INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

**Bell & Howell Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600**

UMI[®]

**FOUCAULT, GOVERNMENTAL RATIONALITY,
AND THE IMMANENT CAPACITY FOR SOCIAL TRANSFORMATION**

by

Jon Frauley, B.A., B.H.J.

A Thesis submitted to
the Faculty of Graduate Studies
in partial fulfilment of the requirements for the degree of

Master of Arts

Department of Law
Carleton University
Ottawa, Canada
© 1999

**National Library
of Canada**

**Acquisitions and
Bibliographic Services**

**395 Wellington Street
Ottawa ON K1A 0N4
Canada**

**Bibliothèque nationale
du Canada**

**Acquisitions et
services bibliographiques**

**395, rue Wellington
Ottawa ON K1A 0N4
Canada**

Your file Votre référence

Our file Notre référence

The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.

L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

0-612-48385-1

Canada

Thesis Acceptance Form

M.A. CANDIDATE

The undersigned recommend to the Faculty of Graduate Studies
and Research acceptance of the thesis

**Foucault, Governmental Rationality, and the
Immanent Capacity for Social Transformation**

submitted by **Jonathan Frauley, B.H.J.**
in partial fulfilment of the requirements for

the degree of Master of Arts

A handwritten signature in black ink, appearing to read 'A. J. L.', written over a horizontal line.

Thesis Supervisor

A handwritten signature in black ink, appearing to read 'Michael MacNeil', written over a horizontal line.

Chair, Department of Law

Carleton University
August 12, 1999

ABSTRACT

Arguing that French philosopher Michel Foucault has an emancipatory project that involves inciting a permanent questioning of present conventions, I attempt to demonstrate that immanent to modern projects of social ordering is ongoing personal and social transformation.. This permanent questioning is presented by Foucault as a “genealogy” of our present that embodies the critical ethos of the Enlightenment. Here Foucault transfigures the practice of critique to an aesthetic form of judgement that breaks with Enlightenment thought, viewing the limits of knowledge as starting points from which to exit present ideational and practical constraints. Utilising works by Kant, Heidegger, and Nietzsche, contemporary political theorists such as Romand Coles, Jon Simons, and David Owen, and scholars of the “governmentality school” such as Mitchell Dean, Nik Rose and Alan Hunt, I posit that modern projects of governance ironically empower individuals to “non-subjectively” frustrate attempts to order their behaviour. Drawing from Owen, I characterise governance as driven by, and giving rise to an “ethics of creativity” and an “ethics of authenticity” which are reciprocally tethered. It is this interplay or dialogical character of governance that affords the regulated subject the ability to act as a co-author, non-subjectively influencing the impersonal “governance at a distance” that characterises much of the governmentality literature. This ongoing transgressive practice is viewed by Foucault as a positive exercise of liberty that entails the modification of the constraining limits that bound our present.

ACKNOWLEDGEMENTS

I would like to thank Alan Hunt and Peter Swan for their very helpful suggestions and comments throughout the various stages of coercing this thesis into being. It would no doubt be a much better work if I had followed all of their advise. Thanks also to Derek Smith for providing much appreciated constructive criticism and to former Chair T. Brettel Dawson who graciously provided a much needed and highly productive work-space. For the many fruitful discussions, time expended reading countless drafts and providing valuable feedback, thank you very much Ana.

CONTENTS

Introduction

8

CHAPTER ONE

Foucault's Emancipatory Ethos

20

Introduction

- I. Governance: The Basis for a New Form of Ethics
- II. Subjectivisation and Government
- III. Governmental Rationality
- IV. History and Critique
- Conclusion

CHAPTER TWO

Governmental Rationality and Thinking Otherwise

46

Introduction

- I. Self-Management and the Critical Ethos
 - i. Why Resist?
- II. Liberatory Capacities of the Self-governed
 - i. How Resist?
- III. The Biopolitics of Government as Tutelage and Self-Reflection
 - i. Governing Self-Reflection
- IV. Governance, Dialogue and Power
 - i. The Critical Mass
- Conclusion

CHAPTER THREE

Difference Through Delimitation: Ordering(,) Ethics and Dialogue in the "Chinese Question"

75

Introduction

- I. The Chinese Question: Governance, Subject, and Population
 - i. Government of the Performative Population
 - ii. The Subject and Government
 - iii. The Government of Government
- II. Government Yields Transformation
 - i. Relations of (Bad) Influence
- ii. Inscribed on the Body: Self and Subject
- Conclusion

CHAPTER FOUR

Conclusion

115

LIST OF PLATES

Works by M.C. Escher (1971b)

I. *Horseman*. 1946
Woodcut in three colours
135

II. *Moebius Strip II*. 1963
Wood engraving in three colours
136

III. *Belvedere*. 1958
Lithograph
137

IV. *Ascending and Descending*. 1960
Lithograph
138

V. *Waterfall*. 1961
Lithograph
139

LIST OF APPENDICES

I. The Chinese Question: Time-line of Governmental Initiatives	140
--	-----

Introduction

The virtue of Foucault's work to me is its capacity to enable one to see that things could be different – that things were once different and that things could be different again – and that our ways of understanding and making truth about the world shape what it is possible to do in the world. [...] in showing that we can understand the world differently, it makes it possible for us to do different things (Rose 1998:89).

The profound influence that the late French philosopher Michel Foucault has had on a number of areas of academic enquiry is well documented. Feminist theory, gender studies, queer theory, criminology, sociology, literary criticism, and the study of law, to name a few, have all benefited greatly from Foucault's provocative "critical histories". His re-thinking of the ways in which power, subjectivity, and specialised forms of knowledge are created and circulated in western society have made it possible to reveal and interrogate everyday forms of regulation without having to begin from a position that assumes one is necessarily looking for an originary source of domination or assuming that the intentions of the oppressor will be betrayed by their actions. As a result, one can dispense with the belief that social phenomena must be isolated in order to come to an objective understanding of it. Indeed, how could we begin to understand the complexity and dynamic nature of everyday life if it were removed from the context which supplies its meaning. Such an approach would only serve to reduce a dynamic interplay to a uniform and closed form. In short, Foucault's endeavour to eschew the "pursuit of the origin" (Foucault 1977a:142) has radically altered our perception of the present from, one that holds that today is simply part of a history of the unwavering progression of *zeitgeist* toward an emancipatory telos to one that can be conceived as an

end in itself that can be radically different from yesterday and tomorrow.

Foucault's theoretico-historical investigations show particular concern for what he termed the "cultural unconscious" (Foucault 1996:73). The unquestioned everyday conventions of behaviour that seem to exist apart from the authority of their author are embedded in and blindly perpetuated through our everyday freedom to choose¹. Certain patterns of behaviour and ways of thinking become common-sense and "second nature", leaving us to choose between two possible forms of behaviour: legitimate and illegitimate or what is held to be the rational and irrational. Identities become attached to these requisite behaviours, mutually reinforcing one another. If one wishes to avoid the appearance of ignorance, worthlessness or simply that of an "outsider", attention must be paid to mastering etiquette and diction and other social markers of distinction. In short, the many mundane behaviours that we subject ourselves to provide give us the currency we need to be recognised in a particular way². The banal features of existence that serve to govern the modern society fascinated Foucault. Not only because of their capacity to tacitly shape our perceptions of the world but because they simultaneously constitute us as the subject who orders and the object that is ordered, instilling the belief that we can control not only our destiny but also that of others and the natural world.

