental inquiry. But my point here is not merely a negative one. I also seek to establish the positive point that Foucault elaborated a viable alternative to phenomenological transcendental critique in appropriating the Kantian project of critique for quite different purposes. Recent commentators emphasizing Foucault's relation to phenomenology have been right to emphasize Foucault's relation to Kant. But in taking up Foucault's Kantianism through the lens of phenomenology, they have misleadingly reinterpreted archaeology and genealogy as transcendental forms of critique. Foucault's relation to Kant is much more direct and as a result constitutes a much more radical challenge to prevailing modes of philosophical, historical, and critical inquiry. For these reasons it deserves continued attention today, especially for those pursuing projects which aim to be simultaneously historical and critical.

Historical-Transcendental Critique in Phenomenology (and Foucault)
I shall assume some familiarity with the standard reception of Foucault (at least in North America) as both non-transcendental and non-critical philosopher. Against the background of this standard account of Foucault's reception, I want to draw attention to a rather recent trend of reinterpreting Foucault in light of some of the core themes informing transcendental phenomenology. Perhaps the most important of these phenomenological themes that commentators have sought to turn our attention to concerns the uniquely phenomenological inflection of the transcendental inquiry supposedly at the heart of Kant's critical project. The story can be told as follows. The phenomenologists reworked Kant's conception of the transcendental

such that historicity and transcendentality can be seen to be compatible with one another. Phenomenology thus opened up the possibility of what might be called historical transcendentality. (If the story so far is rather familiar then it is the following recent update to the tale that is provocative.) Foucault then aligned himself with the phenomenological tradition and sought to further that method of historical-transcendental inquiry.

Probably the most influential version of this Foucault-as-phenomenologist account is that developed by Béatrice Han (now Han-Pile) in her 1998 book *Ontologie manquée de Michel Foucault,* which was translated into English in 2002 as *Foucault's Critical Project* with the telling English subtitle *Between the Transcendental and the Historical*.[2] Han-Pile does not claim that Foucault was a transcendental-historical phenomenologist so much as she argues that Foucault was something of a failed, or as her French title has it a "missed," transcendental phenomenologist. On Han-Pile's view, Foucault's project remains at core an attempt to historicize the transcendental such that his thought is situated at "the tension between the historical and the *a priori*."[3] According to this interpretation, Foucault failed in this project and ultimately reverted to a practice of history that in spite of his own better intentions eventually reduced down to little more than "the study of prisons on a purely empirical base."[4] As Gary Gutting summarizes Han-Pile in his fairly sharp but surely fair review, her claim is that "all of Foucault's work can be read as the (failed) effort to revive the project of transcendental philosophy: to find the conditions of possibility for experience."[5] In response to Gutting, Han-Pile reiterates her reading of Foucault's archaeologies as "attempts to reinterpret the Kantian critical project by providing what might be called a "transcendental history" of the conditions of possibility of knowledge in the West."[6] The view is that Foucault's project is a failed attempt to locate the historical-transcendental of the Western present, and as such it is *a fortiori* precisely such an attempt. Indeed in her recent writings Han-Pile makes little noise about the failures of this project and instead devotes herself almost exclusively to emphasizing an interpretation of Foucault as undertaking such a project. (Perhaps she believes, following Hubert Dreyfus and others, that there remain other ways of more successfully carrying out this project.)

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[2] Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*, translated by Edward Pile (Stanford, CA: Stanford University Press, 1998, 2002).

[3] Han, 196.

[4] Ibid., 69.

[5] Gary Gutting, "Foucault's Critical Project," *Notre Dame Philosophical Reviews* (May, 2003). <http://ndpr.nd.edu/review.cfm?id=1262>.

[6] Béatrice Han-Pile, "Is early Foucault a historian? History, history and the analytic of finitude," *Philosophy and Social Criticism*, 31, nos. 5-6 (2005): 586.

Kevin Thompson has very recently offered a compelling reinterpretation of Foucault as a historical-transcendental phenomenologist that departs in important ways from Han-Pile's efforts. Thompson begins with a helpful summary of Han-Pile:

> Foucault's aspirations for a truly transcendental foundation for his research, a project that would set out and maintain the integrity of the transcendental field, are ultimately left unfulfilled. The ontology required for a truly coherent account of the transcendental is missing, Han argues, and in its stead all that is left is an unacknowledged empiricism.[7]

Where Han-Pile sees a failed attempt at transcendental phenomenology in Foucault, Thompson discerns a rather more successful attempt at the same: "This, we can say, is the core concern of Foucault's critical history of thought. It seeks nothing less than to grasp the simultaneity of historicity and transcendentality."[8] And, pace Han-Pile, it does this successfully. Thompson locates this core concern of Foucault's through examinations of both his intellectual heritage and his thought. In terms of inheritance, Thompson's argument is that Foucault is properly interpreted through a phenomenological lineage that reaches back through Jean Cavaillès to Edmund Husserl. At the core of that lineage is precisely that viable conception of historical-transcendental critique that Han-Pile failed to locate in Foucault. Thompson cites Husserl's influence on Cavaillès and Foucault's claims regarding the importance of Cavaillès for his own archaeological and genealogical projects. We might rejoin at this point with the quip that influence is not necessarily complete and transitive: what Cavaillès took from Husserl may not have carried over into what Foucault took from Cavaillès. Fortunately, Thompson also offers an impressive rereading of portions of the *The Archaeology of Knowledge* that suggest the plausibility of an interpretation of the archaeological method in terms of historical-transcendental phenomenology. In the final pages of that book, Thompson shows, Foucault makes it obvious that he is aware of his proximity to this Husserlian-Heideggerean problematic. But this recognition, I shall suggest below, is far more ambivalent than Thompson's interpretation suggests.

Despite the obvious differences separating Thompson's and Han-Pile's interpretations of Foucault, there is a clear commonality that enables both to pose the same sets of questions to Foucault, even if they arrive at different answers to these questions. Both frame their interpretations of Foucault in terms of the problem of the relation between the transcendental and the empirical bequeathed to modern philosophy by Kant and taken up in his train by Hegel, Husserl, and Heidegger.

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[7] Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept," *History and Theory*, 47 (Feb., 2008): 4.

[8] Ibid., 2.

Han-Pile concludes that Foucault never solved the basic Kantian problem and unfortunately tended to retreat to versions of historical inquiry of a more purely empirical variety. Thompson concludes that Foucault took up the category of the transcendental-historical developed by Husserl and Cavaillès and in doing so was able to preserve a crucial transcendental thread within his archaeology (and possibly also his genealogy).

This general strategy of a reinterpretation of Foucault *through the lens* of phenomenological concepts like historico-transcendentality is gaining increasing attention amongst Foucault scholars today.[9] I find this interpretation both unsatisfying on textual grounds and unfortunate on philosophical grounds. More crucial are these latter philosophical reasons. For the interpretative strategy at issue helps to obscure one of Foucault's most crucial philosophical contributions: the development of a modality of inquiry that both preserves a link to the Kantian project of critique as inquiry into conditions of possibility and does not for that reason chain itself to a transcendental inflection of the critical project. To put the matter more simply,

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[9] Other recent contributions to this interpretation include that of Johanna Oksala, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005), who argues that archaeology is "a historical description of the varying conditions of possibility of knowledge in different periods"(21) and that genealogy "shares with phenomenology the transcendental mode of questioning as opposed to a purely empirical study of the subject, but it does not share the methodological starting point in the subject."(104) See also work by Rudi Visker, *Genealogy as Critique*, translated by Chris Turner (NY: Verso, 1995) and Rudi Visker, *Truth and Singularity: Taking Foucault into Phenomenology* (Dordrecht, NL: Kluwer, 1999), Todd May, "Foucault's Relation to Phenomenology," in Gary Gutting (ed.), *The Cambridge Companion to Foucault*. Second edition. (Cambridge: Cambridge University Press, 2005), Timothy Rayner, *Foucault's Heidegger: Philosophy and Transformative Experience* (NY: Continuum, 2007), and many papers collected in the Foucault-Heidegger volume by Alan Milchman and Alan Rosenberg, (eds.), *Foucault and Heidegger*: *Critical Encounters* (Minneapolis, MN: University of Minnesota Press, 2003). See also Andrew Cutrofello, *Discipline and Critique: Kant, Poststructuralism, and the Problem of Resistance* (Albany, NY: SUNY Press, 1994), and Marc Djaballah, *Kant, Foucault, and Forms of Experience* (NY: Routledge, 2008), who read Foucault as practicing Kantian transcendental critique but directly through Kant rather than by way of phenomenology. Among earlier iterations of this interpretation are Hubert Dreyfus, "On the Ordering of Things: Being and Power in Heidegger and Foucault," in Timothy J. Armstrong (ed.), *Michel Foucault philosopher* (Hempstead: Harvester Wheatsheaf, 1989, 1992), an attempt to read Foucault alongside Heidegger, and Gerard Lebrun, "Notes on Phenomenology in *Les Mots et les Choses*," in Timothy J. Armstrong (ed.), *Michel Foucault Philosopher*, (Hempstead: Harvester Wheatsheaf, 1989, 1992), an attempt to situate Foucault in a general Husserlian problematic. As a matter of scholarly compunction it should be noted that Paul Rabinow, ("Modern and Countermodern: Ethos and Epoch in Heidegger and Foucault," in *The Cambridge Companion to Foucault)*, does not share Dreyfus's phenomenological interpretation of Foucault despite frequent mistaken references in the literature to Dreyfus and Rabinow as offering a reading of Foucault as a kind of hermeneutic phenomenologist.

Foucault is a Kantian but not a transcendental idealist in that Foucault took from Kant the project of critique but not the project of transcendental critique.

In what follows I shall both seed doubts about the phenomenological interpretations of archaeology and genealogy and also sketch the outlines of an alternative interpretation according to which archaeology and genealogy are neither empirical nor transcendental. I will argue for a view according to which Foucault fashioned a mode of inquiry that was, as he himself titled it, a "*Critical History of Thought*" that aimed to explicate the problematizations conditioning our historical present.[10]

Textual Problems for the Foucault-through-Phenomenology Interpretation
I begin by posing a small number of textual problems for the interpretive strategy under consideration. These problems do not definitively refute that strategy but they do help seed some serious doubts about its plausibility. My claim in this section is that Han-Pile's and Thompson's arguments must answer at least two difficult interpretive questions that Foucault's work poses to any attempt to situate that work within a phenomenological problematic of the relation between the transcendental and the empirical.

The first difficulty concerns Foucault's own attempts to situate himself in a philosophical lineage whose relation to phenomenology is ambiguous: namely the lineage of Bachelard, Cavaillès, and Canguilhem. Thompson reads this lineage, especially in the figure of Cavaillès, as preoccupied with phenomenological questions inherited from Husserl. But when Foucault situated his own thought in this lineage he seems to have done so precisely so as to contest that phenomenological lineage that ran forward from Husserl to Heidegger, Sartre, and Merleau-Ponty. In a piece originally written as an introduction for the 1978 English translation of Canguilhem's *The Normal and the Pathological* Foucault described "a dividing line" running through twentieth-century French thought that "separates a philosophy of experience, of meaning, of the subject, and a philosophy of knowledge, of rationality, and of the concept." He refers to Sartre and Merleau-Ponty on one side as phenomenologists of experience and meaning, while he takes Cavaillès, Koyré, Bachelard and Canguilhem on the other side as philosophers "of knowledge, of rationality, and of the concept."[11] In his introduction to a later English-language collection of Canguilhem's essays, Paul Rabinow points out that there is a certain

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[10] Michel Foucault, "Foucault (by Maurice Florence)," a pseudonymous autobiography, in Gary Gutting (ed.), *The Cambridge Companion to Foucault*. First Edition (Cambridge: Cambridge University Press, 1984, 1994), 459.

[11] Michel Foucault, "Life: Experience and Science," in Michel Foucault, *Aesthetics, Method, and Epistemology: The Essential Works of Foucault, 1954-1984*, Volume 2, edited by Paul Rabinow and James Faubion (NY: New Press, 1985, 1998), 466.

"insider's humor" involved in this claim: Foucault was in fact aping Canguilhem himself who had much earlier offered a politicized version of this very distinction.[12] The crucial point of the distinction, as it appears in Foucault and Canguilhem, is to locate a philosophical project that does not situate itself as an inquiry into transcendentalized conceptions of subjectivity or experience as conditions of thought, life, action. Foucault's quip is that despite all of those promising contortions that enabled phenomenology to admit bodies, sexuality, and death into its analysis, "the *cogito* remained central to it."[13]

Now both sides of this divide, according to Foucault, articulated their projects as a radicalization of Husserl. Thompson ably shows how Husserlian historical-transcendental phenomenology informed aspects of Cavaillès's thought. Despite the presence of the historical-transcendental in Cavaillès, it is likely that Foucault's invocations of the philosophers of the concept was precisely designed as an attempt to contest the problematics of transcendental phenomenology in favor of the quite different problematics of historical epistemology. To the transcendental treatment of meaning and experience, Foucault and Canguilhem opposed the historical treatment of rationality and concepts. Canguilhem, for his part, wrote, some years after Foucault's death, that "Foucault disparaged questions with transcendental implications, preferring those with historical implications."[14] Canguilhem himself also shied away from the transcendental strains of phenomenology. To the extent that Foucault saw his own work in this lineage, then, it may have been on the basis of its explicit refusal of the transcendental.

In his 1978 lecture "What is Critique?" Foucault referred again to the Bachelard-Cavaillès-Canguilhem succession, describing it as a "phenomenology" to be sure and yet one that "belongs to another history altogether." The contrast is again to the transcendental phenomenology that dominated the intellectual context in which occurred his own philosophical maturation. Foucault's point in invoking Cavaillès and Canguilhem here was to show how work in the history of science can help us return to this question: "How is it that rationalization leads to the furor of power?"[15] No matter how one reads the works of the phenomenologists of the concept, Foucault locates in this tradition a set of concerns which really have very little to do with the problematics of the transcendental in Husserlian phenomenology. This

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[12] Paul Rabinow, "Introduction: A Vital Rationalist," in *Georges Canguilhem, A Vital Rationalist*, edited by François Delaporte, translated by Arthur Goldhammer (NY: Zone Books, 1994), 21.

[13] Foucault, "Life: Experience and Science," 477.

[14] Georges Canguilhem, "Introduction," in Timothy J. Armstrong (ed.), *Michel Foucault philosopher* (Hempstead: Harvester Wheatsheaf, 1989, 1992), xvi.

[15] Michel Foucault "What is Critique?" in *The Politics of Truth*, edited by Sylvère Lotringer (Los Angeles, CA: Semiotext(e), 1978, 2007), 54.

tradition may, however, have something to do with other questions provoked but unanswered by Husserl, such as those concerning the historicity of our sciences.

This brings me to a second, and I think more troubling, interpretive difficulty for Thompson's and Han-Pile's arguments. This difficulty is rooted in well-known claims by Foucault about phenomenology and transcendentality in *The Order of Things* and *The Archaeology of Knowledge*. In the section on the problematic of the transcendental and the empirical in *The Order of Things*, Foucault clearly situates the "phenomenology" of "actual experience" within this failing problematic and thereby urges that we now need to address ourselves to a somewhat different philosophical challenge. That something different requires taking up the question of the "existence" of "man" such that Foucault's infamous musings at the end of the book about faces being erased at edges of seas should be seen as decidedly operating against a transcendental phenomenology.[16]

Similarly, at the end of *The Archaeology of Knowledge* Foucault disparages phenomenology under the heading of "transcendental narcissism." The book closes with strong cautions against the transcendental:

> My aim was to cleanse it [this history] of all transcendental narcissism; it had to be freed from that circle of the lost origin, and rediscovered where it was imprisoned; it had to be shown that the history of thought could not have this role of revealing the transcendental moment that rational mechanisms has not possessed since Kant, mathematical idealities since Husserl, and the meanings of the perceived world since Merleau-Ponty – despite the efforts that had been made to find it here.[17]

Foucault continues for another few pages to disparage "that transcendental reflexion with which philosophy since Kant has identified itself" and which unfortunately "allows us to avoid an analysis of practice."[18] He then proceeds to identify his own inquiry with an analysis of "the set of conditions in accordance with which practice is exercised" by which he means immanent conditions and not transcendental conditions possessing universal scope and necessary modality.[19] If readers have detected only an implicit devotion to historical-transcendental practice in this book, then it is tough to know what to do when faced at the book's end with all these explicit rejections of those very ideas which some have tried to impute as implicit procedures. "It seemed to me that, for the moment, the essential task was to free the

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[16] Michel Foucault, *The Order of Things* (NY: Vintage, 1966, 1973), 321-322.