Heidegger illustrates in his essay "The Question Concerning Technology" that it is humanity's impulse to order nature that doubles or folds back upon itself as the governor *becomes* the governed. Heidegger's elaboration of the transformation of

¹ For a discussion of the function of the author see (Foucault 1977) "What is an Author" and Conklin (1996).

² See Bourdieu (1984) for a discussion of the markers of distinction and the "cultural capital" accumulated

(human) nature into a utilitarian “standing reserve” of resources echoes Nietzsche’s description of the master/slave dialectic in *On the Genealogy of Morals*. It is here that Nietzsche describes a similar reversal, coming about through the *ressentiment* held by the slave for their master (Nietzsche 1967a; cf. Deleuze 1995:116-117). This theme of “becoming other” informs Foucault’s emancipatory ethos. His analysis of the modern processes that inscribe and perpetuate the governing technology of an all-knowing, sovereign and autonomous “Man” rest in the final instance on a process of self-governance, which affords the possibility of resistance to or thwarting of what has become constraining and limiting technologies of government³.

Foucault’s transfiguring of conventional thought takes aim at the heart of the present, the transcendent juridical subject of modern humanism proclaimed by Kant and others as the natural and self-evident subject of Reason. Foucault explicates how this process of folding or the doubling back of this rationalisation “governmentalises” our freedom, intensifying constraints that take the form of a requirement to exercise choice⁴. It is from this way of thinking and acting that Foucault seeks an exit. Contemporary regimes of punishing the body by way of diet and exercise are only a few examples, not to mention the regimentation of etiquette that governs supposedly normal social interactions. Foucault seeks a way to separate what he regards as the everyday practice of freedom from its adherence to arbitrary constraints, viewing the present order as

through everyday practises.

³ Foucault (1994) discusses this technology of “Man” as the cornerstone of the human sciences in *The Order of Things*. This figure is characterised as a peculiar, historically contingent, configuration of relationships who’s birth coincides with the proliferation of the human sciences and modernity’s critique of myth, symbol and religion as legitimate forms of knowledge. For Foucault, Bentham’s “panopticon”, as discussed in *Discipline and Punish* (1995), is the ultimate embodiment of modern humanism – the routinising and rationalising of torture, punishment and dehumanisation.

⁴ Think here of Rousseau’s famous dictum at the opening of his *Social Contract*: “Man is born free and is

simply one possibility among many (Hooke 1987:48-49; cf. Schmidt 1996)⁵. I aim to illustrate Foucault's emancipatory project by focusing on the critical ethos he employed in his hope to effect a break between the "growth of capabilities, which constitute our capacity to transform ourselves" and the "intensification of power relations" (Owen 1994:201) that constrain our actions. Foucault confronts this paradox as he contemplates how the growth of the capacity for transformation can be uncoupled from the intensification of government (Foucault 1997a:129).

Opposed to a Kantian conception of the limit as a division of the field of action, Foucault shares with Heidegger (1993) a conception of the limit as a boundary that "enframes" the present. This positions both the legitimate and illegitimate *within* the field of available action. Foucault's Heideggerian and Bataillan influences are reflected in his "limit-attitude" that calls for a "move beyond the outside-inside alternative [...] to be at the frontiers" (Foucault 1997:124-125) of the (im)possible so as to enable the possibility of encountering what Foucault refers to elsewhere as the "unthought" or the other of the present. This move allows Foucault to "suspend judgement", to refrain from the investigation of things as if to reveal an inherent meaning. By doing so, the "unthought" can be untied from its conventional mooring to the impossible, illegitimate, and irrational. Echoing Georges Bataille (1986), Margaret Davies (1996:14) in her *Delimiting the Law* declares that this limit is one that "invites transgressions" and therefore is a "necessary element of emancipatory thought". Transgression here is not simply a

everywhere in chains".

⁵ "For Foucault, the social contract and a disciplinary society are complementary" (Hooke 1987:41-42). This fuelled his desire to discard the dogma of liberal humanism, which he felt was the constraining element of the Enlightenment's critical *ethos*. Foucault's emancipatory ethos is addressed further in chapter one.

move into the realm of the illegitimate or an instance of protrusion into the irrational. It is an engagement with the unthought. Simply, it is an exploration of the frontiers or that which bounds new ways to think the same thing differently⁶. Government, it is argued, invites transgressions by inscribing a limit that divides practices in an attempt to silence different ways of thinking and acting that may be unmanageable. The enframing of silence and the desirable by processes of governance as possible actions contradicts its own self-image as a prohibitory project. Dividing practices are not a process whereby the impossible is separated out as something that is unattainable or that cannot exist. They are that which gives impetus to action, to the curiosity that motivates the will to know. The “limit-attitude” or critical reflection on the limits of the possible, according to Foucault (1977a:155), serves to expose the history of our present as “a profusion of entangled events”. It “restores an awareness of the historical dialogue, the long interplay of forces that have given rise to existing forms of life (Falzon 1998:69). I aim to explore this constant becoming and transfiguration of the conventional and suggest that social and personal transformation is immanent to the modern projects of ordering that seek to inscribe and naturalise a particular conception of the world.

One view of regulatory projects may hold that they are positive endeavours, situating change as an unwanted eruption of disorder that justifies the need for increasing disciplinary measures. Another view is one that may regard regulatory initiatives as the negative imposition of unjust constraints. The problem with polarising perceptions is the impulse to view these regulatory projects as regulating a natural

⁶ Foucault's (1977c) essay “A Preface to Transgression” is a tribute to Bataille. Also notable is the sustained elaboration of the term “transgression” and Foucault's preference for this term rather than “transcendence”.

unfolding of *in potentia* qualities (cf. Sedgwick 1992). The belief that the subject of modernity possesses inherent characteristics that will manifest themselves through the making of history renders us all suspect as potentially dangerous, justifying projects of governance as necessary responses to *potential* social problems⁷.

For the nineteenth century Marx (1978:46) who regarded the imposition of such constraints as stifling to our “species being”, the prerequisite for human emancipation entailed a realisation of what he believed to be our natural inclination toward unfettered social interaction. History would make this evident. The constraints delineated to effect a particular form of life to drive the capitalist-state machinery and alienate us from ourselves, others, our capacity to be free, and our creative and critical capacity, was for Marx a negative imposition of unjust proportions that required the remedy of rebellion *en masse*. If, however, by free, creative and critical it is meant the ability to effect social and personal transformation, it is these mentalities of government that can enable us to act in this capacity.