[17] Michel Foucault, *The Archaeology of Knowledge*, translated by A.M. Sheridan Smith (NY: Pantheon, 1969, 1972), 203.

[18] Ibid., 204

[19] Ibid., 208.

history of thought from its subjection to transcendence," Foucault there wrote.[20] This all seems rather unequivocal. Foucault is not merely objecting to a "transcendental narcissism" that he hopes to purify for the sake of "transcendental inquiry proper," but he is rather objecting to the narcissism of the transcendental project itself.

Philosophical Problems in the Foucault-through-Phenomenology Interpretation
Thompson and Han-Pile might respond at this point that in calling Foucault a transcendental thinker they are not in fact imputing to him a form of inquiry whose yield would be conditions of possibility that are universal (in scope) and necessary (in modality) as these have been traditionally understood on the basis of Kantian philosophy. Rather, it might be replied, they only intend to impute to him a form of inquiry whose yield would be conditions of possibility that constrain thought and action in a somewhat different sense. These conditions of possibility are not, as they are for Kant, universal and necessary in the sense of ranging across every possible domain of rational human thought and moral human action. They are universal and necessary in a more limited sense by constraining thought and action only across a range of certain specifiable domains (i.e., a certain period in our intellectual history). Universal and necessary conditions of possibility are thereby relativized to determinable historical epochs or epistemes. Thus, Foucault's project is an analysis of a carefully qualified *historical a priori*. It is perhaps for these reasons that Thompson, but not Han-Pile, interprets Foucault as a phenomenologist of the concept but not as a phenomenologist of experience.

While the defense suggested may appear to rescue the historical-transcendental reading of Foucault from some of the interpretive difficulties raised above, it nevertheless raises some important philosophical difficulties that I now turn to. For on any interpretation of Foucaultian archaeology as historical-transcendental, there remain distinctive philosophical shortcomings in this method of inquiry. The crucial point is that these are the very shortcomings that Foucault himself sought a corrective to in directing his future work under the guidance of a genealogical method. To the extent that we can detect hints of a transcendental analytic in Foucault's archaeology, this turns out to be the very form of inquiry that generated many of the blockages in his work which Foucault sought to overcome in revising his historical-philosophical analytic. This suggests that we might refrain from regarding the methods and concepts that produced these difficulties as the abiding philosophical core at the heart of Foucault's thought. Foucault's own self-revision show that his most stable concerns seemed to have been elsewhere than in his early engagements with transcendentality influenced by his training in phenomenology. Genealogy would enable Foucault to overcome the shortcomings in archaeology.

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[20] Ibid., 203.

But it would enable this not by forcing him to abdicate archaeology altogether, as Han-Pile and others have argued.[21] Genealogy is best construed not as *post-archaeology* but as *archaeology-plus*.[22]

To gain an appreciation of the philosophical problems at issue, it helps to situate Foucault's thought within the wider conceptual arc where it always traveled. This requires explication of a core notion that always informed Foucault's historiography and philosophy. That core notion is not transcendentality but rather problematization. If we are looking for a stable conceptual matrix that informs the full breadth of Foucault's thought here is where we should start: "The notion common to all the work that I have done since *History of Madness* is that of problematization."[23] Problematization, not transcendentality, is the core notion in Foucault's critical philosophy of history.[24]

What is problematization? Allow me to offer an all-too-brief explication of this idea. Critique as problematization can be specified as a form of inquiry with two core aspects: contingency and complexity. By focusing on the emergence of hybrid networks of problems we can come to recognize our problems as contingent complexes rather than necessary givens. By clarifying and intensifying the conditions structuring these hybrid networks of problems and solutions, archaeology and genealogy enable us to adopt a more reflective relation to the situations in which we already find ourselves, whether or consciously or not, enmeshed. Problematization in Foucault's work thus refers simultaneously to nominal objects of inquiry and verbal activity of inquiry. A problematization as a nominal object is a constitutive set of conditions that enable and motivate practices in the present. A problematization as a verbal activity is a form of inquiry that articulates and intensifies such nominal problematizations.

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[21] Han-Pile "Is early Foucault a Historian?" 73 ff..

[22] I develop this reading of the relationship between archaeology and genealogy at much greater length in Colin Koopman, "Foucault's Historiographical Expansion: Adding Genealogy to Archaeology," *Journal of the Philosophy of History* 2, no. 3 (2008): 338-362. Since the publication of that article my view of these matters has been greatly improved through conversations with Arnold Davidson.

[23] Michel Foucault "The Concern for Truth," an interview by François Ewald, in *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, edited by Lawrence Kritzman (NY: Routledge, 1984, 1988), 257.

[24] This is the central argument of my forthcoming book *Genealogy as Problematization*, where the concept of problematization is expounded at much greater length.

Problematization, as Foucault conceived it, draws simultaneously on both archaeology and genealogy.[25] Archaeology describes the static forms of problematizations, whereas genealogy engages the contingent historical emergence of these problematizations in the context of complex practices. Archaeology lays bare a field of practices whilst genealogy tracks the flow of these fields into the present practices that are their target. Archaeology analyzes logics of rules and genealogy analyzes dynamics of strategies. These two modes of inquiry fit together quite nicely. Many of Foucault's own studies embody this nice fit.

An interpretation of Foucault through the concept of problematization yields a different reading of the place in his thought held by his high-period archaeological works of the mid-sixties. This is relevant to the present discussion because this is the primary work to which any reading of Foucault through the lens of phenomenology must appeal. According to my preferred interpretation, the high-period archaeological work is in certain respects tangential to the wider arc of Foucault's attempts at an inquiry into the problematizations constitutive of our modernity.[26] That wider arc of inquiry begins in *History of Madness* and continues through *The History of Sexuality*. The high-period archaeological inquiry in *The Order of Things* is by no means irrelevant to this wider arc but it is nonetheless somewhat tangential in that it treats only of modern knowledge, while all of Foucault's other inquiries sought to understand modernity at the intersection of knowledge, power, ethics, and other domains of practice. Another way of putting this point is as follows: archaeology is not irrelevant to problematization but by itself it does not constitute a history of problematization, which form of history is inchoate in *History of Madness*, almost altogether missing in *The Order of Things*, and fully explicit by the end of *The History of Sexuality* project.

This interpretive reperiodization of Foucault's works help us make sense of the fact that Foucault in his later years would come to explicitly acknowledged the deficits of the philosophy of history offered in his high-archaeological period. He would at one point even offer the following confession about this period of his work: "*The Order of Things* is not a book that's truly mine; it's a marginal book in terms of the sort of passion that runs through the others."[27] I want to emphasize once again that this

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[25] Cf. Michel Foucault, "What is Enlightenment?" in Michel Foucault, *Essential Writings of Michel Foucault, Volume One: Ethics*, edited by Paul Rabinow (NY: New Press, 1984), 12.

[26] For a somewhat similar periodization see Arnold Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts* (Cambridge, MA: Harvard University Press, 2001), 205.

[27] Michel Foucault, "Interview with Michel Foucault," by Duccio Trombadori, in *Power: The Essential Works of Foucault, 1954-1984*, Volume 3, edited by Paul Rabinow and James Faubion, (NY: State University of New York Press, 1980, 2000), 267.

seeming disavowal need not be read as indicating a rupture in Foucault's thought such that his later genealogical works altogether abandon his earlier archaeological analytic. The point need not be that archaeology was somehow overcome by genealogy, but can rather be stated in terms of archaeology having been incomplete for Foucault's purposes of a critique of modernity while the combined analytic involving both archaeology and genealogy proved more suitable for these purposes.

We should regard genealogy as an *expansion* rather than an *abdication* of archaeology. Foucault's genealogical works are not investigations of the conditions of the possibility of the rules structuring given forms of knowledge alone, as is offered by archaeology, but are rather investigations of the conditions of the possibility of a complex intersection of multiple such rules interacting along multiple vectors including knowledge, power, and ethics. The archaeological analytic thus forms one strand or element that feeds into a broader genealogical analytic. This does not imply that archaeology is reducible to genealogy insofar as the single archaeological strand can always be detached from the wider genealogical environment in a way that yields a different modality of inquiry. The difference is one of complexity such that genealogy constitutes an expansion of archaeology even if the archaeological neutralization of just one element can indeed remain useful for certain purposes. An archaeology excavates or neutralizes constraints as they are composed along a single vector or pathway of practice (i.e., knowledge, or power, or ethics), whilst a genealogy traces these constraints as they are contingently formed at the complex intersection of multiple vectors or pathways of practice (i.e., knowledge, and power, and ethics).

In order to accomplish the critical purposes which he had first adopted in *History of Madness* and which persisted in his work through *The History of Sexuality*, Foucault would require the expanded historiographical analytic. What he required, in other words, was a shift from his erstwhile single-vector analysis of archaeology perfected in *The Order of Things* to the wider multi-vector analysis of genealogy initiated in *Discipline and Punish* and yet only inchoate in *History of Madness*. Picture an image of the evolution of Foucault's thought not as a line with a distinctive break but rather as an hourglass—at the bottom is a complex analysis of multiple kinds of constraints on the emergence of practices but in a rather inchoate fashion, in the middle is realized a procedure for isolating just one of these kinds of constraint, and at the top is evidenced an analytic in which multiple kinds of constraint are treated in their interaction precisely because it is possible to neutralize them by invoking the procedure made available by the middle of the hourglass but not yet present in the bottom half. The image may be somewhat unwieldy, but at least it has the virtue of not being misleading, as most representations of the relation between archaeology and genealogy unfortunately are.

The upshot of the preceding few pages is that an expanded genealogical analytic would enable Foucault to comprehend the contingent and complex intersections of multiple vectors of practice. These intersections form what Foucault eventually came to call in 1982 "problematizations" following Canguilhem's similar usage in 1943 and then Deleuze's reuse in 1968.[28] Like their earlier archeological counterparts these genealogical problematizations function as conditions of possibility. But there is no question of their being universal and necessary. They are historical through and through. It follows that they cannot properly be grasped in terms of the concept of transcendentality, at least not as that concept was conceived by Kant. Genealogy is thus best seen not as a transcendental analytic but as what Paul Rabinow and Hubert Dreyfus usefully labeled, so long as one does not hear any residue of hermeneutics in the label, an "interpretive analytic."[29]

From a philosophical perspective, we get a better version of Foucault for the purposes of critical historiography when we focus on Foucault's later histories of problematization (which invoke both genealogy and archaeology in complementary fashion) rather than on a limited subset of his earlier archaeological histories (namely those two books from the mid-1960s that narrowly invoked only archaeology). Regarding the archaeological and genealogical periods as deploying two historiographical analytics of varying breadth in the way I have suggested helps make vivid the philosophical defects in the narrowed conception of archaeology which Foucault himself came to recognize. For it helps us see that archaeology as an analytic fails to bring historical change into view. Many of Foucault's early critics were skeptical on precisely this point. To them archaeology did not seem to counte-nance basic historical categories like development, evolution, continuity, and (hear now the gasps) progress. Sartre noted this best: "Certainly Foucault's perspective remains historical. He distinguishes different periods, a before and an after. But he replaces the cinema with the magic lantern, movement by a succession of immobilities."[30] The archaeologist first describes conditions that constrain one pe-

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[28] See Gilles Deleuze, *Bergsonism*, translated by Hugh Tomlinson and Barbara Habberjam (NY: Zone Books, 1966, 1991), Gilles Deleuze, *Difference and Repetition*, translated by Paul Patton (NY: Columbia University Press, 1968, 1994), Gilles Deleuze, *The Logic of Sense*, translated by Mark Lester (NY: Columbia University Press, 1969, 1990), and Georges Canguilhem, *The Normal and the Pathological*, translated by Carolyn R. Fawcett (NY: Zone Books, 1943, 1991), 35. (Cf. Georges Canguilhem, "L'Objet de l'histoire des sciences," in *A Vital Rationalist: Selected Writings from Georges Canguilhem*, edited by François Delaporte, translated by Arthur Goldhammer (NY: Zone Books, 1968, 1994), 30).

[29] Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, second edition (Chicago, IL: University of Chicago Press, 1982, 1983), 122 ff..

[30] Jean-Paul Sartre, "Jean-Paul Sartre répond." *L'Arc,* 30 (1966): 87.

riod of thought; they next describe the quite different conditions constraining another period of thought; finally, they infer historical difference on the basis of an underlying incommensurability between the two sets of conditions. This procedure indeed demonstrates difference but it does not explicate difference historically. Archaeology only offers up incommensurable historical conditions and an inexplicable gap between them. This is history in that it concerns the past but it is not historical history in that it does not engage change, mobility, and transition. But what of those gaps so famously caught by archaeology? What of the period of transition from one historical period to another? Do limiting conditions inexplicably dip in and out of the historical field of experience? If so, then we are left with an unexplained assumption that conditions of possibility are at one moment present in experience and in the next moment absent. But do the fleeting periods of transition, however confused they may be, possess a historical a priori? If not, then it follows that there are historical periods which an archaeological analytic cannot engage. If so, then it follows that the historian needs another analytic in addition to (or perhaps instead of) archaeology in order to wield a more complete historiographical toolkit. This is precisely the analytical role that genealogy would come to play in Foucault's better-developed historiography.

To do whatever it was that he had set out to do, Foucault realized that he needed to change his tack from what he had adopted in the high-period archaeological works. This suggests that perhaps Foucault had never set out to develop a form of historical-transcendental inquiry. If his work in a brief period in the mid-sixties resembled historical-transcendental phenomenology or invoked quasi-transcendental categories, Foucault would come to reject precisely those features that made it recognizable as such. Foucault may have stumbled his way for a time into something resembling historical-transcendental inquiry, but once he recognized that he was there he headed elsewhere almost immediately, indeed even before *The Archaeology of Knowledge* was finished. Only a few years later Foucault had already gained quite a distance from such a view: "Thus for me *episteme* has nothing to do with the Kantian categories… I strive instead to avoid any reference to this transcendental as a condition of the possibility for any knowledge."[31] To search Foucault's works for a solution to the well-known puzzles of critical-transcendental Kantianism or of historical-transcendental Husserliana is not only to search his works for something which he never sought to put there, but it is also to search them for something that is itself riddled with philosophical difficulties according to Foucault's own matured philosophical sensibilities.

In sum, Foucault's philosophical-historical practice should not be read in terms of the Kantian category of transcendentality, even in those of its phenomenological

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[31] Foucault, *The Archaeology of Knowledge*, 97-98.

inflections that seem to invest it with an appreciation for historicity. In the previous section I showed that such a reading does not square with Foucault's own statements about phenomenology and transcendentality. In the present section I showed how a reading of Foucault along these lines generates philosophical perplexities which Foucault himself seemed to be wary of.

Foucault's work possesses enormous facility and range for philosophers and historians alike. If we want a viable historiography and philosophy, why not take advantage of what is clearly featured in Foucault's work rather than imposing on it certain demands that are only obscurely available within that work? Why not free up that work so that we can more effectively do what Foucault set out to do? Why not take up Foucault in light of Foucault's problems and leave Husserl's problems to Husserl (and Heidegger's problems to Heidegger, and so on)?

Critique in Foucault and in Kant

It remains undeniable that Kant's problems were of central concern for Foucault just as they were for Hegel, Husserl and Heidegger. But were the Kantian problems that motivated Foucault the same Kantian problems that motivated these others? Kant is a rich seam and one that Foucault and Husserl both mined. My view is that they were digging there for quite different treasures. Husserl chased Kant into the hills hoping for the gold of transcendentality. Foucault patiently observed Kant excavating humble nuggets of critical conditions of possibility and thereby learned to do the same himself.

One way of understanding Foucault's historiographical analytics (both archaeology and genealogy) is as an investigation of how historical conditions of possibility constrain thought and action in the present. These conditions are not taken by Foucault as universal and necessary, not even in the rather limited sense of universal across and necessary to a determinate domain or epoch of experience. Conditions as bounds or limits—yes. Conditions as necessary and universal limits across a domain of thought and action—no. I said above that the core of Foucault's historiography is an inquiry into the problematizations that condition our historical present. According to this interpretation, Foucaultian historiography is certainly a *critical* project insofar as it constitutes an inquiry into the conditions of the possibility of the present. But it is not therefore a *transcendental critique* whose aim is to reveal universal and necessary conditions of possibility.[32]

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[32] Foucault thus belongs in a different Kantian lineage than that traced by phenomenology. I would claim, though I cannot defend it here, that two Kantian traditions of thought to which Foucault was much closer are critical theory and pragmatism. As to the former, I refer the reader once again to Amy Allen *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (New York: Columbia University Press, 2008). As to the latter, I argue for a basic

This interpretation implies a crucial distinction between *critical conditions-of-possibility* (or limits or bounds) on the one hand and *transcendental conditions-of-possibility* (or limits or bounds) on the other. Transcendental conditions are a subset of critical conditions—they can be distinguished from other forms of critical conditions by their modality (necessity), scope (universality), and appropriate cognitive object (apriNoricity). Where conditions of possibility are not explicated as universal and necessary conditions of aprioricity, there we find critique proceeding in a vein that is not transcendental in its construction.

This distinction between critique and transcendental critique is, fortunately, not my own invention.[33] It also seems to have figured in Kant's work, albeit not with utmost clarity. It is notable that much of Kant's historical and anthropological writings make sense only on the assumption that there are viable forms of critique that are not transcendental in orientation. Even more to the point is that there is nowhere in Kant's writings where it is made clear that he thought that critique *must* always be transcendental in orientation even if it is abundantly clear that he was himself mostly interested in transcendental critique in the context of his epistemological

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compatibility, and potential mutual enrichment, between genealogy and pragmatism in the final chapter of Koopman, *Pragmatism as Transition: Historicity and Hope in James, Dewey, and Rorty* (New York: Columbia University Press, 2009). I am also guest-editing a forthcoming special issue of *Foucault Studies* that will address in further detail the potentialities of a dialogue between Foucault's work and various strands of pragmatism.

[33] Some such distinction is needed within the context of Kant's philosophy in order for his later more anthropological writings to have a place within his critical system, which he insisted they did as shown by Holly Wilson, *Kant's Pragmatic Anthropology: Its Origin, Meaning, And Critical Significance* (Albany, NY: State University of New York Press, 2006). My interpretation of Kant also accords with that offered by a young Foucault in Michel Foucault, "Introduction to Kant's Anthropology," translated by Roberto Nigro and Kate Briggs (Los Angeles: Semiotext(e), 2008). Also available online as Foucault, "Introduction to Kant's Anthropology from a pragmatic point of view", translated by Arianna Bove, at <http://www.generation-online.org/p/fpfoucault1.htm>, Feb., 2008. It also possesses the distinctive advantage of being in line with that of well-regarded Kant scholars ranging from Tom Rockmore, *Kant and Idealism*, (New Haven, CT: Yale University Press, 2007) to P. F. Strawson, *The Bounds of Sense* (London: Methuen Publishing Ltd., 1966), (Concerning the latter it is worth mentioning that I was told by Foucault scholar Arnold Davidson that there is evidence that Foucault read Strawson, among other analytic philosophers, with great interest during his time in Tunisia in the late sixties.) Finally, my reading happily sits well with Habermas's recent reinterpretation of a detranscendentalized critical Kantianism as developed in Habermas, *Truth and Justification*. Translated by Barbara Fultner (Cambridge, MA: MIT, 1999, 2003) and recently discussed by Amy Allen, "'Having One's Cake and Eating It Too': Habermas's Genealogy of Post-Secular Reason." Ms. on file with the author. Forthcoming. An interpretation of Foucault as deploying detranscendentalized Kantian critique takes us a long way toward a reconciliation between Foucaultian and Habermasian strains in critical theory and this, to my mind, ought to be welcomed by critical theorists of both stripes.

inquiry into the conditions of possibility of synthetic judgment a priori. More important for present purposes is the fact that a distinction between critique and transcendental critique was also central for Foucault as elaborated in an essay which takes Kant as its starting and ending points: "criticism is not transcendental, and its goal is not that of making a metaphysics possible: it is genealogical in its design and archaeological in its method."[34] I leave it an open question whether or not my distinction fits the third party to my argument, namely the phenomenologists—I will somewhat hesitatingly assert that the distinction I am urging is not as clearly perceived in that tradition as we may wish and that in any event the phenomenologists do not distinguish critique and transcendentality with nearly as much clarity as we find in Foucault.[35]

Employing this distinction between the genus of critique and transcendental critique as one species therein enables a view about how Foucault's project is Kantian without being Kantian all the way down. Foucault's project is Kantian in its emphasis on critique without being uncritically Kantian in accepting Kant's own conception of what a critique ought to be. Foucault was a Kantian in that his work, in Amy Allen's apt description, "constitutes a critique of critique itself, a conti-

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[34] Foucault, "What is Enlightenment," 315.

[35] Husserl, for example, appears to have been largely uninterested in the possibility of non-transcendental critique (that is, critique into conditions not universal and necessary). In the *Crisis* he explicitly champions the transcendental in terms of its capacities as a "universal philosophy" 1937, §16, §26) inaugurated by Descartes and then reinvented by Kant, though I confess that I find Husserl's attempted "definition" of "transcendental philosophy" (§27) out of keeping with my usual understanding of that word. (See Edmund Husserl, *Crisis of European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*, translated by David Carr (Chicago: Northwestern University, 1937, 1970). Going forward from Husserl one can discern in the career of phenomenology a gradual softening of the attachment to a strong conception of transcendentality in, say, Heidegger, then Merleau-Ponty, and finally Derrida. Foucault should not be situated at the end of such a sequence. His project has little to do with Derrida's just as it has little do with Husserl's. A better endpoint for that sequence, if I had to suggest one, would be the work of Giorgio Agamben who wrote in his *Infancy and History: The Destruction of Experience*, translated by Liz Heron (NY: Verso, 1978, 2007) of "a *transcendental history*, which in a sense constitutes the *a priori* limit and structure of all historical knowledge." (Agamben, 57) From this suggestion it follows that I do not find Agamben a helpful guide to Foucault, an implication I happily endorse though I cannot defend it here except to say that Agamben is profoundly un-Foucauldian in method. (I would like to thank Christoph Durt for helpful conversations about Husserl during my time at the University of California, Santa Cruz and Elena Cuffari and Christy Reynolds at the University of Oregon for a few intensive discussions of Agamben's work.)

nuation-through-transformation of that project."[36] Foucault allowed himself to experiment with practices of critique other than transcendental critique.

My point is not that Kant was wrong to undertake transcendental critique and Foucault right to undertake historical critique. My claim is rather that Kant and Foucault undertook two very different kinds of critique of two very different kinds of objects of inquiry. Kant was right to insist that synthetic a priori judgments would require a transcendental critique. But this leaves open the possibility that Foucault may have been right to suggest that the quarry of his inquiries might be conditioned by limits which are not transcendental at all but rather historical and yet no less constraining for that reason. Foucault thus appropriated from Kant the idea of critique and its attendant conceptual apparatus of limiting conditions of possibility. Kant at least in his more transcendental moods insisted that we could specify in advance how these conditions are constituted, namely by the means of a cognitive apparatus as described by a faculty psychology that many have since abandoned.[37] Foucault left it an open question how conditions of possibility get constituted. There is no need to see Foucault as departing altogether from Kant in this respect. He simply labored in different fields, toiling with other plows, and perhaps in doing so carrying on an important aspect of the Kantian legacy to reap a harvest that Kant himself never dreamt of.

I am suggesting that we see Foucault as having worked with the following question: May the determinants of our thought and action be limited by nothing greater than contingency, nothing more profound than historical luck, nothing but unholy chance itself? In considering this question it pays to remember that Foucault is in good company in asking it: Hume, Darwin, Nietzsche and, more recently, Bernard Williams and Ian Hacking, have all taken the idea of contingency quite seriously in their profound searches for constraining historical conditions. But does this mean that Foucault is just a straightforward classical empiricist in a Humean mold? Not quite.

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[36] Allen, *The Politics of Our Selves,* 24; on the importance of Kant for Foucault see also Ian Hacking, "Self-Improvement" in David Hoy (ed.), *Foucault: A Critical Reader* (New York, Blackwell, 1984) and, in a somewhat different vein, Cutrofello, *Discipline and Critique*, and Djaballah, *Kant, Foucault, and Forms of Experi*ence.

[37] The psychological overtones of constructivism in Kant were severely rebuked by Strawson, *The Bounds of Sense*, whose major contribution was to show that Kant's critique of the bounds of experience did not require that version of faculty psychology on which Kant seems to have based it. Many commentators since, including Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989) and Tom Rockmore, *Kant and Idealism* (New Haven, CT: Yale University Press, 2007) have emphasized the importance of reinterpreting constructivism as a variable cultural rather than invariable psychological process. This places Kant more in line with Foucault.

Foucault, like some of those others on my list, is better thought of as something like a Kantian critical empiricist. Foucault's work was an inquiry into conditions of possibility. This is itself already well beyond the minimal (some would say naïve) empiricism that inquires into conditions of actuality, that is, merely causal conditions or mere conditions of connection. Behind whatever it is that makes the stuff of our practices actual, there are background conditions that make these very actualities possible. Sometimes we may want to know why a prison was built, by whom, for what purposes, and with what rationale. Other times we may want to know how it came to be that it ever became possible to build such a thing as a prison. The classical empiricist asks "why this prison?" whilst the critical empiricist asks "how this prison?"— two very different, yet not incompatible, questions.

A central point of Foucault's histories of problematization, in nearly all of their diverse forms, was to show that the conditions which limit the present are contingently formed by extraordinarily complex historical processes. While this was probably a central point in his high-archaeology phase too, we ought to admit that Foucault in these years never quite found the right way of putting the point. It took the expansionist move of adding genealogy to archaeology to get things right. On the more developed view, not only do genealogy and archaeology together show us that the limits of the present are contingent constraints of complex composition, but they also provide us with the specific materials that form these constraints. As such, they provide the materials we would need to experimentally transform the limits of our present. Foucaultian histories of problematizations do not merely show us *that* the present is contingently formed – they also show us *how* the present has been contingently formed. This difference between the factual *that* of contingency and an inquiry into *how* things are contingently composed is in my view absolutely crucial for a proper understanding of Foucault's critical project. For if this project explicates the *how* and not just the *that* of contingency, then one of the richest yields of Foucaultian history is that it offers a clarification of the tools we would need to (re)constitute and yet of course (re)constrain ourselves in the present.[38]

Critical Historian as Critical Philosopher

In order to produce the specific materials needed to experimentally test the limits of ourselves, Foucault engaged in patient historical research. Many philosophers have had concerns about the historical erudition featured in Foucault's work even if they are also clearly attracted to it. For example, Han-Pile denies the claims of Gary Gutting and others that Foucault is "a historian in the empirical sense" because she

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[38] This distinction between *the fact that* some practice is contingent and *the history of how* some practice is contingent is yet one more point I further develop in Koopman (forthcoming); I apologize for all the promissory notes issued in this article.

reads this as implying that Foucault is a *mere* empiricist.[39] When Gutting asserts that "Foucault is concerned with forging a new approach to historical analysis," she interprets this as asserting that Foucault was *merely* a historian.[40] The thought is that if Foucault is not something of a phenomenologist whose work is informed by something of the historical-transcendental, then it is not clear that he offers us anything more than just one more way of writing history, just one more way of doing social science, just one more method for *merely* empirical description. But this familiar complaint misses the crucial difference between classical (or naïve) empiricism and critical empiricism (or, even better, between Humean empiricism and that combination of Humean empiricism and Kantian critique which I detect in Foucault). Foucault always insisted that we must combine history in a straight-forward empirical sense with a critical inquiry that asks deeper historico-theoretical and historico-political questions. This is just one way in which his work undermines our cozy disciplinary distinctions, such as that between a supposedly empirically pure history and a supposedly theoretically pure philosophy. Consider, as just one example of this almost constant theme in Foucault's work, the three registers on which Foucault situates his critique of the repressive hypothesis in the first volume of *The History of Sexuality*: Foucault refers to "properly historical," "historico-theoretical," and "historic-political" doubts. The crucial point is that Foucault simultaneously works on all three registers and once. It is from this simultaneous employment of the empirical and the critical that his work derives its particular strength and provocation. One undervalued and neglected facet of the way in which Foucault's work thus functioned concerns the specifically empirical or "properly historical" quality of much of his research. It is unquestionable that for Foucault empirical history played a unique function as part of a broader project of critical inquiry. We can learn much from his example.

We philosophers often pride ourselves on rising above the *merely* historical, the *merely* empirical, or the *merely* social scientific. But why should we think that that all social scientific inquiry is deserving of that derisive and disarming epithet, "*mere*"? Why should philosophy have to rise above the empirical into the transcendental in order to be capable of what we expect from it? When philosophers begin to more fully appreciate the philosophical rigor that informs the most sophisticated inquiries in the social sciences, then we might just learn to stop being anxious when one of our guild sneaks past the disciplinary watchtowers and starts laboring in those other fields where philosophical thought and empirical inquiry are integral to one another. This is precisely what Foucault did (though it remains an open question to what extent the gatekeepers were policing disciplinary borders in French academia in the fifties and sixties). When we come to understand that Foucault was no less a philo-

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[39] Han-Pile, "Is early Foucault a historian?" 602.
[40] Gutting, "Foucault's Critical Project."

sopher for being a philosopher-historian, then we might just begin taking his project seriously in the very terms in which he proposed it. When that happens, then we might begin to understand why Foucault understood his own work as a critical inquiry into the conditions of the possibility of the present and yet at the same time as an inquiry that was not transcendental in orientation. It is in this sense that Foucault deserves to be taken seriously as a philosopher and as a historian precisely because of his refusal of the category of transcendentality.[41]

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RESPONSE

Response to Colin Koopman's "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages"

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In "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages" [hereafter, HCTC], Colin Koopman offers an important contribution to the on-going discussion of Foucault's historical methodology. His account takes its point of departure from a strident critique of recent efforts that have, in varying ways, sought to establish that Foucault's work is rooted in the transcendental phenomenological tradition. Koopman argues that this interpretative strategy fails on textual as well as conceptual grounds. Moreover, consideration of these issues, Koopman contends, compels a reading of Foucault's turn to genealogy and proble-matization as the development of a unique form of non-transcendental (yet still Kantian) critique, what Koopman calls "pragmatic genealogy."

One of the versions of the phenomenological interpretation of Foucault against which Koopman argues is one that I have proposed and sought to defend.[1] In what follows, I offer a response to Koopman's critique. In particular, I seek to show that it is flawed in two ways: (1) the main thrust of the proposed criticism is textually misguided, and (2) the conceptual issue, which leads to Koopman's alter-native account of Foucault's method, is rendered more, rather than less, problematic precisely by his rejection of the phenomenological reading.

I. Transcendental Narcissism

Koopman surveys some of the relevant evidence that we have of Foucault's own situating of his project with respect to the phenomenological tradition and finds that, as he puts it, "[t]o the extent that Foucault saw his own work in this lineage, it may have been on the basis of its refusal of the transcendental." (HCTC, 8) Moreover, Koopman suggests, Foucault's stated desideratum, in the famous conclusion of *L'Ar-chéologie du savoir* [1969], to cleanse historical methodology of any taint of what he

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[1] Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomeno-logy of the Concept," *History and Theory* 47 (2008): 1-18.

called "transcendental narcissism" amounts to an "unequivocal" rejection of any form of transcendental phenomenological inquiry. (HCTC, 9-10)

Koopman's reading of this material is, I believe, misguided. Foucault says, when setting himself within the lineage that begins with Cavaillès, that Husserlian phenomenology itself became in France the "contested object of two possible readings."[2] One reading, that pursued by Sartre and Merleau-Ponty, Foucault tells us, sought to radicalize this methodology in the direction of subjectivity, while the other, that of Cavaillès, Bachelard, Koyré, and Canguilhem, tried to return it to its own founding problematics: formalism and intuitionism.