Foucault, like Marx, strove to escape what Kant characterised as the “fettters of an everlasting tutelage”. Both also share similar views on the withering away of the state whereby the state would cease to be the most important agency of social ordering⁸. However, Foucault viewed the escape or exit from present constraints as an individual or “micro” project of ongoing modifications to present forms of thinking. The limits

⁷ See Foucault (1997b) “The Dangerous Individual”.

⁸ Foucault does share Marx’s notion of “withering away” of the state as the primary agent of social control. For Foucault, this process of withering also extends to specialist discourses and their truth-claims as they give way over time to new configurations of authoritative knowledge. See Foucault’s discussion of the “episteme” in *The Order of Things*. Contrary to Marx, for Foucault this process of change involves new ways of thinking that can lead to new ways of acting: “A transformation that remains within the same mode of thought, a transformation that is only a way of adjusting the same thought more closely to the reality of things can merely be a superficial transformation” (Foucault 1988a:155; cf. Foucault 1987:3).

inscribed by the governmental rationalities Foucault investigated subjected individuals to a process of becoming that endowed a capacity to think and act in a limited way. This process whereby one continually takes on manageable ways of behaving, ironically enables or empowers the self to transgress and/or transfigure the present⁹. It does so through a contestation of competing and often disparate logics of rule, each producing a particular subjectivity or way of viewing the world that is held to be the essence of reality. In turn, rather than disrupt social dialogue, the possibility of entering into dialogue with numerous forms of existence is multiplied. This is taken up throughout the thesis.

Because Foucault saw modern regulatory practices as reflecting a concern with *enabling* behaviours rather than simply with their interdiction¹⁰, this significantly sets Foucault's notion of regulation apart from conventional theories of social control. Foucault's legacy, as a recent book title exclaims, has been taken up in recent years by many scholars within the social sciences who are concerned with the character and role of modern expertise and authority in the regulation of everyday behaviour (O'Farrell 1997). Reflections on modern forms of government focus particular attention on processes of ordering that have hitherto operated in silence¹¹. This line of enquiry adopts Foucault's concern with modern forms of government as a web of interrelated professional discourses that produce the complex social and political relationships of our

⁹ By "transgression" I mean a transformation of the present field of possible action by expanding, not transcending, the limits that define what it is possible to do in a given context. In this way, one's choices are broadened as to the field of possible behaviour and so too is the potential for accidents and mistakes which is more in line with the conventional usage of the term "transgression". Foucault in his "What is Enlightenment?" appears to use the term "transgression" to denote an expansion of possible actions and "transfigure" to denote an expansion or change in thought. I use them interchangeably.

¹⁰ See the first chapter of Foucault (1990) for elaboration.

¹¹ For a sampling of this material, see Barry *et al* (1996) and Burchell *et al* (1991).

everyday, especially the relationship one has to oneself. Much of this literature, however, neglects Foucault's philosophical orientation and has a penchant for streaming his thought through a neo-marxist filter, retaining a characteristic polarising framework¹². Prado's introductory remarks to his study of Foucault's genealogical method of doing "critical history" seem particularly apposite:

[...] those who read only spottily in his work, basing their impressions on one or two books or articles, invariably form a distorted and often astonishingly different ideas of his views. [...] Unfortunately, even systematic reading of several works does not ensure understanding of Foucault by those who approach his work from outside his intellectual tradition (Prado 1995:3).

It is certainly not my aim to launch a critique of those who gloss over Foucault's more immediate philosophical influences and I do not claim to approach Foucault from "within" his intellectual tradition. I do however take the approach that Foucault did philosophy rather than social science¹³. Because I adopt David Owen (1994) and

¹² Barry Allen (1991), Mitchell Dean (1994 & 1996), and David Owen (1994 & 1995) are notable exceptions. Interestingly Hermer & Hunt (1996:n458) refer to this literature as "neo-Foucauldian" whereas it seems to me, generally speaking, to be more in-line with what might be aptly referred to as neo- or post-Marxist. Nik Rose, who they peg as a neo-Foucauldian, has placed his type of theoretical work in a post-Marxist genre. Speaking of the many of Marxist persuasion in the UK in the 1960s and 1970s who began to confront the inadequacies of an "economically determinist marxism" to address new sorts of political problems, he suggests that the appropriation of poststructuralism by the left was highly influenced by the reading of the structuralist-marxist Althusser (Rose 1988:84-85; Easthope 1988:xiii). A "whole generation of thinkers [were trained] in a certain rigorous type of theoretical analysis" following from Althusser's work on ideology and subjectivity (Rose 1998:84-85) and it would seem that much attention is paid to the relations of government as an extension of the relations of production. Foucault appears to have been received through marxist political and cultural theory. The often polemical analysis of the circulation of power in a society, the holding on to the concept ideology and the need to invoke Gramsci (e.g., Hunt 1997) and Althusser (e.g., Hunt & Hermer 1996) also seems to support a neo-Marxism rather than a neo-Foucaultism.

¹³ Although I do not entirely agree, philosopher Rosi Braidotti (1994:126) states that Foucault "represents the absolute antithesis of sociology". I don't share her rather sweeping generalisation that sociology is not concerned with theory for theory's sake but do agree with her suggestion that Foucault was first and foremost a philosopher. As he has articulated elsewhere, his empirical studies were "fieldwork in philosophy". In other words, his empirical researches aimed to show us that we are freer than we might think and were not intended as "objective" studies of social facts. Indeed, they were endeavours aimed at satiating Foucault's curiosity as well as sparking some critical thought about who we are and how we have come to recognise ourselves in the manner that we have.

Mitchell Dean's (1994a) view that Foucault's lineage as a critical theorist can be traced back through Heidegger, Nietzsche, and Kant my reading may differ in many respects from established writings now circulating on "governmentality"¹⁴. Although thinkers like Marx, Weber and Durkheim certainly have their place in the canon and most certainly had an impact on the development of Foucault's thought, they had only a mild impact on the philosophical ethos articulated in his later writings from the mid 1970s until the time of his death in 1984.

Overview

I attempt to illustrate "governmentality" and "resistance" in a discussion of the "Chinese question" in Chapter Three¹⁵. Implicitly using the literature on the history of Canadian opium law as a foil, I seek to elaborate the creation of a population that had a distinctly "Chinese" nature. This category functioned to regulate not only the behaviour of Chinese opium merchant and smokers but also the attitudes of the Euro-British Columbian population and legislators in Victoria and Ottawa. Here resistance is offered not as a purposive strategy against some evil, but as a "non-subjective" exercise of power. This more often than not hinges upon the plebeian aspect – the mistakes or errors that seemingly escape relations of power – generated by the regulatory projects

¹⁴ Contra Habermas' claim that "Hegel determines the form of post-Kantian critique", Owen argues that there is an "other form of post-Kantian critique", one which emerges in Nietzsche and culminates in Foucault (Owen 1994:2). "Foucault was a remarkably able Kantian" (Hacking 1986:238). "If Foucault is indeed perfectly at home in the philosophical tradition, it is within the *critical* tradition of Kant [...]" (Foucault 1994b:314). "In deciphering the significance of his own positive *and* negative experience", Foucault kept "circling back to the four questions Kant had posed: What can I know? What ought I to do? What may I hope? What is man?" (Miller 1993:32).