The former trajectory here is, recognizably, a distinct strand within the broader phenomenological tradition: constitutive phenomenology. The hallmark of this method, which Husserl introduced with the act-oriented transcendental idealism of *Ideen zu einer reinen Phänomenologie und phänomenologischen Philosophie I* [1913] and which can be seen at work in the early writings of both Sartre and Merleau-Ponty, is that it seeks to trace all various kinds of objectivities (theoretical, practical, or axiological), as intentional objects, back to their origin in the performances of constituting subjectivity. This is the project of what Husserl eventually came to call regressive inquiry or questioning back (*Rückfrage*).

I contend that it is this form of phenomenological methodology that Foucault has as his target in the feigned dialogue with which he concludes *L'Archéologie du savoir*. When he writes there that, for him, the essential task was "to free the history of thought from its transcendental subjection,"[3] he is referring precisely to the method of tracing historical events and achievements back to their origins in the performances of constitutive subjectivity, whether this be of individuals or of communities. It is a view of history—premised on a definite teleology and temporality—that enables subjectivity, confidently and irresistibly, to see its founding acts, to see itself even, everywhere in the positivities of tradition. This is what Foucault calls "transcendental narcissism"[4] and it is this method that must, he says, be purged from the history of thought in order to allow it its true discontinuity, dispersion, anonymity, and non-linear temporality. Archaeology is not a search for the origin; it does not excavate the sediment of founding acts and thereby seek to restore and preserve the entitlements of "constituent consciousness."[5] Its aim, rather, is precisely "to liberate history from the grip of phenomenology."[6]

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[2] Michel Foucault, *Dits et écrits. 1954-1988*, vol. 3 (Paris: Gallimard, 1994), 430 ; Michel Foucault, *Dits et écrits. 1954-1988*, vol. 4 (Paris: Gallimard, 1994), 764.

[3] Michel Foucault, *L'Archéologie du savoir* (Paris: Gallimard, 1969), 264 [Michel Foucault, *The Archaeology of Knowledge (and the Discourse on Language)* (New York: Harper, 1972), 203] [translation modified].

[4] Ibid., 265 [203].

[5] Ibid.

[6] Ibid.

Koopman does not cite this last line, but it would clearly be read by him as one more "unequivocal" caution against the transcendental, the final nail in the coffin, so to speak, for the verdict that archaeological method fundamentally rejects all forms of phenomenological inquiry. But if the context that I have sought briefly to reconstruct above, and developed more in my essay, is correct, then Foucault's treatment of phenomenology in these passages, as well as in the earlier *Les Mots et les Choses* [1966] and elsewhere during this period, applies solely to a specific form of phenomenological method, the only kind guilty of transcendental narcissism: constitutive phenomenology.

But this simply confirms what Foucault says later, that his own research belongs in a different lineage than that of a philosophy of the subject. It does not affect his claim that his work operates within the heritage of another reading of the "contested object" that is phenomenology: that worked out and practiced by Cavaillès and the tradition of the phenomenology of scientific rationality that emerged from his research, what I have proposed to call a "phenomenology of the concept."

Foucault's remarks clearly show, I believe, that he saw Cavaillès as offering another appropriation of phenomenology, another possible reading, one that, to be sure, differed precisely with constitutive phenomenology on the question of the fundamentality of constituting subjectivity, but that, despite this, nonetheless remained phenomenological. In doing this, Cavaillès was actually, in some ways, turning phenomenology, once again, as Foucault himself notes, back to its roots in eidetic description freed from the demands of a transcendental ground in consciousness. What Cavaillès discovered or, we might better say, rediscovered was thus the path of realistic phenomenology, the object-oriented form of eidetic description that Husserl himself practiced in Göttingen, a form of phenomenology that found expression in his *Logische Untersuchungen* [1900-1901]. Hence, when Foucault set his own work within this tradition and refers to this vein as returning phenomenology to its roots, this is best read, I contend, as showing that he was consciously embracing the promise of phenomenology that Cavaillès had opened up and that he saw his own unique form of historical inquiry as critically furthering precisely this lineage.

But if this is correct, then the critique of "transcendental narcissism" that Koopman offers of the phenomenological interpretation that I have proposed is simply off target. Eidetic description need not trace the structures it discerns back to an origin in constituting consciousness. Through imaginative variation, it can open up a transcendental field that is not governed by the sovereignty of subjectivity, a domain that Jean Hyppolite once called a "subjectless transcendental field" and the early Sartre termed a "pre-subjective transcendental field." Transcendental narcissism is thus properly seen, at least at its core, then, as a version of the same basic critique that realistic phenomenology has continually offered against its constitutive cousin.

II. Problematization

Koopman's critique, however, ultimately appeals to what are surely much more fundamental issues, namely, the "philosophical shortcomings" or "defects" that, he contends, Foucault came to recognize in the archaeological method and that motivated his "expansion" of it into genealogy. (cf., HCTC, 13) On Koopman's reconstruction, archaeology isolates conditions immanent to a single vector of practice, while genealogy enables such conditions to be traced along the intersection of multiple vectors, a complexity that Koopman believes Foucault sought to capture with the term "problematization." (cf., HCTC, 11-16) Koopman infers from this account that it was the inability of the archaeological method to grasp this kind of complexity that led Foucault to reject those features of this mode of inquiry that made it appear to be a form of transcendental investigation: "Foucault may have stumbled his way for a time into something resembling historical-transcendental inquiry, but once he recognized that he was there he headed elsewhere almost immediately, indeed even before *The Archaeology of Knowledge* was finished." (HCTC, 15)

Koopman argues that the method that came to replace the transcendental delusions of the archaeological period was a form of genealogical inquiry that nonetheless remained critical in the Kantian sense in that it sought after what Koopman calls "limiting conditions of possibility," (HCTC, 19) rather than the transcendental conditions of discursive formations with which Foucault had earlier uneasily flirted. The shift to genealogy, in Koopman's view, is thus not only a move to a more complex object of investigation, but also a move decisively and irrevocably away from the framework of transcendental method.

However, in my judgment, the central tenets of this reconstruction fail both textually and philosophically. To see this, we can turn to the concept at the center of Koopman's account: problematization. In his fullest treatment of this methodological innovation in the Introduction to *L'Usage des plaisirs* [1984], Foucault writes that the central task of a "history of thought," as he now calls his project, which, in the end, would be a "history of truth," is "to define the conditions in which human beings 'problematize' what they are, what they do, and the world in which they live."[7]

We should note two things about this passage: (1) problematizations are said here to be the *objects* of the distinctive kind of historical inquiry that Foucault takes himself to be practicing, and (2) a history of thought is fundamentally concerned not with problematizations, but with the *conditions* from which they emerge and in which they operate. Let us briefly consider each of these points in turn.

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[7] Michel Foucault, *Histoire de la sexualité, Tome II: L'Usage des plaisirs* (Paris: Gallimard, 1984), 16 [Michel Foucault, *The Use of Pleasure: The History of Sexuality: Volume Two* (New York: Vintage, 1986), 10]; cf. Foucault, *Dits et écrits. 1954-1988*, vol. 4, 544.

Foucault carefully delineates the domain carved out by problematizations, as he had statements (*énoncés*) in *L'Archéologie du savoir*, from that of behaviors, ideas, societies, or ideologies. Problematizations, he writes, are that "through which being gives itself as able and as necessarily to be thought."[8] Problematizations thus denote the historically specific ways in which something—whether it be an object, a behavior, an experience, even the world itself—becomes a matter of concern, an issue to be interrogated and reflected upon, and the way in which something stands as material for subsequent work.[9]

Foucault holds that each kind of historical problematization is forged on the basis of equally distinct historical practices. The historical analytic that Foucault now proposes thus seeks to examine matrices comprised of problematizations and the techniques out of which they are formed. Accordingly, he lays out the relation between the archaeological and the genealogical in terms of this dual focus: "The archaeological dimension of the analysis made it possible to examine the forms of problematization themselves; its genealogical dimension enabled me to analyze their formation out of the practices and their modifications."[10] But this means that the relationship between the archaeological and the genealogical is not, as Koopman would have it, a matter of complexity. Rather, archaeology and genealogy are simply different dimensions of a single method that pursues distinct objects of investigation and poses equally distinct fundamental questions.

It would thus seem better to say that what Foucault achieved with the introduction of genealogy was an intensification of the kind of exploration of practices that he had already begun in archaeology. But does this intensification lead to a rejection of the transcendental framework of the early period as Koopman contends?

To address this question we come to the second point, the conditions of problematizations. Foucault holds that the task of archaeology, even in what would turn out to be this last phase of his work, is to discern the "forms" of problematization. From the examples he gives, based upon a rereading of his own corpus, this means setting out the historically specific structures in and through which various kinds of matters have been put at issue: in the case of the problematizations of madness and illness, "a certain pattern of normalization", for those of life, language, and labor, "certain 'epistemic rules'", and for the prolematizations of crime and criminal behavior, "a 'disciplinary' model."[11]

Earlier in the same text Foucault refers to these historical structures as "games of truth," which he defines as "the games of truth and error through which

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[8] Ibid., 17 [11] [translation modified]; cf., 545.
[9] Ibid., 30 [23-24]; cf., 554-555.
[10] Ibid., 17-18 [11-12]; cf. 545.
[11] Ibid., 18 [12]; cf. 546.

being is historically constituted."[12] Foucault's central methodological thesis, then, is that it is by virtue of these conditions that the entire domain of givenness itself—being—is forged in such a way that the differences between one problematization and another can mark out the border delineating specific historical periods. The decisive issue then is whether or not these conditions ought to be viewed, as Koopman proposes, as contingently forged antecedent states of affairs or processes or as historical eidetic structures as I have claimed.

The textual evidence is, I believe, clear. A pattern of normalization, epistemic rules, and a disciplinary model cannot be treated as preexisting states of affairs nor as past empirical processes. Rather, these all denote historically specific, yet still formal templates that govern how objects, statements, practices, and ideas exist and interact. They thus necessarily stand anterior to the empirical processes and relations to which Koopman appeals.

More importantly, I think, if we did treat these conditions as prior historical complexes conditioning what follows from them, as Koopman proposes, this would force Foucault into an impasse where the question of the causal efficacy of such conditions, here in the form of historical causation, would, of necessity, be opened but would be impossible to resolve.

Taken together, these concerns suggest that the root problem in Koopman's pragmatist approach is that it borders on being exactly the kind of historical positivism from which Foucault continually sought to differentiate his own project. Throughout his career, Foucault said that his histories, whatever else they may be, were not histories of ideas nor of behaviors because they did not take the positivities, the empirical givens, of knowledge and practice as their ultimate objects and domain of investigation. They sought instead the historical, yet a priori conditions that make thought and practice possible and that, as such, are properly said to govern them both. Accordingly, the "conditions in which human beings 'problematize' what they are, what they do, and the world in which they live" are thus best read, I believe, as Foucault's last attempt to articulate the stratum that he had earlier called the "general system of the formation and transformation of statements,"[13] the historical a priori, the archive.

But not only is this reading more faithful to Foucault's own usage and methodological reflections, it has the added advantage of pointing to a way out of the very impasse that the pragmatist interpretation raises, namely how the conditions the history of thought seeks are able to be efficacious.

Phenomenology's fundamental methodological commitment is to describe the essential structures of matters as they are given. This entails, for Foucault, among other things, refusing to trace these conditions back to an originating source when the matters under examination do not themselves warrant such a move. As

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[12] Ibid., 12-13 [6-7]; cf. 542.

[13] Foucault, *L'Archéologie du savoir,* 171 [Foucault, *The Archaeology of Knowledge,* 130].

we saw above, this is one of the central tenets of realistic phenomenology and Foucault supported this approach by showing, in *Les Mots et les Choses*, but elsewhere as well, that to tether the structures of history to constituting subjectivity was to fall back under the anthropological slumber of the "enslaved sovereign, observed spectator,"[14] the place of man, and the "great quadrilateral"[15] of the positive and the fundamental that had defined the modern episteme. Accordingly, to declare that the historical conditions that eidetic inquiry unearths owe their efficacy to any kind of source, be it historical or non-historical, would thus be to betray the phenomena themselves by submitting them to the very rules of formation that this methodology enables us to isolate.

We must thus conclude, I believe, that Foucault did not, as Koopman would have it, stumble into "something resembling historical-transcendental inquiry." (HCTC, 15) On the contrary, his method, despite its variations, remained throughout, at once, transcendental and historical and, as such, remained within the lineage of what I proposed to call the "phenomenology of the concept."

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[14] Michel Foucault, *Les Mots et les Choses. Une archéologie des sciences humaines* (Paris: Gallimard, 1966), 323 [Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Pantheon Books, 1971), 312].

[15] Ibid., 346 [335].

Foucault Studies

RESPONSE

Historical Conditions or Transcendental Conditions: Response to Kevin Thompson's Response

Colin Koopman, University of Oregon

In his response to my essay "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages" Kevin Thompson ably mounts a number of important challenges to the exegetical and philosophical project I have proposed vis-à-vis the writings of Michel Foucault. I find Thompson's response illuminating on a number of points. The most important of these concerns the underlying philosophical issues which myself and others (including Thompson, Béatrice Han-Pile, and Andrew Cutrofello) have taken as valuable materials for reflection in relation to Foucault's important work.[1] In what follows, my response is partly directed at the textual and philosophical themes at play between Thompson and myself, but is also partly directed at certain metaphilosophical questions of how we ought to direct ourselves to the relevant textual and philosophical matters of concern to us both. From this second metaphilosophical perspective, my aim here is not to definitively resolve the philosophical issues placed under scrutiny by Thompson and myself. Rather, my aim is to feature the depth and difficulty of some of these issues as they appear throughout the history of modern philosophy, from Kant (and certain of his predecessors) to Foucault (and certain of his successors). I have chosen to take this approach insofar as I find Thompson's response to my essay generously productive in that it effectively works to open up a set of timely philosophical issues so as to

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[1] Cf., Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept," *History and Theory*, 47 (February 2008): 1-18. Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*. Translated by Edward Pile (Stanford, CA: Stanford University Press, 1998, 2002). Andrew Cutrofello, *Discipline and Critique: Kant, Post-structuralism, and the Problem of Resistance* (Albany, NY: SUNY Press, 1994). References throughout contain, in some instances, two dates: in such cases the first date refers to the original year of publication in the original language and the second date refers to the year of publication of the translation and edition to which the page number citation refers.

help make them available to those of us invested in the modern philosophical project of critique.

I. Textual Issues

A key family of textual issues continues to separate my "Foucault-as-nontranscendental-Kantian" interpretation from that charted by those who proffer the "Foucault-as-phenomenologist" interpretation. There are two moments at which these accounts diverge. One moment of divergence concerns how we are to read Foucault's writings in the late 1960s in which he appears explicitly disapproving of phenomenology, for instance in his famous reference to "transcendental narcissism" near the end of *The Archaeology of Knowledge*.[2] A second divergence concerns how we interpret Foucault's methodological-metaphilosophical reorientations of the early 1970s involving an expansion (or, as Thompson nicely puts it, "intensification") of his earlier archaeological approach into a more capacious methodological analytic that is most accurately, though perhaps clumsily, described as archaeology-plus-genealogy.

As to the first moment of divergence, Thompson in his response nicely distinguishes between "constitutive phenomenology" (later Husserl, Sartre, Merleau-Ponty) and "realistic phenomenology" (earlier Husserl and Cavaillès). Thompson's view is that Foucault's explicitly negative evaluations of phenomenology in the late 1960s are meant only to point to one of these branches of phenomenology, the more widely-influential branch of phenomenology, namely constitutive phenomenology. Now, I believe that I could make much of the fact that Foucault in this period nowhere qualifies his criticisms of phenomenology in the way that Thompson suggests and that we can find the distinction Thompson is insisting upon only by importing later remarks of Foucault's back into these earlier writings. But I also accept that Thompson could by turns make much of the fact that these later remarks are crucial for understanding Foucault's intellectual influences such that his interpretation of Foucault relies on honest intellectual importation rather than an anachronistic smuggling of ideas. One of the wonderful things about philosophers as creative as Foucault is that their writings are amenable to multiple interpretations. I doubt that either Thompson or myself could ever definitively show that our interpretation is the only one that the relevant texts withstand. But what we can do, and have both sought to do, is to develop an interpretation that is compelling and consistent.

This brings me to the importance of the second moment of divergence I have flagged. It is in connection with Foucault's later methodological reorientation that

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[2] Michel Foucault, *The Archaeology of Knowledge*. Translated by A.M. Sheridan Smith (New York: Pantheon, 1969, 1972), 203.

his earlier criticisms of phenomenology ought to be understood. The core of the view I sought to elaborate in my essay is that Foucault departs from the transcendental project central to phenomenology and other philosophical traditions working in the wake of Kantianism. If Foucault is indebted to phenomenologists such as Cavaillès, then my view is that his debt here does not extend to any of the transcendental aspects of the phenomenological project, be it grounded in transcendental subjectivity (as with constitutive phenomenology) or in subjectless historical-transcendental conditions (as with realistic phenomenology). When Foucault sniffed out remnant whiffs of transcendentality in his archaeological methodology, he felt compelled to first quip about the "transcendental narcissism" in his phenomenological inheritance, and then to revise his methodology such that an analytic of archaeology-plus-genealogy could be employed in a way that would avoid the project of transcendental analysis essential to every version of phenomenology. Foucault was a historical thinker, not a transcendental thinker.[3] One of Foucault's most important and lasting contributions to the French philosophy of his period consisted in his ability to break free of the various invocations of transcendentality (including Husserl-isms, Hegel-isms, Marx-isms, and Freud-isms) that dominated the philosophical milieu of post-war France. Foucault, like Deleuze, created new ways of doing philosophy.

Even if we take into account both of these moments of divergence, I am still not entirely convinced that the sort of exegetical disagreement I have been discussing can be resolved to the satisfaction of all involved. However, I am also not at all convinced that overcoming such disagreements should be our aim. Philosophical texts, like all valuable texts, do not and cannot carry the rules for their own interpretation. This point, to my mind as Foucaultian as it is Wittgensteinean, helps explain why philosophical works are importantly amenable to historical transformation. Taking this point seriously also helps us see that our primary aim as philosophical interpreters should not be to nail down the views of our predecessors, but should instead be to feature the richness of the history of thought in a way that allows us to productively appropriate philosophical concepts, ideas, and strategies for our own purposes in the present. My sense is that Thompson agrees with me about this—and this perhaps explains why I have found his version of the Foucault-as-phenomenologist interpretation a productive view to engage in the context of my

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[3] I quote again Georges Canguilhem, one of those philosophers who influenced Foucault and whom Thompson would place in the vein of realistic phenomenology: "Foucault disparaged questions with transcendental implications, preferring those with historical implications." "Introduction," in T.J. Armstrong (ed.), *Michel Foucault: Philosopher* (Hempstead: Harvester Wheatsheaf, 1989, 1992), xvi. That quotation, in so many words, is my very simple point.

putting forward an alternative interpretation. But at this point I am already spea-king from the point of view of the philosopher, rather than the scholar, who lives within me. So allow me to now turn to the philosophical issues for which Foucault's thought provides a rich field upon which to work out these ideas.

II. Philosophical Issues

When Foucault undertook the methodological shift that led him from archaeology to archaeology-plus-genealogy, he must have done so in part because he began to realize that archaeology could not explain something which Foucault was eager to explain, namely how conditions can condition our practices in such a way as to both constrain these practices and be consistent with their historical transformability. Phenomenology ably showed how our practices are conditioned. Yet it failed to show how conditioned practices are amenable to transformation. This is because it theorized conditions as Kant had done, namely as transcendental. But since tran-scendental conditions are universal in scope and necessary in modality (even if only with respect to a given historical *a priori*, as historical-transcendental phenomeno-logists would have it) they purchase their explanatory power only by divesting themselves of the idea of historical transformability.[4]

Foucault aimed to show how our practices are simultaneously conditioned and historical. This is a very fine line to toe—from the perspective of the history of philosophy it involves nothing less than appropriating crucial strategies from both Kant and Hegel without making use of any of the transcendental trappings implicit in their analytic and dialectic methods. Foucault's earlier archaeologies can be seen as a first stalled attempt at such a project—the archaeological writings richly featured conditioning (as phenomenological inquiries had) but in the end they remained rather barren with respect to processes of historical transformation (which are of course only implicit in an archaeological view and indeed not even theorizable in that view). Foucault's later genealogies took him much further toward his philosophical desideratum of a methodology that could engage conditional con-straint and historical contingency at once.

This brings me to the central concept for the interpretation of Foucaultian genealogy I am putting forward. This is the concept of problematization. My inter-pretation of the role of "problematization" in Foucault's work differs from Thomp-

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[4] For example, a good will for Kant always is and must involve acting out of duty to the moral law, and so the idea of a good will is not the kind of thing that can have a history. That explains a lot, but it decidedly fails (indeed in Kant it positively refuses!) to explain the historical locations and shapes in which the idea of the good will emerges, stabilizes, and may perhaps come to disappear. At this point, of course, I am aping (a certain interpretation of) Hegel's criticisms of Kant. And this, of course, makes good sense in the context of a philosophical consideration of the relation between transcendentality and historicity.

son's in a few ways. Some of these ways are incidental to the present discussion.[5] Others bear directly on interpretive issues concerning how we should read Foucault's relationship to Kant, Husserl, Cavaillès, and others. Allow me to discuss what I take to be the most decisive point concerning problematization.

What is the conditioning role played by problematizations if these are understood as conditions of possibility for historically contingent practices? Thompson helpfully captures the central philosophical issue that divides our respective interpretive and philosophical views when he asks "whether or not these conditions ought to be viewed, as Koopman proposes, as contingently forged antecedent states of affairs or processes or as historical eidetic structures as I have claimed." Thompson then goes on to explain that he finds my view misguided because it would force us "into an impasse where the question of the causal efficacy of such conditions, here in the form of historical causation, would, of necessity, be opened but would be impossible to resolve."

But I am not sure that causation is the right register on which to locate the issue. I do not see Foucault as directing our attention toward merely causal conditioning. I see Foucault as directing our attention to empirical conditions not as causes that *make real* but as constraints that *make possible*. Conditions enable or disable, but they do not bring anything into being in a way that a billiard ball forces another off in the direction of the pocket. Conditions of possibility are more like the entire ensemble of ball, cue, stick, felt-topped table, and spirits of friendship and competition in which a certain practice is made possible. On my reading the entire ensemble itself is indeed the product of "antecedent states of affairs" but only so long as we understand "states of affairs" capaciously to involve all things at play in a practice rather than narrowly as referring to structures of causality describable in the language of a perfect physics. These complex states of affairs, call them *conditioning ensembles* or more simply *problematizations*, enable and disable present practices and are themselves conditioned in turn by historical practices. This marks the difference, as Thompson states, between a conditioning that is historical all the way down and a conditioning that refers in the last instance to a historical-transcendental structure. Just as a billiard ball cannot roll off toward the pocket if not pushed by another (or perhaps by a cheating hand), so a gang of gamers cannot get together to

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[5] One incidental point deserves parenthetical mention. Thompson describes "problematizations" as *objects* of inquiry for Foucault. This they are, but not just this. I take "problematization" in Foucault to refer to both an *object* of inquiry, namely a historical set of conditions of possibility for practices, and a modality of an *act* of inquiry, namely a philosophical investigation and intensification of problematizations taken as objects. Problematization, accordingly, functions as both a noun and a verb. A problematization is something we inquire into and it is also a methodology for inquiry.

shoot pool if a vast many things had not happened in the past whereby that practice emerged into being as something that it is possible for you and me to do. Those vast many things do not *cause* you and me to play pool, but they do *enable* our cuesports and many other things besides.

With this distinction between critical-empirical and causal-empirical conditions in place allow me to now restate the impasse that Thompson has located in a slightly different vocabulary. The impasse that Thompson locates in my view refers, as I see it, to the difficult question of how our practices can be at one and the same time *constrained* by conditions of possibility and also *contingent* in being amenable to historical transformation. Do not *constraint* and *contingency* pull in opposite directions? Do not *conditions* work to stop the flowing time of change whereas *history* is precisely the dynamic flight of change itself? Thompson is right that there is indeed an enormous tension here. But I cannot bring myself to regard it as a philosophical contradiction or a theoretical impasse.

Indeed, one of the deepest tensions at the heart of contemporary living which Foucault so patiently sought to elaborate in nearly all of his work concerns the possibility of our being simultaneously constrained and free. This is a key problematization, both philosophically and practically, for those of us living in the twentieth- and twenty-first centuries. Foucault's *Discipline and Punish* and other books, including Judith Butler's *Gender Trouble,* offer some of its most compelling expressions.[6] It is at the heart of what motivates many of us to attempt to elaborate the practices we are engaged in as a response to the dangers of the debilitating dissection between power and freedom that is *our historical condition*.[7] Many of his most severe critics have worried that Foucault cannot definitively resolve the pressing philosophical issue of how conditions of possibility can be constraining at the same time that they lend themselves to the contingencies of historical change. But I find this a misplaced worry, at least with respect to Foucault. The most important point of a book like *Discipline and Punish* is to feature certain problems of ours in a way that practically forces us to stop pretending that we can let ourselves off the hooks we are hanging on by forging supposed solutions to the problematizations that are so central to who we are. Foucault made this aspect of his work quite explicit in many of his interviews, including one conducted in 1978: "The problems I try to pose—those tangled things that crime, madness, and sex are, and

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[6] Cf., Michel Foucault, *Discipline and Punish*. Translated by Alan Sheridan (New York: Vintage Books, 1975, 1995), Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), and in a somewhat different vein (and one that I find enormously instructive) Ian Hacking, *The Social Construction of What?* (Cambridge, MA: Harvard University, 1999).

[7] I address this contemporary problematization in greater detail in Colin Koopman, "Revising Foucault: The History and Critique of Modernity" *Philosophy & Social Criticism*, 36, 5 (May 2010).

that concern every life—cannot easily be resolved."[8] Foucault here states a central intent of his work as I read it: to draw our attention to the way in which we fashion ourselves as subjects in terms of the tensions set up by our many-faceted divisions between *freedom* and *power*, *contingency* and *constraint*, *history* and *condition*. We are on both sides of these divisions and as such are problematically divided against ourselves. There is no easy resolution of this "impasse" at the heart of our historical present. Hence the importance of patience with respect to that which we are most impatient about: the transformation of the way in which we give freedom to our selves.[9]

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[8] Michel Foucault, "Interview with Michel Foucault" (conducted by Duccio Trombadori), in Michel Foucault, *Essential Works of Foucault, Volume 3: Power*. Edited by Paul Rabinow and James Faubion (New York: New Press, 1980, 2000), 288.

[9] Cf. Michel Foucault, "What is Enlightenment?" in Michel Foucault, *Essential Writings of Michel Foucault, Volume One: Ethics.* Edited by Paul Rabinow (New York: New Press, 1984, 1997), 319.

Foucault Studies

RESPONSE

Transcendental Philosophy and Critical Philosophy in Kant and Foucault: Response to Colin Koopman

Colin McQuillan, Emory University

1. Introduction

Colin Koopman raises an important question regarding the nature of Kantian critique and its relation to what he calls transcendental inquiry in his recent article "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages."[1] By analyzing Foucault's rejection of transcendental inquiry, while at the same time reclaiming Foucault for the Kantian tradition, Koopman attempts to situate Foucault within an overlooked and under-emphasized part of the Kantian legacy. Unlike phenomenology, which takes up Kant's transcendental idealism, Koopman argues that Foucault separates what is critical from what is transcendental in Kant's philosophy, retaining the former and jettisoning the latter.

Kevin Thompson has contributed a fine response to Koopman's discussion of Foucault and the phenomenological tradition. I would like to respond to a different issue and raise a series of questions concerning Koopman's account of Foucault's Kantianism. While I am in agreement with those scholars who take seriously Foucault's reflections on the Kantian enigma (*l'énigme kantienne*) and see Foucault as a critical philosopher of a certain kind, I am not certain that Koopman provides sufficient evidence that Foucault's thought is critical in a sense which is particularly Kantian.[2]

I develop these concerns in two sections in the pages which follow. The first section addresses Koopman's understanding of transcendental philosophy and his account of Foucault's reasons for rejecting transcendental inquiry. The second section considers the conception of critique that Koopman attributes to Kant and extends to Foucault. By examining

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[1] Colin Koopman, "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages," *Foucault Studies* 8, (2010), 100-121.

[2] Foucault refers to "the Kantian enigma" in a review of the French translation of Ernst Cassirer's *The Philosophy of the Enlightenment* in 1966 and suggests that this enigma was responsible for "stupefying" and "blinding" western thought. See Michel Foucault, "Une histoire resté muette," included in *Michel Foucault: Dits et Écrits (I. 1954-1975),* edited by Daniel Defert et al. (Paris: Gallimard, 2001), 574.

these matters in greater detail, I hope to determine whether Foucault can be said to belong to a tradition of Kantianism which is critical but not transcendental, as Koopman suggests.

2. Transcendental Philosophy

Transcendental philosophy is often mistaken for the philosophy of the subject. This is a confusion with a long history in European philosophy, but it is a confusion nonetheless. It dates back to Fichte, who is perhaps the first philosopher to equate Descartes' *res cogitans* with the first person singular pronoun, and who radicalized Kant's more modest idealism.[3] It was Fichte, not Kant, who made transcendental philosophy the philosophy of the absolute I, which constitutes the world through the infinite explicitations of itself.[4] For Kant, the word transcendental referred to cognition "which is occupied not so much with objects but rather with our *a priori* concepts of objects in general."[5] "The system of such concepts," Kant continues, "would be called transcendental philosophy."[6] Readers will note that neither the definition Kant provides of the transcendental nor his definition of transcendental philosophy refers to the transcendental subject. This suggests that transcendental inquiry is not, for Kant, the philosophical anthropology it is often said to be. Kant's transcendental philosophy addresses itself, instead, to those concepts which serve as the conditions of the possibility of the cognition of objects.[7] Whether or not those concepts are

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[3] See Johann Gottlieb Fichte, *The Science of Knowledge*, edited and translated by Peter Heath and John Lachs (New York: Cambridge University Press, 1982), 94-101. See also Karl Ameriks, "Kant, Fichte, and Short Arguments to Idealism," *Archiv für Geschichte der Philosophy* 72 (1990), 63-85. See also Günter Zöller, *Fichte's Transcendental Philosophy: The Original Duplicity of Intelligence and Will* (New York: Cambridge University Press, 1998), 11-24.

[4] The definition of the transcendental that Husserl provides in the *Cartesian Meditations* ("the Ego himself, who bears within him the world as an accepted sense and who, in turn, is necessarily presupposed by this sense, is legitimately called *transcendental*, in the phenomenological sense") states very succinctly what Fichte labored through many different iterations of his *Wissenschaftslhre* to explain. See Edmund Husserl, *Cartesian Meditations: An Introduction to Phenomenology*, translated by Dorion Cairns (Dodrecht: Kluwer Academic Publishers, 1999), 26. The connection between Husserl and Fichte, rather than Kant, is also made in Don Welton, "The Systematicity of Husserl's Transcendental Philosophy: From Static to Genetic Method," included in *Edmund Husserl, Critical Assessments (Volume II: The Cutting Edge: Phenomenological Method, Philosophical Logic, Ontology, and Philosophy of Science)*, edited by Rudolf Bernet, et al. (New York: Routledge, 2005), 158-161. The phrase "infinite explicitation" (*explicitations infinies*) is to be found in Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Books, 1994), 248. Foucault uses the term in the context of a discussion of Husserl's transcendental idealism, but the similarities between the conceptions of transcendental idealism which are to be found in Fichte and Husserl are so pronounced, and the phrase is so appropriate, that I have taken the liberty of applying it to Fichte.

[5] Immanuel Kant, *Critique of Pure Reason*, translated by Paul Guyer and Allen W. Wood (New York: Cambridge University Press, 1998), 133 (A11-12/B25).

[6] *Ibid*, 133 (A11-12/B25).