¹⁵ On the Chinese question and the opium issue see Anderson (1991); Boyd (1984 & 1995); Carstairs (1998); Chapman (1977); Comack (1985 & 1986); Cook (1969); Craddock (1998); Green (1979); Manderson (1996 & 1997); Munro (1971); Roy (1989); Solomon & Green (1982); Trasov (1962); Ward (1990).

themselves¹⁶. The “plebeian aspect” of governance figures prominently.

I utilise Foucault’s concept of government and apply his insights in an analysis of what was known in Canada at the turn of the century as “the Chinese question”. I approach the questions and initiatives for effective governance of the Chinese primarily through secondary sources on the Canadian criminalisation of opium. Using this body of literature as a foil, I assert, contrary to established beliefs, that the Chinese did exercise resistance to regulatory initiatives. The plebeian aspect is drawn on to establish a non-subjective form of resistance carved out through attention to a genealogy of regulatory initiatives to govern opium use and *in potentia* dangerous conduct. What is important for an understanding of resistance as it appeared in the Chinese question is a recognition of the transformation that was affected through everyday practices of freedom. That is, the practices of smoking opium and the racialising of opium smokers.

More specifically, it is my aim to illustrate that resistance can be understood as those relations of influence over others that, whether by accident or on purpose, can change strategies and tactics of governing a population and oneself. I do not attempt, by any means, to provide a rigorous “social history” of this event. Instead, I offer another way of perceiving these late-nineteenth century practices and ideas about the Chinese, opium-smoking, and legislating in British Columbia. The focus of Chapter Two is to provide an introduction to a “thinking otherwise” about this governmental rationality.

The transformative capacities immanent to government take the form of an ethics of creativity and an ethics of authenticity that operate to constitute subjectivity. In Chapter Two Kant’s essay “What is Enlightenment” figures prominently. I seek to

¹⁶ For a discussion of the plebeian aspect, see “Power in Strategies” in Foucault (1980a:137-138).

situate Foucault's concern with the multiple projects of governing behaviour in modern liberal democracies. Foucault breaks from a conventional adherence to Reason as the driving force behind critique by attempting to posit the conditions for a non-foundational emancipatory project. As such, Foucault eschews what he believed to be the never-ending "unproductive" polemic of the "rational" versus the "irrational" debate (referring to what he calls the "blackmail" or "double-bind" of the Enlightenment).

This discussion primarily seeks to explore Foucault's notion of "limit" and "transgression" as an ongoing practice of liberty that entails the disruption and transformation of projects of social ordering. This ties into Foucault's notion of resistance as a "intentional and non-subjective" exercise of power¹⁷. I posit that Foucault offers a dialogical notion of power, one of reciprocal relation of influence¹⁸.

However, before addressing government as a dialogical process that is maintained by the struggle between an ethics of creativity and one of authenticity, I seek to highlight in Chapter One Foucault's ambivalent relationship with the Enlightenment¹⁹. Governmentality and ethics take shape against Foucault's castigation of the "blackmail" of the Enlightenment, the dogmatism of humanism that Foucault believed to be arbitrarily linked to the critical questioning of one's present. This was a central concern for Foucault as he strove to discard "humanism" but maintain a commitment to human values grounded in what he would formulate in later years as a "critical ontology" or

¹⁷ See Heller (1996) for a discussion of the "intentional and non-subjective" exercise of power.

¹⁸ Regarding Foucault and dialogue, see Coles (1991); Falzon (1997); Gardiner (1996); Owen (1995). To a lesser extent Hewitt (1991).

¹⁹ For an overview of Foucault and Enlightenment see Foucault (1993 & 1997a); Cook (1993); Davila (1997); Dean (1994a); Dreyfus & Rabinow (1986); Gordon (1993); Habermas (1995); Hooke (1987); Hutchings (1996); Nielson (1997); Owen (1994); Touey (1998); Venn (1997). More generally, see Pieterse (1992). Also see the collection by Schmidt (1996). For an overview of Foucault's political thought see Ransom (1997); Simons (1995).

“hermeneutics of the self”. This permanent critique of one’s present can be viewed as Foucault’s non-foundational emancipation ‘project’. This genealogy of the present fosters ongoing emancipations effected from within projects of government, discussed in Chapter Two. These ongoing emancipations are both the purposive search for an otherwise to the present and the accidental disruption of the boundary of the present.

CHAPTER ONE ***Foucault's Emancipatory Ethos***

Introduction

According to political philosopher John Ransom (1997:109), “Foucault wants to propose a new understanding and emphasis for the term ‘Enlightenment’”. In this chapter my aim is to elaborate this claim, illustrating Foucault’s ambivalent relationship to the modern emancipatory project. Foucault’s efforts to separate what he perceived to be the dogmatic rhetoric of humanism from the critical attitude of Enlightenment thought leaves us with what has been described as a “tool kit” for a new age¹. Foucault’s tendency to transfigure conventionally accepted notions and his call for a “permanent reactivation” of this critical attitude will be addressed more fully in chapter two. Here I will discuss what can arguably be read as Foucault’s project of inciting “emancipations plural” through a critical re-casting of historical events in order to re-evaluate our relation to our present, to think otherwise about what our present is.

I. Governance: The Basis for a New Form of Ethics

Foucault’s concern with revealing the dynamic processes that secure what is considered to be a static subject manifests itself as an investigation of modern projects of governance and ethical self-formation. Foucault appropriates Kant’s concern with our present limits of knowledge. Characteristic of the Enlightenment for both Kant and Foucault is the *ausgang*, the exit or way out. However, whereas Kant attempted to locate the limits to legitimate knowledge, that point where the rational ends and the irrational

begins, Foucault sought to locate these limits, following Heidegger, as boundaries of the unthought. This boundary beckoned a necessary engagement with thinking our present in other ways. Foucault transfigures the practice of critique by rejecting a universal form of normative judgement. He favours locating the limits of present knowledge in order to locate the point at which we can begin thinking otherwise as a way out of our current relation to the present, including present identities that have become constraining (Ransom 1997:114; Foucault 1985:8).

Exiting from the “dominance of an authority that has become almost second nature” enables one to become “self-reliant and mature” (Ransom 1997:113). For Kant, maturity followed from the use of critical, or what he termed “public”, reason as opposed to a “private” instrumental reason. For Foucault, maturity can be similarly regarded as breaking from an instrumental reason however, for Foucault this means discarding the division that for Kant renders public and private reason irreducible to one another. Kant’s public reason is regarded by Foucault to be bound up with an obligation to be free, a relation of domination that needs to be dispensed with if we are to ever be able to think outside of what is presented to us as *a priori* natural.

The Emancipation project of the Enlightenment sought to achieve

the development of rational forms of social organization and rational modes of thought which promised liberation from the irrationalities of myth, religion, superstition, release from the arbitrary use of power as well as from the dark side of our own human nature (Harvey 1990:12)

Harvey’s description suggests that the Enlightenment project was concerned ultimately with the rational/irrational polemic, a concern not shared by Foucault. It is important to note that because Foucault rejects the traditional conception of the autonomous, rational

¹ Clark & Cain (1983). *Michel Foucault an Annotated Bibliography: Tool Kit for a New Age*. Garland Publishing.

and ahistoric subject of modernity he is often labelled irrational, nihilistic and anti-humanist. It has been noted by some that because Foucault rejects universal normative criteria in his conception of resistance and critique that he undermines himself and reduces us all to the status of victims (McWhorter 1990:121; Hartsock 1990). The ahistoricity of the universal subject is of primary concern to whether or not Foucault offers an emancipatory project. Concerned with emancipatory struggles throughout much of his life (Miller 1993; Eribon 1991), Foucault's "turn toward subjectivity" is directly linked to his reflections on "the problem of emancipation" (Cook 1993:138). As an ongoing practice of freedom, this emancipatory struggle is not a one-time collective movement to become free, but one of permanently exercising one's already-existing freedom in order to continue to thwart regulatory constraints. The criteria of why one should resist is more local than global and tied to one's present situation, not some distant future that may or may not unfold.

Foucault's rejection of a juridical critique through his genealogical juxtapositioning of historical events rather than a polemical positioning challenges both the rationalised forms of practice and traditional notions of critique. He avoids relegating the subject to victim status by rejecting a common practice of pitting individuals and groups for or against power. Calling to "promote new forms of subjectivity through the refusal of this kind of [rationalised] individuality which has been imposed on us for several centuries", Foucault (1983a:216) envisions anything but the individual as a passive receptacle animated by *zeitgeist*. The experience of critique and those experiences that it opens one up to serve to 'emancipate' us from the dogmatic

overtones of modern humanism² and the characterisation of the modern epoch as one of domination.

Pieterse (1992:6) stipulates that “emancipation has been closely linked to the Enlightenment tradition and it remains to be seen whether it can survive the poststructuralist turn”. Many have argued that it cannot, hence the anti-humanism afforded by Foucault. Conventional characterisations of emancipation as “freedom from” rather than “freedom to” (Pieterse 1992:13) is recast by Foucault’s emancipatory interest which is not rooted in the discovery of some essential truth.

I have always been somewhat suspicious of the notion of liberation, because if it is not treated with precautions and within certain limits, one runs the risk of falling back on the idea that there exists a human nature or base that, as a consequence of certain historical, economic and social processes, has been concealed, alienated or imprisoned in and by mechanisms of repression. According to this hypothesis all that is required is to break these repressive deadlocks and man will be reconciled with himself, rediscover his nature or regain contact with his origin, and reestablish a full and positive relationship with himself. [...] this practice of liberation is not in itself sufficient to define the practices of freedom that will still be needed [...] (Foucault 1996:433).

If a discovery at all, it would be a revelation that there is no such thing to liberate. Nor should Foucault be misunderstood as advocating an emancipatory project that entails a form of unification. The community born of struggle appears more as a fleeting form of mechanical solidarity than a cohesive permanence. The momentary unity of the dissenting group was regarded by Foucault “more as a critique than a gesture of

² Roulier (1997:2) observes that Foucault appears to have “substituted his own teleology for the Enlightenment version – a process of ever-increasing normalisation for the inevitability of human progress”. Foucault has indeed described modernity in this way, but he is simply describing it. He certainly does not hold that it *has* to be this way. Indeed, through his genealogical histories, he strives to open up within modern processes of governance a “way out” of this domination. Espoused in his later works as a “stylistics of existence”, the form of aesthetic judgement Foucault advocates does not rely on a universal or static normative standard. This will be addressed in more detail in this chapter and the next in relation to an “ethics of creativity”.

solidarity” (Roulier 1997:11). The emphasis shifts from one of Emancipation from domination to one of emancipations plural the stem from our present freedom to act (Pieterse 1992:19). For Foucault we are not simply “trapped”, but always in a position of beginning again. Supporting a politics of ongoing revolt to challenge hegemonic truth-producing knowledges, Foucault’s emancipation project only vaguely resembles that of the Enlightenment, characterised as “a kind of project that implies emancipation *from* the Enlightenment tradition and received notions of emancipation” (Pieterse 1992:24). Foucault’s challenge to received notions of common-sense took the form of an analysis of the differing modes of experience that produce us as particular kinds of subjects³. This entails a rejection of a Reason that for Foucault serves to “trap us into playing the arbitrary and boring part of either the rationalist or the irrationalist” (Foucault 1983:210). Instead we must envision a field of competing rationalities that vie to inscribe the self with a unique subjectivity.

It is my aim to demonstrate that Foucault does have a type of emancipatory project, one that can be classified as an emancipation from Emancipation, or simply an escape from the belief that humanity is progressing toward an end of liberation. For Foucault, we are already free. The recognition that we are free to chose and transform our selves in more ways than we might think from within our present situation is characterised by Foucault, drawing loosely from Kant, as “maturity”. Foucault’s efforts are directed at *showing* that we can change our present and that this transformation does

³ “It is experience [...] which results in a subject, or rather, in subjects. I will call subjectivisation the procedure by which one obtains the constitution of a subject, or more precisely, of a subjectivity which is of course only one of the given possibilities for organization of self-consciousness” (Foucault 1996:472; Foucault 1988a:253; cf. Ransom 1997:120). The subject for Foucault is constituted through “practices of liberation” (Foucault 1988a:50).

not necessarily have to take the form of a mass movement. For Foucault the impetus for transformation is the modern will to know. This will and the obligation of the individual to act renders immanent to projects of governance a capacity for individuals to transform their environment.

II. *Subjectivisation and Government*

Following Foucault's "thorough transformation" (Deleuze 1985:89) of conventional concepts such as power and resistance, the Enlightenment emancipation project is recast. Foucault's emancipatory *ethos* hinges upon two general themes that will be explored throughout the paper and only generally developed in this chapter. Firstly, Foucault's conception of "governmentality" as the intersection of micro and macro forms of power or what he termed "disciplinary" and "bio" power describes the modern rationality concerned with the regulation of individuals and populations⁴. In short, governmentality refers to the way in which one's behaviour is directed by another. This plays on Kant's (1997) notion of "tutelage" and "maturity", discussed in chapter two as having to do with a reliance upon another to *show* the proper course of action for oneself. This state of "immaturity" or our acceptance that we alone cannot affect change is targeted by Foucault as one of the myths projected by the Enlightenment. Foucault's aim through his "redescriptive narrations" (Prado 1992:15) was to put relations of power "back in the hands of those who exercise them" (Foucault 1996:144). The allusion here that individuals are in a position from which to affect transformation and, indeed, already do this, suggests that techniques of modern government obfuscate our capacity to significantly alter our current constraints. This brings us to the second

theme, that of ethics.