[7] For an example of an "anthropological" reading of Kant, see Martin Heidegger, *Kant and the Problem of Metaphysics (Fifth Edition, enlarged)*, translated by Richard Taft (Bloomington: Indiana University Press, 1997), 144-153 (§36-§38).

ours, as Kant indicates in the passage I have quoted, is incidental.[8]   Even if the Kantian event that Foucault describes in *The Order of Things* "topples over, willy-nilly, into an anthropology," it is by no means clear that it does so because it is transcendental.[9]

While it is a confusion to identify the term transcendental with the philosophy of the subject, Koopman is right to associate transcendental inquiry with the investigation of the universal and necessary conditions of the possibility of experience. Kant does indeed think the concepts which serve as the conditions of the possibility of an object of experience possess true universality (*wahre Allgemeinheit*) and strict necessity (*strenge Nothwendigkeit*), "the likes of which merely empirical cognition can never afford."[10]   The most important difference between Kant's *Critique of Pure Reason* and his inaugural dissertation *On the Form and Principles of the Sensible and the Intelligible World*, in fact, has to do with the recognition that the pure concepts of the understanding are the conditions of the possibility of all experience, and not just representations of objects which cannot be given by means of the senses.[11]   While Kant saw his inaugural dissertation as a propadeutic science teaching that "the concepts met with in metaphysics are not to be sought in the senses," the *Critique of Pure Reason* maintains that "even among our experiences cognitions are mixed in that must have their origin *a priori*..."[12]   Kant's critical philosophy follows from this insight, declaring that empirical cognition is only possible on the basis of the pure forms of intuition (space and time) and the pure concepts of the understanding (the categories).

The universality and necessity of the pure concepts of the understanding are demonstrated in the Transcendental Deduction of the *Critique of Pure Reason*. While Kant saw the deduction as the heart of his *Critique*, his reasons for emphasizing the deduction have little to do with his brief discussion of the transcendental subject. Kant intended his deduction to prove that the pure concepts of the understanding may be applied to objects in a way that is objectively valid. By showing that the categories are the universal and necessary conditions of the possibility of any and all objects of possible experience, Kant thought he could demonstrate the validity with which those concepts are applied to intuitions in judgment.

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[8] Kant's emphasis on the *concepts* which render cognition of objects possible, rather than psychological conditions which shape our experience, marks an important difference between Kant's epistemology and what has come to be known as "psychologism." For a more thoroughgoing account of the relation between epistemology and psychology in Kant, which also rejects charges of psychologism, see Patricia Kitcher, *Kant's Transcendental Psychology* (New York: Oxford University Press, 1990), 3-29.

[9] Foucault maintains the contrary when he claims that "it is probably impossible to give empirical contents transcendental value… without giving rise, at least silently, to an anthropology…" See Foucault, *The Order of Things*, 248.

[10] Kant, *Critique of Pure Reason*, 128 (A2/B5).

[11] Immanuel Kant, *On the Form and Principles of the Sensible and the Intelligible World,* included in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, edited and translated by David Walford with Ralf Meerbote (New York: Cambridge University Press, 1992), 386-388 (AA II, pg. 394-395).

[12] Ibid., 387 (AA II, pg. 395). See also Kant, *Critique of Pure Reason*, 128 (A2/B5).

Kant thought he could prove the validity of the categories, in other words, by demonstrating their necessity. In order to prove that the categories are necessary, however, Kant thought he had to prove that they were universal. If any object could be cognized without reference to the pure concepts of the understanding, then those concepts would not possess strict necessity. If the pure concepts of the understanding are universal, however, they must also be *a priori*, because the conditions of all possible experience must be prior to the objects and experiences they condition. Hence the *Critique of Pure Reason* concerns itself with "all the cognition after which reason might strive independently of all experience…"[13]

There can be no doubt that Foucault rejected this approach. Yet the reasons Koopman cites in his discussion of the philosophical shortcomings of transcendental inquiry are not sufficient to explain the differences between Foucault's historical analytics and Kant's transcendental philosophy. Koopman offers no arguments which call the legitimacy of transcendental inquiry into question. And while he suggests that transcendental inquiry is a "vexing" and "narcissistic," the incommensurability of transcendental inquiry and historical analytics is never demonstrated.[14] It may, in fact, be the case that Foucault felt relieved at the "exhaustion" of transcendental inquiry, as Koopman claims, but that is not a philosophical reason for dismissing a certain mode of inquiry. [15] Still less is it a refutation of that inquiry's claims to universality and necessity.

Instead of making the philosophical case against transcendental philosophy directly, Koopman argues that Foucault developed a different mode of inquiry based on problematizations.[16] Koopman maintains that this mode of inquiry was a response to the "distinctive philosophical shortcomings" of Foucault's archaeological method, which had to be supplemented with a more genealogical approach, in order to surpass "the blockages in his work which Foucault sought to overcome in revising his historical-philosophical analytic."[17] While this new mode of inquiry retained many aspects of Foucault's earlier historical analytics, Koopman argues that it dispensed with the last vestiges of transcendental inquiry. These are all interesting claims, considered in themselves, but they do not explain why we should attribute whatever difficulties Foucault might have faced to "hints of a transcendental analytic" in his archaeology.[18]

Koopman provides a more detailed account of the difficulties the archaeological vestiges of transcendental inquiry posed for Foucault in his response to Thompson. According to Koopman, Foucault had "theorized conditions as Kant had done, namely as trans-

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[13] Kant, *Critique of Pure Reason*, 101 (Axii).

[14] Koopman, *Historical Critique or Transcendental Critique*, 101, 103, 109.

[15] Ibid., 101.

[16] Ibid., 110.

[17] Ibid., 109-110.

[18] Ibid., 109.

cendental" in his archaeological works, so that archaeology was incapable of addressing the dynamics of freedom and constraint that constitute historical change. This, according to Koopman, led Foucault to rethink transcendental conditions as contingent historical constraints.[19] I think Koopman is mistaken on the first point, regarding the universality and necessity of the conditions of possibility and existence that Foucault addressed in his archaeological works. The differences between the epistemological configurations of the renaissance, the classical age, and modernity that Foucault identifies in *The Order of Things* already indicate that the historical conditions he considers are not universal. Foucault's refusal of the questions of the history of ideas (causality, influence, etc.) likewise makes it impossible to determine the necessity or contingency with which epistemic conditions produce their effects.[20] Because Foucault is simply concerned to show that epistemic conditions do, in fact, produce ordered knowledge effects in his archaeology, I see no reason to think he invoked either universal or necessary conditions in describing them.

Finally, while I agree that Foucault was particularly concerned with the dynamics of freedom and constraint, I think it extremely unlikely that he felt it necessary to supplement his archaeological inquiries with genealogies and problematizations in response to Sartre's claim that he had transformed the moving picture of history into an unchanging "magic lantern" show.[21] Thomas Flynn has shown that Foucault's archaeology accounts for change through the analysis of transformation and displacement, which Foucault opposes to the mythology of narrative continuity in the history of ideas.[22] Sartre's defense of narrative continuity made him "a man of the nineteenth century trying to think the twentieth" in Foucault's eyes, so it is implausible to suggest that Foucault felt it necessary to reformulate his methodology in response to a problem his archaeological works had already shown to be riddled with untenable assumptions.[23] It is unclear why Koopman thinks the problem of change was so important for Foucault, but I am inclined to think Foucault had other reasons for supplementing his archaeological investigations with genealogies and problematizations.

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[19] Colin Koopman, "Historical Conditions or Transcendental Conditions: Response to Kevin Thompson's Response," *Foucault Studies* 8 (2010), 132.

[20] Foucault, *The Order of Things*, xii. See also Foucault, *The Archaeology of Knowledge*, 135-140.

[21] Koopman, *Historical Critique or Transcendental Critique*, 113-114. On the difference between Sartre's and Foucault's approaches to history, see Thomas R. Flynn, *Sartre, Foucault, and Historical Reason (Volume 2: A Poststructuralist Mapping of History)* (Chicago: University of Chicago Press, 1997), 48-80. See also Thomas R. Flynn, *Sartre, Foucault and Historical Reason (Volume 1: Toward an Existentialist Theory of History)* (Chicago: University of Chicago Press, 1997), 237-261.

[22] Flynn, *Sartre, Foucault, and Historical Reason (Volume 2: A Poststructuralist Mapping of History)*, 6-13.

[23] Michel Foucault, "L'homme est-il mort?" included in *Michel Foucault: Dits et écrits I: 1954-1975*, edited by Daniel Defert et al. (Paris: Éditions Gallimard, 2001), 569-570. See also Flynn, *Sartre, Foucault and Historical Reason (Volume 1: Toward an Existentialist Theory of History)*, 237.

3. Critical Philosophy

The words "critique" and "critical" have been popular since the enlightenment, but they remain lexically imprecise and philosophically vague.[24] It is not entirely clear what someone means when they use a word like "critique." The same is true of critique "in the Kantian sense," which has been invoked by many different thinkers and appropriated for many different projects in the last two hundred years. Everyone wants to claim that their critique derives from Kant, it seems, but only a handful of scholars have taken the time to ask what Kant meant when he called the *Critique of Pure Reason* a critique.[25]

Koopman is to be praised for attempting to locate a conception of critique in Kant that does not belong to his transcendental inquiry into the universal and necessary conditions of the possibility of experience. The discovery of this conception of critique in Kant would be an exciting addition to the growing literature on the impure parts of Kant's philosophy and would improve our understanding of critique "in the Kantian sense."[26] The question remains, however, to what extent a critique which is not transcendental can still be considered Kantian.

Koopman is right to note that Kant never claims that "critique must *always* be transcendental in orientation."[27] It is possible, however, that every conception of critique that can be meaningfully said to be Kantian is dependent upon his transcendental philosophy. In the *Prolegomena to any future metaphysics that will be able to come forward as a science*, for example, Kant considers dispensing with the word transcendental because of the confusions it has occasioned regarding the nature of his idealism. One might reach a better understanding of his position, Kant suggests, if one were to substitute the word critical for the word transcendental, noting that "if it is in fact reprehensible idealism to transform actual things (not appearances) into mere representations, with what name shall we christen that idealism which, conversely, makes mere representations into things? I think it could be named dreaming idealism, to distinguish it from the preceding, which may be

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[24] For an interesting, if rather eccentric, take on history of the word "critique" and the role it has played in medicine, philology, literary criticism, aesthetics, logic, and a number of other disciplines, see Giorgio Tonelli, "Critique and Related Terms Prior to Kant: A Historical Survey," *Kant-Studien,* 69 (2) (1978), 119-148.

[25] I wrote my dissertation on Kant's conception of a "critique" of pure reason and am currently preparing a manuscript on the subject, tentatively titled *On the Very Idea of a Critique of Pure Reason*. One of the very few published works on the subject is Kurt Röttgers, *Kritik und Praxis: Zur Geschichte des Kritikbegriffs von Kant bis Marx* (Berlin: Walter de Gruyter, 1974). Although Röttgers devotes a mere thirty pages to the development of the Kantian conception of critique, and his account is not without its problems, there is evidence of primary research in his work, which goes beyond many of the clichés that are to be found in discussions of Kantian critique.

[26] A good example of a work emphasizing the "impure" parts of Kant's philosophy is Robert B. Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* (New York: Oxford University Press, 2000).

[27] Koopman, *Historical Critique or Transcendental Critique*, 115-116.

called visionary idealism, both of which were to have been held off by my formerly so-called transcendental, or better, critical idealism."[28] This passage is significant for the distinctions it draws between different kinds of idealism and the light it sheds on the controversies surrounding Kant's transcendental idealism. Yet it raises serious questions about Koopman's attempt to define a form of critique which is Kantian but not trans-cendental. The fact that Kant treats transcendental and critical as synonymous terms suggests that they are, for Kant, as closely related as two non-identical terms can be.

The works which lie outside the canon of Kant's critical philosophy have little more to offer Koopman's undertaking. Koopman is mistaken when he suggests that Kant's writings on history and anthropology "make sense only on the assumption that there are viable forms of critique that are not transcendental in orientation."[29] Kant's writings on anthropology are empirical, in keeping with the classification Kant describes at the beginning of the *Groundwork of the Metaphysics of Morals*. "All philosophy insofar as it is based on grounds of experience can be called *empirical*," Kant writes, "but insofar as it sets forth its teachings imply from *a priori* principles it can be called *pure* philosophy. When the latter is merely formal it is called *logic*; but if it is limited to determinate objects of the understanding it is called *metaphysics.* In this way there arises the idea of a twofold metaphysics, a *metaphysics of nature* and a *metaphysics of morals*. *Physics* will therefore have its empirical part, but it will also have a rational part; so too will ethics, though here the empirical part might be given the special name *practical anthropology*, while the rational part might properly be called *morals*."[30] History is likewise said to be a form of empirical knowledge in Kant's lectures on metaphysics, where Kant claims that "all human cognitions are, according to form, of a twofold kind: (1) historical, which are from things given, taken merely from experience, and (2) rational cognitions which are from principles taken from certain principles."[31] To the

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[28] Immanuel Kant, *Prolegomena to Any Future Metaphysics That Will be Able to Come Forward as a Science*, translated by Gary Hatfield, included in *Immanuel Kant: Theoretical Philosophy After 1781*, edited by Henry Allison and Peter Heath (New York: Cambridge University Press, 2002), 88 (AA IV, pg. 293-294).

[29] Koopman, *Historical Critique or Transcendental Critique*, 116.

[30] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, included in *Immanuel Kant: Practical Philosophy*, edited and translated by Mary J. Gregor (New York: Cambridge University Press, 1996), 43-44 (AA IV, pg. 388). The definition of a "pragmatic" anthropology that Kant offers in *Anthropology from a Pragmatic Point of View* differs slightly from the definition of "practical anthropology" that Kant provides in the *Ground-work*, but Kant explains that the "pragmatic" (*pragmatisch*) is based on knowledge of the world (*Welt-erkenntnis*), and is therefore empirical, in Immanuel Kant, "On the Different Races of Human Beings," translated by Holly Wilson and Günter Zöller, included in *Immanuel Kant: Anthropology, History, and Edu-cation*, edited by Robert B. Louden and Günter Zöller (New York: Cambridge University Press, 2007), 97 (AA II, pg. 443).

[31] Immanuel Kant, "Metaphysik L, 1790-1791?" included in *Immanuel Kant: Lectures on Metaphysics*, edited and translated by Karl Ameriks and Steve Narragon (New York: Cambridge University Press, 1997), 299 (AA XXVIII, pg. 531). The possibility of a "rational" and "philosophical" history, which Kant calls "philo-sophical archaeology" (*philosophische Archäologie*) is discussed in Kant's "jottings" (*löse Blätter*) for his late essay on the progress of metaphysics. See Immanuel Kant, "What Real Progress Has Metaphysics Made

extent that Kant thinks *a priori* cognition is "mixed into" empirical cognition as its universal and necessary condition, the conditions of the possibility of anthropology and history can only be confirmed by transcendental philosophy according to Kant.[32]

Kant's writings on subjects like anthropology and history are no doubt addressed to more contemporary concerns than his writings on metaphysics, but there is little evidence that these works are critical in any sense which is peculiar to Kant. It is telling that when Foucault extols the virtues of critique, he often cites Kant's conception of enlightenment as an example of the critical attitude he finds so intriguing, rather than Kant's conception of critique.[33] It is also telling that Foucault explicitly contrasts the critical attitude of the enlightenment with Kant's conception of critique in both *What is Critique?* and *What is Enlightenment?*, arguing, in effect, that Kant's conception of critique remains beholden to the analytic of finitude.[34] "If the Kantian question was that of knowing what limits knowledge must renounce exceeding," Foucault says, "it seems to me that the critical question today must be turned back into a positive one: In what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints?" "The point," he continues, "is to transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible crossing over."[35] It is by no means clear that either the critical attitude that Foucault

in Germany Since the Time of Leibniz and Wolff?" translated by Henry Allison, included in *Immanuel Kant: Theoretical Philosophy After 1781*, edited by Henry Allison and Peter Heath (New York: Cambridge University Press, 2002), 417 (AA XX, pg. 341). Foucault refers to this reference to "archaeology" in Kant in Michel Foucault, "Monstrosities in Criticism," translated by Robert J. Matthews, *Diacritics* 1 (1971), 60. See also Michel Foucault, "Les Monstrousités de la critique," included in *Michel Foucault: Dits et Écrits I (1954-1975)*, edited by Daniel Defert, et al. (Paris: Gallimard, 2001), 1089-1090.