Owen (1994) distinguishes between an “ethics of authenticity” and an “ethics of creativity”. As Owen alludes, governmental rationality is intertwined with an “ethics of authenticity”, distinguished from the critical or creative ethics. This creative ethics can be characterised as a “labor of diverse enquiries” into the limits of what it is possible to think and do (Foucault 1997:132-133). Proposed as a counter-measure to the “immature” status of self-discipline, this form of criticism seeks to

entertain the claims to attention of local, discontinuous, disqualified, illegitimate knowledges against the claims of a unitary body of theory which would filter, hierarchise and order them in the name of some true knowledge and some arbitrary idea of what constitutes a science and its objects (Foucault 1980:83).

This “anti-science” or anti-humanism seeks to re-establish the silenced as relevant to understanding our present. The idea that the illegitimate could somehow be relevant challenges conventional forms of enquiry that aim to bracket off the seemingly irrelevant in order to maintain objectivity. The work of revealing the modes whereby power circulates in modern society is to make knowledge available to people so that they can make an informed choice as to how they should live to break with the tutelage of expert authorities (Foucault 1988a:50).

I should mention here that ethics is sometimes conflated with the governance of the self. I reject this understanding as it is an “ethics of authenticity” that is implicated in projects of self-management. A creative ethics is an endeavour concerned with transforming one’s conditions of existence through *showing* that things were once different and can be so again. Owen (1995:493) suggests that it is this ethics of creativity

⁴ See Foucault (1988c) and “Governmentality” in Dean (1994a).

that offers “a way of disconnecting the development of our capacities [for freedom] from a proliferation of power relations”. It could be argued that this creative ethics “escapes” relations of power as it concerns power’s relation to itself, not to other forms of power (Deleuze 1995:92). Although there is no denying that how one conducts oneself will inevitably influence the conduct of others⁵.

Sometimes referred to as “subjectivisation”⁶ or a process of constituting the self as a subject of experience of a particular set of knowledges and their truth-claims, a creative ethic refers to the ways in which one’s self is deliberately transformed in part due to programmes of governance. It is this relation of self to self that invokes a folding of power back upon itself. This “fold of force” (Deleuze 1995:92) describes a process of

⁵ This theme of “non-subjective” exercise is explored in Chapter Three.

⁶ See note #3. Foucault stipulates that “subjectivisation” – which appears in his and other’s works to be synonymous with “subjectivation” and “subjectification” – from the French, *assujétissement*, is a mode of ethics or relationship to oneself. This is tied into a will to knowledge that is uncoupled from an ethics of care – ethics of authenticity – and a will to knowledge that is connected to an ethics of care – an ethics of creativity. The former has to do with the way people are incited to act as rational beings according to some moral imperative (Foucault 1983c:239). Lacombe (1996:n350) and Simons (1991:41) attribute to “subjectivisation” the sense of what Foucault terms a “technology of government” linking it to relations of power. Foucault also stipulates that “practices of the self”, concerned with self-forming, is another, different, aspect of the relationship to oneself. Here one constitutes oneself as moral subject. The sense of the second usage employed by Deleuze (1988 & 1995) is a power directed against itself, a folding of power that allows the individual to work on themselves. This second aspect is highlighted by Foucault comments on Nietzsche’s impact on his own thought: “[I] broke with my life, left my job in the asylum, left France: I had the feeling I had been trapped. Through Nietzsche, I had become a stranger to all that (Foucault 1988b:13). This distinction between “technologies of government” and “technologies of the self” is apparent when Foucault articulates that these practices are “envisaged simultaneously” as “a technological type of rationality and as strategic games of liberties” (Foucault 1997a:133). For Foucault both “technologies of power” and “technologies of the self” are “certain modes of training and modification of individuals” whereby they acquire “certain skills” and “certain attitudes” (Foucault 1988b:18). It is the intersection of these two forms of ethics that Foucault terms “governmentality”. To reiterate, both are concerned with constituting the conditions for a particular experience that will lead to the creation of a subjectivity (Foucault 1996:472). An ethics of authenticity is bound up with “relations of domination” or how external constraints impact the body whereas the latter is concerned with “individual domination” or how the individual establishes a form of “mastery” over oneself (Foucault 1988b:19; Foucault 1987:6). See also Visker (1995:88-89) for an elaboration. Arguing a distinction between “subjectivation” and “subjectivisation”, Visker links the former to power relations or governance that constitutes oneself as a subject of moral experience. The latter is tied into ethical behaviour whereby one constitutes oneself as a moral subject (which does not wholly preclude power, but shifts the relation from one of exercising power over others to one of exercising power over oneself).

“interiorisation”, radically differing from earlier conceptions of subjectivisation as the “subjugation” that left some critics with the impression that all we could ever do within this totalising power is to move “from domination to domination” (Foucault 1977a:151). Foucault’s work on ethics is precisely a response to critics’ misreading, in which he attempts to conceptualise power as a network whereby force does not simply operate *upon* a body, but operates *through* a body, placing the individual in prime position to resist or manipulate its effects. According to Deleuze, with this conceptual framework Foucault provides the analytical tools to “escape” the confines of power-relations suggesting that what Foucault was getting at was that the self (via ethics and subjectivisation) is a “relation of force to itself” whereas governance was a “relation of force to other forces” (Deleuze 1995:92).

There are two interpretations which I would like to elaborate. The first is as follows. Folding is the redirection of the flow of power which can appear as a form of resistance which is not simply a reaction to negative impositions. If power is directed inward for fashioning an ‘authentic’ self, one does not redirect the capacity of an other to conduct one’s actions leaving intact what Kant referred to as the “fetters of an everlasting tutelage” (Kant 1997:9). Directing this capacity outward constitutes one’s self as a subject with the capacity to transform the boundaries that encompass the present conditions of subjectivity. Indeed even an ethics of authenticity strives to transform the self through a series of “normalisations” as it positions individuals as participants in governance, making possible change at the very least via mistakes made in carrying out programmes of ordering. Following this, it would seem that there is a requirement to act, albeit in a restricted manner but one that allows for a wider engagement with the

present.

Secondly, this folding as a “feedback feature”, to borrow from Owen (1995:493), constitutes a reciprocal or dialogical relation to the self and other which involves a continual experiencing and experimenting with the strategic relations that constitute subjectivity⁷. Following this, it is suggested that projects of governance incite the formation of new relations to, and experiences of, the self and it is this that serves as a way out of our present⁸. This implies that the folding of power can be recognised as the “reversibility” of power, that power is constantly alternating direction and form. This constitutes one’s self as a subject and object of power. Ironically, the “authenticity” is comprised of a fusion of forms. This aggregate is the effect of a dialogical or intersubjective interplay. This irony occurs in the open engagement with the different ways of ordering that are produced in an attempt to close off engagement with each other.

We can understand Deleuze’s description of subjectivisation as “folding” as an attempt to raze the rigid analytical convention of dividing or bracketing off the seemingly unimportant or unrelated. The interconnectedness implied by folding would preclude the form of objective study that divides the field of action into inside/outside, legitimate/illegitimate, etc . Thinking of how the two sides can exist as at once effects of the same invokes the image of the moebius strip [plate II]. This reflexivity can be utilised to situate the tenuous agonistic relation that tethers an ethics of creativity and one of authenticity, both part of the process of governance. The Dutch artist Escher

⁷ Owen uses the term “feedback” to describe the self-legitimation and expansion of government. I think it works equally well to describe the reflexivity or “intersubjectivity”, described also by Coles (1995), involved with self-constitution or what Foucault (1983c) has called an “aesthetics of existence” .

provides a useful pictorial rendering of folding in his works “Moebius II” and “Horseman”⁸. Foucault’s (1997a) advocating for a dismissal of what he terms the “blackmail” of the Enlightenment that locks one into the fruitless and inescapable “dilemma of being either for or against” (Foucault 1988a:154), is imaged/imagined by Escher. A good exemplar of this thinking otherwise is also embodied in “Waterfall”, “Ascending and Descending” and “Belvedere”. The interplay and fluidity of boundaries in Escher’s works

playfully subverts [the traditional laws of one-point perspective] to create *impossible* structures that can exist only as illusions of three-dimensionality of the flat surface of the prints. Only in Escher’s world [or possibly Foucault’s -JF] can one rest a ladder on the inside of the first floor of a building and have it lean against an outside wall on the second floor, or have monks eternally circulating up and down on the same stairs simultaneously, or see water perpetually flowing against the force of gravity (Smith 1995:27).

Although Escher was not formally trained as a philosopher and it is unlikely that he studied Nietzsche or Heidegger, the influential elements that Foucault appropriates from both of these thinkers are evident in Escher’s works. Nietzsche’s “eternal return” and his perspectivism, Heidegger’s treatment of the boundary as beginning and his notion of difference appearing from within what is present appear in Escher’s work, forcing one to rethink the image several times over from multiple perspectives in order to glean any ‘truth’ at all. Foucault’s attempt to collapse the conventional spatial and temporal aspects of social ordering are also revealed here. Foucault’s attempt to disrupt the thinking of the present as simply an accumulation of historical facts is illustrated in

⁸ David Owen (1995) provides a very excellent discussion of genealogy and governmentality.

⁹ See list of plates. Roland Barthes’ (1997) essay “The Eiffel Tower” also challenges conventional notions of “inside” and “outside”.

Escher's providing multiple presents or purviews. In short, a dialogue with the artist's work is required not to get at the true intention of the author but to allow the work to stand on its own, uncoupled from, and unfettered by, the authority of its author. One must continually pose the question of "how" understanding is come to in order to get at what it is that is being understood. The boundaries that conventionally divide are blurred, recast as boundaries or limits that lead to new configurations of the present. One moves from insisting on inherent value to suspending judgement in order to allow the local and specific contextual the frame to infuse meaning¹⁰. The border here contains rather than excludes. Tadros' (1998:n77) footnote that the "historical frame" provides the context for the immediate reality infuses his stipulation that Foucault contrasts a juridical form of power (as domination) with that of a life affirming or biopower. This inference to a Heideggerian "enframing" of the present recasts power as a relationship between self and others rather than a might to be coercively exercised. The dialogical self that inhabits this frame is situated at the cross-roads of governance, the conjuncture of "an anonymous and polymorphous will to knowledge capable of regular transformations and caught up in an identifiable play of dependence" (Foucault 1990:12)¹¹.

I am saying that 'governmentality' implies the relationship of the self to itself, and I intend this concept of 'governmentality' to cover the whole range of practices which constitute, define, organize and instrumentalize the strategies individuals in their freedom can use in dealing with each other. Those who try to control, determine and limit the freedom of others are themselves free individuals who have at their disposal certain instruments that they can use to govern others. Thus the basis for all this is freedom, the relationship of the self to itself and the relationship to the

¹⁰ For Foucault (1999a:107), critical examination involves "suspending as far as possible the system of values to which one refers when testing and assessing it".

¹¹ See note #6

other (Foucault 1996:448).

In the last chapter of his *History of Sexuality* Foucault is concerned with the governing rationality of biopower in its practical form of a politics of ascribing particular forms of life. His purpose here is to “show how deployments of power are directly connected to the body – to bodies, functions, physiological processes, sensations, and pleasures” (Foucault 1990:152). The intersection of disciplinary power and bio-power at the body infers that the body itself is not totally constructed within power relations because it is a mechanism that conducts power in the dual sense of acting as a conduit that power flows through and as a subject that can direct power. What we perceive as the individual is a subjectivity formed mostly through processes of government. Indeed, Foucault is ambiguous in his later works when he speaks of an “aesthetics of existence” and “technologies of the self”, implying that the self is non-discursive whereas the subject (or subjectivity) is discursive. In short, this can be read as a stipulation that this non-discursive or ethics of creativity is ‘outside’ or at least at the limits of power. I suggest that this self is a technology to be employed in the creation of subjectivities, new forms of being and thinking. Ourselves, as vehicles of power, are instruments that can create and make change.

III. *Governmental Rationality*

Governmentality, or modern liberal governmental rationality, is that which endows, capacitates, invests, and renders the self an instrument for transformation. I do not stipulate that such a transformation is inherently positive or negative, only that it does occur. In any event, the main concern is to view transformation as a shift in the

boundaries of knowledge, allowing for different ways of thinking and acting. Governmentality in short is concerned with the management of relations. The micro-power of discipline is implicated in the fashioning of a subjectivity – the hysteric, the homosexual, the ‘Chinaman’ – and the macro biopower is charged with the management of the respective collection or assemblage of these characteristics (cf. Foucault 1990:146).

Eschewing the (social) scientific, methodologically ‘rigorous’ enterprise of searching for objective ‘social facts’ that might present clues to universal truths, Foucault’s “anti-science” genealogy challenges modern conceptions that uphold a society of individuals as objects of a necessary study which will lead humanity to progress, freedom, and some utopian existence (Foucault 1980b:83). As Seidman (1994:47) maintains, “The belief in science as liberating humankind from myth and oppression is itself one of the chief illusions of our era”. The chosen method of the Enlighteners or *Aufklärers* in their quest to propel mankind to a higher state was one of objective science and Reason. The Enlighteners challenged the legitimacy of the dominant knowledge producing institutions of the 17th and 18th centuries in order to bring about change and to democratise critical thought. Advocating a questioning of traditional modes of thinking and social organisation, the Enlighteners’ critical *ethos*, especially that which Foucault observed in Kant to be a questioning of one’s relation to the present, is embodied in Foucault’s genealogical method of critique.