[32] Heidegger, Foucault, and many others have suggested that Kant's transcendental philosophy was based on an empirical conception of man, which was articulated in Kant's anthropology. Heidegger, for example, claims that Kant's philosophical anthropology presupposes a view of man which is "empirical and not pure," through which "the manner of questioning regarding human beings becomes questionable." See *Kant and the Problem of Metaphysics*, 150 (§38). Foucault seems to follow this line in his 'Introduction' to Kant's Anthropology from a Pragmatic Point of View, when he asks whether there is not "a certain concrete image of man which no subsequent philosophical elaboration would substantially alter" subsisting "in the very depths of the Critique." See Michel Foucault, *Introduction to Kant's Anthropology*, translated by Roberto Nigro and Kate Briggs (Los Angeles: Semiotext(e), 2008), 19. More modest claims about the significance of Kant's anthropology for his critical philosophy, especially its relation to his moral philosophy, are to be found in the works of Robert Louden and Holly Wilson. See *Kant's Impure Ethics*, 71-74. See also Holly Wilson, *Kant's Pragmatic Anthropology: Its Origin, Meaning, and Critical Significance* (Albany: State University of New York Press, 2006), 93-108.

[33] Michel Foucault, "What is Critique?" included in *The Essential Foucault*, edited by Paul Rabinow and Nikolas Rose (New York: The New Press, 2003), 264-268.

[34] Foucault, *What is Critique?*, 268. See also Michel Foucault, "What is Enlightenment?" translated by Catherine Porter, included in *The Essential Foucault*, edited by Paul Rabinow and Nikolas Rose (New York: The New Press, 2003), 53-54.

[35] Foucault, *What is Enlightenment?*, 53.

describes in *What is Critique?* or "the form of a possible crossing over" that he recommends in *What is Enlightenment?* are critical in any sense which is particularly Kantian.

The context of these discussions also seems to distance the conception of critique that Foucault seems to be developing from Kant. Foucault first discusses the critical attitude in the context of a general discussion of resistance to governmentality since the sixteenth century in *What is Critique?* He then discusses the concept of enlightenment that Kant develops in *An answer to the question: What is enlightenment?* While Kant's conception of enlightenment is certainly a privileged example of the critical attitude for Foucault, it is not critical in a sense which is unique to Kant. [36] The critical attitude Foucault describes belongs to the enlightenment, not Kant, whose conception of critique Foucault continues to criticize. When Foucault insists that "criticism is no longer going to be practiced in the search for formal structures with universal value but, rather, as a historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying" in *What is Enlightenment?*, I take him to be announcing his departure from the Kantian tradition, at least as far as Kant's conception of critique is concerned.[37]

Koopman attempts to return Foucault to the Kantian fold by arguing that Foucault's historical analytic is "Kantian in its emphasis on critique without being uncritically Kantian in accepting Kant's own conception of what a critique ought to be." There is, however, nothing particularly Kantian about emphasizing critique.[38] Many disciplines and discourses emphasize critique in ways that have nothing to do with Kant. Unless Koopman can point to something in Foucault's conception of critique which is particularly and specifically Kantian, it would appear that Foucault's conception of "what a critique ought to be" is one that leaves Kant behind. Unfortunately, the conception of critique that Koopman attributes to Foucault seems to fail on this account, as it has little to do with either Kant or Foucault.

Koopman argues that we should regard transcendental conditions as a subset of critical conditions.[39] Transcendental conditions are for Koopman "explicated as universal and necessary conditions of aprioricity," while critical conditions assume different scopes, modalities, and objects.[40] This, Koopman argues, allows a critical historical analytics to avoid

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[36] Foucault, *What is Critique?*, 264. Foucault finds a similar attitude in Baudelaire in *What is Enlightenment?*, 49-51. Foucault says, however, that Kant's essay on enlightenment had become for him "a small coat of arms, a small fetish" (*un peu blason, un peu fétice*) in Michel Foucault, *Le gouvernement de soi et des autres: Cours au Collège de France, 1983,* edited by François Ewald, Alessandro Fontana, and Frédéric Gros (Paris: Seuil/Gallimard, 2008), 8.

[37] Foucault, *What is Enlightenment?*, 53.

[38] Koopman, *Historical Critique or Transcendental Critique*, 117.

[39] Ibid., 116.

[40] Ibid., 116.

the shortcomings of transcendental inquiry while remaining critical. "Employing the distinction between the genus of critique and transcendental critique as one species therein," Koopman suggests, "enables a view about how Foucault's project is Kantian without being Kantian all the way down," because it allows us to recognize a Kantian emphasis on the critical in Foucault's historical analytics.[41]

However interesting it may be to distinguish transcendental conditions and critical conditions in the manner Koopman recommends, there is very little evidence that either Kant or Foucault held the view of the relation between the critical and the transcendental that Koopman ascribes to them. While Koopman assures us that his distinction is not of his own invention, a distinction between transcendental conditions and critical conditions is not explicitly defended in any of the works listed in the long footnote he appends to his claim.[42] Nor am I familiar with any passages in Foucault or in Kant's published works, lectures, or notes which would support such a distinction. Koopman provides us with no textual references on this point, so the Kantianism of the distinction he proposes remains very much in question.

Before concluding, I would like to point out that Koopman's emphasis on critical conditions as "bounds and limits" is also questionable.[43] To say that critical conditions concern bounds and limits, whether transcendental or historical, seems to make critique into the "analysis and reflection upon limits" that Foucault rejects in *What is Enlightenment?* Instead of the "the form of a possible crossing over" that he so forcefully affirmed, Koopman provides us with a conception of critique that tells us what we cannot do, say, or think.[44] Conceiving of critique as an "analysis and reflection upon limits" may have the virtue of being Kantian, at least from Foucault's perspective, but it is difficult to apply this conception of critique to Foucault, who was determined to transgress the limits that Kant thought knowledge "must renounce exceeding."[45]

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[41] Ibid., 117.

[42] Ibid., 116. While Koopman lists a number of important works which are critical of Kant's "transcendental metaphysics" (Strawson) in his footnote, none of them employ the distinction between critical conditions and transcendental conditions that Koopman describes, as far as I am aware. Koopman does not provide page numbers in his footnote, so it difficult to discern which passage he is referring to and how the works he cites support his claims.

[43] Koopman, *Historical Critique or Transcendental Critique,* 115-116.

[44] Foucault, *What is Enlightenment?*, 53.

[45] Foucault, *What is Enlightenment?*, 53. Foucault is, I think, overly reductive when he says Kantian critique is the "analysis and reflection upon limits." When one examines the passage in the 'Preface' to the first (A) edition of the *Critique of Pure Reason* in which Kant introduces his critique, it becomes clear that there is a great deal more at stake for Kant's critique than the limits of knowledge. Kant says his critique is "a critique of the faculty of reason in general, in respect of all the cognitions after which reason might strive independently of all experience, and hence the decision about the possibility or impossibility of a metaphysics in general, and the determination of its sources, as well as its extent and boundaries, all,

4. Conclusion

The conception of critique that Koopman uses to inscribe Foucault within a tradition of Kantianism that is critical but not transcendental seems to have several basic problems. Because Koopman fails to establish the philosophical inadequacy of transcendental inquiry, against which Foucault's historical analytics is supposed to have been defined, it remains unclear why it is necessary to jettison the transcendental while retaining the critical aspects of the Kantian tradition. The reasons Foucault rejected transcendental inquiry have been described by other scholars in other contexts, but Koopman also has difficulty establishing the reasons why Foucault's historical analytics should be considered critical in the Kantian sense. The fact that Koopman presents us with a conception of critique that does not seem to have been held by either Kant or Foucault adds to this difficulty. Kant's texts suggest that his conception of critique was very much bound up with his transcendental philosophy. Foucault seems to have conceded this point, since his valorization of the critical attitude opposes itself explicitly to the "analysis and reflection upon limits" that he found in Kant's conception of critique. For this reason, it is not certain in what sense the critical attitude that Foucault describes and which played such an important role in his later thought may still be said to be Kantian.

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however, from principles." This passage makes it clear that Kant's critique is also concerned with the possibility of metaphysics and its sources, the extent of *a priori* cognition and the faculty of reason, none of which are reducible to "analysis and reflection upon limits." See Kant, *Critique of Pure Reason*, 101 (Axii).

Foucault Studies

RESPONSE

Appropriation and Permission in the History of Philosophy: Response to McQuillan

Colin Koopman, University of Oregon

In a recent issue of this journal I proposed a rereading of Foucault as a Kantian critical philosopher. In the pages of the present issue of the journal, Colin McQuillan offers a challenge to my reading by taking express issue with my claim that Foucault can be productively read as a Kantian. To summarize the context for both McQuillan's reply and the present response, it will be useful to point out that the primary aim of my article was to dispute the recent trend in Foucault scholarship according to which archaeology and genealogy are best seen as efforts in phenomenological philosophy, stemming from various phenomenologists ranging from Edmund Husserl, Martin Heidegger, and Jean Cavaillès.[1] The occasion for my discussion was provided by an important recent article by Kevin Thomspon in which he proposes reading Foucault through a minority tradition of phenomenology, referred to by Thompson as a "phenomenology of the concept" or "realistic phenomenology" and located primarily in Cavaillès, Bachelard, and Canguilhem.[2] My article was published with an insightful reply by Thompson, in which he challenged my discussion of certain limitations that I located in the Foucault-as-phenomenologist literature.[3] In my further response to Thompson's reply, I took up his textual and philosophical challenge to my article, but only briefly discussed the background historiographical and metaphilosophical difficulties lingering behind our discussions.[4]

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[1] Cf., Colin Koopman, "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages," *Foucault Studies,* no. 8 (2010), 100-121.

[2] Cf., Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept," *History and Theory,* 47 (February 2008), 1-18. Other work in the Foucault-as-phenomenologist vein includes Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*, translated by Edward Pile (Stanford, CA: Stanford University Press, 1998, 2002), and Andrew Cutrofello, *Discipline and Critique: Kant, Post-structuralism, and the Problem of Resistance (*Albany, NY: SUNY Press, 1994). References throughout contain, in some instances, two dates: in such cases the first date refers to the original year of publication in the original language and the second date refers to the year of publication of the translation and edition to which the page number citation refers.

[3] Cf., Kevin Thompson, "Response to Colin Koopman's 'Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages,'" *Foucault Studies*, no. 8 (2010), 122-128.

[4] Cf., Colin Koopman, "Historical Conditions or Transcendental Conditions: Response to Kevin Thompson's Response," *Foucault Studies,* no. 8 (2010), 129-135.

McQuillan's reply takes a different focus than Thompson's by offering a challenge to a second aspect of my article, in which I put forward the outlines of a reading of Foucault as a non-phenomenological Kantian. McQuillan's challenge is most welcome given that my original article was an attempt to negatively clear the ground of "the phenomenological Foucault" in order to make room for a positive elaboration of "a historical-critical Foucault" that takes his lead from a different appropriation of the work of Kant. I develop this positive reinterpretation of Foucault as a Kantian in the larger project from which my article took its lead (that larger project is, in short, a book-length manuscript on genealogy primarily focused on the work of Foucault). The present occasion of McQuillan's argument is, therefore, most welcome insofar as replying to him compels me to sharpen many of the points of my discussion germane to that larger project. I should like to take the occasion of this reply to offer some thoughts on those background considerations which I only pointed toward, but did not fully develop, in my response to Thompson. These considerations concern how we should approach the problem of appropriation in the history of philosophy and in the history of thought more generally. These considerations set the stage for my fuller argument that Foucault can be read as a Kantian (but since these greatly exceed the scope of a reply piece they will for the most part have to wait until the publication of the manuscript).

I shall be describing the disagreement between McQuillan and myself by way of a distinction between two genres of the historiography of philosophy. McQuillan appears eager to preserve a purified image of certain textual figures in the history of philosophy which would retain their original thought in the aura of a profundity. His *permissionist historiography* demands that we work with our history by way of asking it for permission whenever we want to deploy its insights. By contrast, my approach to the history of philosophy is oriented by an interest in the way in which the philosophy of the present breathes fresh life into its pasts and futures by means of the reuse, remix, and repropriation of canonical concepts, authors, and *oeuvres*. My *appropriationist historiography* relies on an implicit demand that we creatively remake, rework, and remix our historical past for the purposes of the present. I use the term 'appropriation' advisedly, and by it I do not mean to suggest that opportunism and piracy should abound in the history of philosophy, but rather that creatively absorbing the insights of historical figures into one's work is exactly how philosophy works well. These represent two radically different ways of approaching the history of philosophy and our conceptual cultural inheritance. Both have their advantages and their disadvantages. I do not expect to, in the short space of a reply, definitively settle the argument on behalf of my approach to the history of philosophy. But I shall be able to say a few things, perhaps of interest to readers of this journal, about what an appropriationist historiography can achieve that a permissionist historiography will too often fail at.[5]

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[5] These two labels are offered in loose reference to Lessig's distinction between "remix culture" and "permission culture" in Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (New York: Penguin Press, 2008). The competing approaches to the history of philosophy I here discuss point to a much broader and particularly pregnant issue in contemporary culture concerning the way in which we make use of our cultural inheritance. Lessig discusses this from the legal-technological point of view of the problems raised for extant ways of dealing intellectual property by the digitization and internetization of our media environments.

I. Transcendental Philosophy

McQuillan's challenge focuses on two themes central to any reading of Kantian philosophy, of phenomenological philosophy, and of Foucault's relation to these two traditions. These concern, first, the project of "transcendental critique" as elaborated by Kant (later taken up by the phenomenologists), and second, the project of "philosophical critique" which I regard as a genus of which 'transcendental critique' is one species. Let me begin with transcendental critique before going on in the next section to consider the idea (about which McQuillan is dubious) of a critical practice that is not transcendental in orientation.

McQuillan's description of transcendental critique offers a solid overview of the way in which Kant thought transcendental philosophy should proceed and why philosophy itself ought to proceed in that manner. McQuillan agrees with me that, "There can be no doubt that Foucault rejected this approach." But, he continues, "the reasons Koopman cites in his discussion of the philosophical shortcomings of transcendental inquiry are not sufficient… Koopman offers no arguments which call the legitimacy of transcendental inquiry into question." Allow me to clarify my view so as to defend, in a more precise fashion, the claim of mine that I believe McQuillan is here criticizing.

We all know the major criticisms of transcendental philosophy that have been issued from diverse quarters across the twentieth century (in post-structuralist thought, in the tradition of critical theory, in pragmatism, in naturalistic veins of analytic philosophy, and perhaps most notably in feminist philosophy, critical race theory, and queer theory). To my mind the most forceful consideration that speaks against transcendental philosophy comes down to the difference between modal necessity and modal contingency. Transcendental critique makes sense only where we can grasp the objects of our inquiry through the category of necessity. The consideration that is most forceful to my mind is just this: there is plenty in our world that does not admit of necessity. Any critique whose object of inquiry is largely historical is going to have a tough time making sense of its object in terms of necessity. This, of course, does not amount to a refutation of transcendental critique. I have no interest in attempting such a refutation. All I aim to point out is the lack of usefulness of transcendental critique for objects of inquiry which are better understood as contingent compositions than necessary results.

In a related context, one in which the issue concerns the possibility of a rapprochement amongst continental, pragmatist, and analytic philosophy, Joseph Margolis recently writes:

> You may claim that no one has ever demonstrated that there are no transcendental necessities to be had—and that is certainly true. But the burden of proof surely rests with transcendentalism's champions. At the risk of a self-defeating paradox, the argument against transcendentalism must be a form of faute de mieux reasoning—always open ended and piecemeal, never conclusively necessary or indefeasible. But there are no successful transcendental counterinstances to consult.[6]

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[6] Joseph Margolis, *Pragmatism's Advantage: American and European Philosophy at the End of the Twentieth Century* (Stanford: Stanford University Press, 2010), 124.

This, to my mind, strikes the right note. There is little point in attempting to elaborate the "philosophical shortcomings" of transcendental critique (but I admit that I do not really know what McQuillan has in mind here as a possible example of this). Yet there is a good point in pointing out that transcendental necessity is not to be found in a reasonably large share of our (Margolis would more strongly say "all of our extant") objects of inquiry. Transcendental necessity is just not going to help you make sense of the prison, or of the history of science, or of contemporary sexuality. These things are just too complex for necessity to play the kind of role that a transcendental critique could illuminate. To see well here we need to focus light on the contingencies in a way that historical critique can help us to do.

What I am suggesting is that those of us working in such traditions as genealogical or pragmatist philosophy can proceed as we would without having to bash those of our interlocutors who maintain the ambitions of transcendental philosophy, even if we tend to think of those ambitions as having outlived their usefulness and as appearing rather quaint midst the massive contingency of contemporary self-consciousness. My project is not the negative one of bashing transcendental philosophy. It is the positive one of describing, defending, and deploying other forms of critical inquiry which are different from, and possibly also compatible with, transcendental critical inquiry. My goal has been to show that genealogical critique is not a form of transcendental critique but is not for that reason incompatible with transcendental critique and is also not for that reason disqualified from resuming in a different way the Kantian project of critical philosophy.

There are many ways of practicing critique. One would be to proceed at times in transcendental critical fashion and at other times in non-transcendental critical fashion. This, I think, is one way of making sense of the obvious differentiation featured in Kant's text, for instance that between the first two *Critiques* and the historical, political, and anthropological writings. Another way of practicing critique would be to proceed in a critical fashion that is historical rather than transcendental in orientation without having to disparage transcendental critique in order to take up the project of historical critique. This, I think, is a good way of making sense of Foucault's project, given not only what Foucault himself said about his own relation to Kant, but also given the contours of that project itself. A third way of practicing critique would be to simultaneously work toward historical critique and transcendental critique, which is how many would read Foucault's efforts in *The Archaeology of Knowledge* (e.g., the concept of "the historical a priori"), though I fail to find the strong transcendental element in the text myself.[7]

I understand the majority of Foucault's work as enacting a practice of historical inquiry that is critical in a robust philosophical sense without imposing upon itself obligations that would have to be met in order for it to qualify as transcendental philosophy. This does not mean that transcendental critique is saddled with certain "philosophical shortcomings." It only means that transcendental critique is not well-equipped to accomplish some of the purposes that historical critique is well-equipped for. I previously urged this point in my reply to Thompson: "since transcendental conditions are universal in scope and necessary in

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[7] Michel Foucault, *The Archaeology of Knowledge*, translated by A.M. Sheridan Smith (New York: Pantheon Books, 1969, 1972).

modality (even if only with respect to a given historical *a priori*, as historical-transcendental phenomenologists would have it) they purchase their explanatory power only by divesting themselves of the idea of historical transformability."[8] My claim there was not that transcendental philosophy is without critical purchase, but rather that it lacks critical purchase if one is interested primarily in the critique of historical objects of inquiry. This remains my claim.

II. Critical Philosophy

The foregoing discussion of transcendental critique raises another, I think more crucial, question. When does historical inquiry in this vein achieve the status of critique? What qualifies history as historical critique? McQuillan appears skeptical to the very possibility, at least with respects to some forms of history, such as Foucauldian archaeology and genealogy. At this point, I would like to take a step back from the debate and consider the implicit historiography that I find lurking behind McQuillan's criticisms. The skepticism at issue seems to me rooted in a historiographical strategy that is severely out of keeping with any viable conception of how to practice the history of philosophy.

II.A. Two Kants

McQuillan expresses skepticism about whether or not any practices of historical inquiry, including those which can be located through Foucault's own genealogical inquiries, can be deservedly described as "critical" in a "Kantian" sense. There is no doubt, McQuillan rightly observes, that Foucault's project is critical, but what is at issue, McQuillan insists, is whether or not it is critical in the right kind of "Kantian" way. To develop this point, McQuillan quotes Foucault's appropriative reversal of Kant in "What is Enlightenment?" and suggests that we should "take him to be announcing his departure from the Kantian tradition." I find this puzzling. In his writings on Kant, including the piece cited by McQuillan, Foucault maintained an express interest in the Kantian project of "critique" and worked to develop a distinction between two conceptions of critique that can be found in Kant, one of which he would endorse and the other of which he would leave to the side without criticizing. Amy Allen convincingly captures Foucault's double-relationship to Kant as follows: "Far from a rejection of the Kantian project, Foucault's inversion of Kant's notion of transcendental subjectivity constitutes a critique of critique itself, a continuation-through-transformation of

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[8] Koopman, "Response to Thompson," 132. McQuillan takes issue with my claim that Foucault's expansion of archaeological history into a genealogical history (that includes archaeology within it) was undertaken at least in part to the vexing problem of historical change which archaeology had, as Sartre and others pointed out, failed to adequately address. One sees Foucault addressing this problem already, and without success, in Part IV, Chapter 5 of *The Archaeology of Knowledge*. My view is that genealogy would yield a more satisfactory answer to the problem of historical change than is broached in the archaeological work. I have offered a more complete argument for my interpretation of Foucault on these points in Colin Koopman, "Foucault's Historiographical Expansion: Adding Genealogy to Archaeology," *Journal of the Philosophy of History* 2, no. 3 (Fall 2008), 338-362.

that project."[9]   Foucault's critique of Kantian critique itself depends upon a distinction between two Kants that is clearly featured in Foucault's writings on the history of the modern critical attitude. Closely attending to Foucault's discussions of Kant confirms Allen's defense of Foucault as justifiably appropriating Kant in contrast to McQuillan's insistence that Foucault needs more permission from Kant than he has been given.

Foucault's distinction between two Kants can be found in many of his late writings, and most recently (in terms of publication date) in his 1983 Collège de France lecture course, now translated into English and published under the title *The Government of Self and Others*. These lectures open with a detailed discussion of Kant's critical philosophy in order to set the stage for a meeting between modern philosophical critique and ancient philosophical *parresia*. Foucault distinguishes between a practice of critique that takes the form of an "analytic of truth" and another that takes the form of an "ontology of the present." Foucault concludes this portion of his lecture with the following option: "We have to opt either for a critical philosophy which appears as an analytical philosophy of truth in general, or for a critical thought which takes the form of an ontology of ourselves, of present reality."[10]   Foucault clearly preferred the latter project. What is most important in Foucault's distinction for present purposes is that he expressly announces his project as a "critical" project that can be located through "Kant's text."   My interpretation of these passages as distinguishing two Kants is hardly new. In his description of the lecture course published as an appendix to the volume, Frédéric Gros glosses Foucault's meaning here in exactly the terms I am urging: "In places [in Foucault's lectures] there remains the opposition between two possible Kantian legacies: a transcendental legacy to which Foucault refused to subscribe (establishing universal rules of truth in order to avoid the misuses of a dominating reason); on the other hand, a 'critical' legacy in which he wants to situate himself (challenging the present no the basis of the diagnosis of 'what we are')."[11]   The operative distinction has also been developed by Edward McGushin in his work on the late Foucault: "Foucault appropriates Kant's critical attitude while rejecting his transcendental philosophy."[12]   Note here the appropriate historiographical concept: appropriation.

Now, McQuillan's argument is that, "There is, however, nothing particularly Kantian about emphasizing critique." I agree. But I disagree with the implicit implication that Foucault's emphasis on critique is hardly Kantian. McQuillan writes that "Foucault's conception of 'what a critique ought to be' is one that leaves Kant behind." I fail to see this. Foucault expressly took his conception of critique to be Kantian in orientation insofar as it was rooted in

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[9] Amy Allen, *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (New York: Columbia University Press, 2008), 24; Allen here refers as well to Thomas McCarthy's contribution to David Hoy and Thomas McCarthy, *Critical Theory* (Cambridge: Blackwell, 1994).

[10] Michel Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, translated by Graham Burchell, edited by Frédéric Gros et. al (New York: Palgrave Macmillan, 2010), 21.

[11] Frédéric Gros, "Course Context" in Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, translated by Graham Burchell, edited by Gros et. al. (New York: Palgrave Macmillan, 2010), 379.

[12] Edward F. McGushin, *Foucault's Askēsis: An Introduction to the Philosophical Life* (Evanston: Northwestern University, 2007), 246.

an appropriative interpretation of Kant's texts. Foucault's appropriative relation to Kant's texts (reusing and remixing them) is evidenced by much in his thought, including: his explicit references to Kant, his careful rereadings of marginalized texts by Kant, his conception of critique as working on the "limits" of thought, and his use of the idea of "conditions of possibility" throughout his philosophic career. This, at least according to an appropriationist historiography, provides sufficient warrant for seeing Foucault's philosophical contribution as Kantian without adhering to the letter of Kant's philosophical contribution. My sense is that a historian of philosophy would be willing to deny Foucault this label only at the pain of employing an extremely rigorous form of a permissionist historiography. Allow me to turn, then, to the background historiographical matters that I take to be the real heart of the issue between McQuillan and myself.

II.B. Two Historiographies

Some historians would argue that history is all about obedience to that which the past dictates. Others of us hold that history ought to take a more critical relation to the past whereby we take primary responsibility for the freedom that ought to accompany our historical inquiries. McQuillan's *permissionist* historiography would have us ask the past itself, in this case the author-figure named Immanuel Kant as represented in the texts signed by that name, for permission to take up its legacy. This form of historiography can be useful, but it also bears obvious limits. These limits are, above all, a function of the implicit obedience toward the past that such a historiography demands of us. My *appropriationist* historiography, by contrast, would ask us to make productive use of the past on our own terms whereby we attend to and care for the past but without bowing to it in an obedient posture. This form of historiography also has its limits in addition to its uses. While it is limited for the purposes of historical reconstruction, or understanding the past in and on its own terms, it is especially useful for a form of historiography through which we are able to relate to our historical present with the intent of transforming that present.[13]

In my view, the contrast between "permissionist" and "appropriationist" historiographies recapitulates more general debates in modern culture between those who would have us be obedient toward tradition and those who would have us take up a posture of freedom toward ourselves.[14] But that is another matter. And I do not take this matter to be settled based on my quick coverage here. All I take to be settled is a statement of what is at issue. McQuillan and I seem to have quite different interests at heart when we do work in the history of philosophy. Both of these interests can lead to productive work. What I am unsure of is how productive it is in the long run to impose the standards of permissionist historiography on appropriationist historiography when it is largely by virtue of the latter that the history of philosophy remains relevant to the concerns of our historical present.

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[13] Cf., Richard Rorty, "The Historiography of Philosophy: Four Genres" in Richard Rorty et. al. (eds.), *Philosophy in History* (Cambridge: Cambridge University Press, 1984).

[14] See Lessig, n.5 above, as well as Harold Bloom, *The Anxiety of Influence* (Oxford: Oxford University Press, 1973).

One way of restating the issues of influence and inheritance operative here is in terms of a fine distinction between Kant*ian* philosophy and Kant*'s* philosophy, a distinction which I wish to defend but about which McQuillan appears nervous. What McQuillan objects to is my claim that Foucault's historical-philosophical practice is a practice of Kant*ian* critique. It is notable that his points are framed in terms of "Kantian" philosophy, "Kantian" critique, and "the Kantian tradition" insofar as he seems to identify all things "Kantian" with what might be described as the express letter of Kant's texts in a way can only rely on a permissionist historiography. In keeping with this implicit historiographical bias, his forceful challenges to my view take the form of close readings of the letter of Kant's texts. That one may find his rereadings disputable on certain points is hardly at issue here, though certainly that might be at issue elsewhere. For what is really at issue is whether or not we can settle the question of what counts as Kant*ian* in philosophy by a careful examination of those thoughts that can be identified as Kant*'s*. My view is that McQuillan's discussion is of great interest, but it settles (and then only potentially) what was Kant*'s* view without settling (not even potentially) what is Kant*ian*. It is the latter that I am interested in, while perhaps it is the former that interests McQuillan. We are both entitled to our interests, but allow me to say something further about what underwrites my own.

My view is that we need not, and indeed we should not, attend *only* to the letter of a philosopher's text in attempting to pick out those philosophical problematics which form by subtle and gradual accretion around their texts in ways that exceed the original letter of the philosopher's thought. Kant could never have controlled the problematics of Kantian philosophy which would well up around his texts. McQuillan wants to reinvest Kant's text with control over itself so as to guard it against appropriations by figures such as Fichte and Heidegger and Foucault (all three cited in his reply). This is not only impossible insofar as it assumes that interpretation is secondary rather than primary with respect to what a text is, but it is also unhelpful because it discourages us from seeing how thought always exceeding its keepers by doing its work by way of bursting outside of the contexts for which it was originally formulated. Understanding what is Kantian in our philosophical inheritance, in the sense of what in Kant persists in that inheritance, most certainly requires attending to Kant's texts, but it requires attending to much else besides. It also requires, at the very least, attending to the thought of Kant's contemporaries, his most important predecessors, and his most creative successors. And, if we want to be genealogists rather than historians of ideas about such problematics, then it also requires attending to the political, social, scientific, ethical, economic, cultural, and other processes which condition our inheritance of Kant. To take an easy example, the inheritance that is Kant*ian* philosophy today could not have formed without the development of the modern academic university with its immense commentary engines and its rigorous requirements for professional scholarship; now that development is something which can hardly be said to be Kant*'s* even if his case is unique for the role his thought has played in the contingent composition of that kind of institution. One can hardly be a Kant scholar these days by reading only Kant, and a Kant scholar who objected to uses of Kant which cannot be found in Kant's texts would be an extremely strange kind of academic specimen indeed.

This brings me to important questions we academic historians of philosophy need to be more forthright in asking ourselves. Wherein should we locate the value of our work? What is worth preserving from the history of philosophy in its purity? What is worth holding on to only if we can creatively appropriate it? Why is the history of philosophy important at all? There are a whole host of such historiographical questions, unanswered because too often unasked, that demand our urgent attention. My own attempts at answers to these questions take their bearings from certain insights of Foucault's, but also others including historically-minded analytic philosophers like Bernard Williams and pragmatist philosophers including John Dewey, John Herman Randall, and Richard Rorty.[15] I hope to have made clear here why we should find a permissionist historiography quite distant from nearly everything we have learned about the history of thought from Foucault. That Foucault himself practiced appropriationist history of philosophy is without doubt: "I am tired of people studying [Nietzsche] only to produce the same kind of commentaries… I prefer to utilize the writers I like. The only valid tribute to thought such as Nietzsche's is precisely to use it, to deform it, to make it groan and protest. And if commentators say that I am being faithful or unfaithful to Nietzsche, that is of absolutely no interest."[16]

Some historians of philosophy want to keep certain ideas mined from the history of philosophy pure. They want to keep Kant as he was, or Plato as he was, or Nietzsche as he was, or even Foucault as he was. The thinking here is usually that such an approach helps us get a grip on the profundity of thought featured in the work of genius: the great dead philosopher is supposed to have had privileged access to something special such that our job is to gain entrance to the depths of that special thing as featured in their texts. Some other historians worry that this strategy is likely to bury the past in its inevitable death. They worry that this strategy amounts to little more than asking the dead past for permission to revive it in the present. They think that it is misguided to seek the express warrant of the past to make use of the past in the present. They think that we need only the permission of the present, which is not of course to say that we need no kind of permission whatsoever. They think that the standards by which we ought to grant or deny ourselves that permission should be hung, above all else, on how our use of the past in the present facilitates the free work of transforming our selves into the future. This is, I would suggest, a Foucauldian way of approaching the history of philosophy, and it is ours to appropriate and remix for our own purposes today.

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[15] For two forthcoming articles in which I address these questions from the points of view of these other traditions see Colin Koopman, "Bernard Williams on Philosophy's Need for History" forthcoming in *The Review of Metaphysics* 64, no. 1, (forthcoming Sept., 2010) and Colin Koopman, "Historicism in Pragmatism: Lessons in Historiography and Philosophy," *Metaphilosophy* 41, no. 4, (forthcoming Oct. 2010).

[16] Michel Foucault, "Prison Talk", interview with J.-J. Brochier in Foucault, Colin Gordon (ed.), *Power/Knowledge* (New York: Pantheon, 1980), 53-4. I thank Amy Allen for drawing my attention to this passage.