Foucault’s “loyalty” to the Enlightenment is one that embraces both Kant and Baudelaire (Schmidt 1996:27; cf. Foucault 1997a). Both inform Foucault’s critique as a means of transforming our present, of having the courage to reinvent ourselves.

Although many “Enlightenment thinkers welcomed the maelstrom of change and saw the transitoriness, the fleeting, and the fragmentary as a necessary condition through which the modernising project could be achieved” (Harvey 1990:13), Foucault believed that the Enlightenment project had become too dogmatic and that the humanism espoused should be separated from its critical counterpart (Foucault 1997a). Firstly, because truth and power are viewed as incommensurable, modern humanism cannot identify that form of power that circulates through the truth-producing mechanisms of the human sciences. Secondly, humanism holds that the achievement of autonomy or liberty is through obedience, castigated by Foucault (1997a) as the “despotic contract of freedom” that locks us into relations of domination. In *The Order of Things*, Foucault challenges the dominant view that the human sciences provide *the* way to emancipation arguing that this approach only serves to trap one in a “double-bind” that regards one as becoming an object of direction as well as a directing subject (Foucault 1983a:216)¹². The new and emerging canon of the human sciences, revolving around the classification and codification of knowledge, imposed new and constraining forms of subjectivity on social actors.

In contrast, Foucault’s practical critique of showing that we are freer than we might think

takes its aim primarily at disturbing the ‘normalising’ role of dominant discourses. It reveals how the dominant knowledges and ideas of a society shape human life by naturalising and normalising the construction of personal and social identities (Seidman 1994:215).

Foucault adopts an exemplary critique because this double-bind manifests itself at the

¹² Owen (1995:495) provides a sophisticated analysis of this attempt to break the “double-bind” of humanism.

practical level of everyday action. It is these governmental “techniques for constituting ourselves as authentic beings which enable the normalisation of our conduct [...] through scientific norms [that tie] the development of our capacities to the intensification of power relations” (Owen 1995:495). The question of the subject of ethics, of central concern to the Enlighteners, was not lost on Foucault. However, to avoid getting lost in the contemplation of a “metaphysics of origins” (Visker 1995:88) Foucault opted for an empiricism to show *how* things had been done as opposed to prescribing why or how they *ought* to be done.

Critique doesn’t have to be the premise of a deduction which concludes: this then is what needs to be done. It should be an instrument for those who fight, those who resist what is. [...] It isn’t a stage in programming. It is a challenge directed to what is (Foucault 1991b:84).

Rousseau among others attempted to answer *why* this “slavery” to humanism came to be, in contrast Foucault enquires as to *how* we come to be this way. By avoiding the “blackmail” of the Enlightenment, Foucault recasts the subject of Reason as one that does not necessarily exist within the rational versus irrational polemic. Although not sharing David Harvey’s view of the Enlightenment project as an ultimate failure, Foucault does share the view that hubris and dogmatism led the Enlightenment project “to turn against itself and transform the quest for human emancipation into a system of universal oppression in the name of human liberation” (Harvey 1990:13; cf. Eckersley 1994:70). This folding of Reason that embedded itself in a search for authenticity is characterised by some as domination. Rather than articulate this folding-back of critical reason as simply a form of domination, Foucault characterised this as a practice of liberty, a liberty that served to reiterate its “double-bind”. For Foucault liberty took the

form of the interplay between an ethics of self management *and* one of criticism. Efforts to govern others are bound up with the capacity to frustrate these efforts. “At the very heart of the power relationship, and constantly provoking it,” stipulates Foucault, “are the recalcitrance of the will and the intransigence of freedom”. This freedom is defined as “a relationship which is at the same time reciprocal incitation and struggle; less of a face to face confrontation which paralyses both sides than a permanent provocation” (Foucault 1983a:221-222; cf. Owen 1995:500).

Foucault viewed modern humanism to be obfuscating to the critical ethos of the Enlightenment. It was this humanism that disconnected a care for oneself from the will to know oneself.

What I am afraid of about humanism is that it presents a certain form of our ethics as a universal model for any kind of freedom. I think that there are more secrets, more possible freedoms, and more inventions in our future than we can imagine in humanism as it is dogmatically represented on every side of the political rainbow (Foucault 1988b:15).

Foucault’s allusion to a dominating ethics of authenticity is echoed in a later essay where he argues that the doublet of “care for thyself” and “know thyself” has become distant in modern times. That is, rather than fostering the growth or expansion of one’s horizons through attention to one’s present situation, the search for who we ‘really’ are or who we ‘ought’ to be has become a dominant preoccupation (Foucault 1988c:22). It is important to understand that although Foucault did not accept modern humanism and its espousal of the concept of “Man” as a transcendental subject of Reason, and even though “an ethics of creativity exhibits an anti-humanist grammar” (Owen 1995:501), the many values advocated by the Enlighteners such as choice, pluralism and democracy, did infuse his philosophical investigations (Hooke 1987:40; Seidman 1994:228).

Accordingly, to cite Hooke (1987:42), “We need to understand how Foucault sees humanism participating in the rupture of possible reciprocal relations among humans” if we are to understand him as offering a type of emancipatory project. It is this “new kind of relationship between the social entity and the individual” that is given concrete form by the “new political rationality” that binds humanism to critique (Foucault 1988d:153). This “blackmail” of all or nothing is that which Foucault (1991b:84) believed served to “limit, reduce or halt the exercise of criticism” fostering a rift between an ethics of care and the “too well-known principle of ‘Know yourself’” (Foucault 1988c:21-22).

To put this in some context, let us briefly consider the example of Marx and Rousseau’s political theory. Marx and Rousseau, among others, assumed that government was descending, that is, that the apparatus for regulating a population of individuals was the state and that the state adopted a “top-down” approach in its policy implementation. The state here is revealed also as an entity different from society, overlooking a reflexivity between the “state” and “society”. This is particularly curious as both do have a sense of how, at the level of “society” government can be affected/effectuated. Rousseau, for example, stipulates that the state is simply a collection of individual “wills” that make up the “general will”. Marx articulates that the power invested in the state-apparatus stems from the mode of production that hinges on the individual’s labour power. Foucault’s recognition of a “reciprocal” (Hooke 1987:42), or dialogical (Coles 1991) force that often folded or doubled back upon itself, led Foucault to eschew naturalised divisions imposed on the social sphere. The modern fascination with a social contract, the “new kind of relationship between the social entity and the individual” that could coerce solidarity, assumes that there is an originary site of power.

Rousseau especially was well aware of the instrumentalising and subordinating processes of modern government, indicated by his famous maxim among the opening lines of *The Social Contract*: “Man is born free; and everywhere he is in chains”. The telling second sentence reads, “One thinks himself the master of others, and still remains a greater slave than they”. Characterising this contract as one that rationalises slavery, Foucault takes up Rousseau’s first question of, “How did this change come about?” (Rousseau 1968:3), whereas Rousseau opted to address the second enquiry of what made this form of “slavery” legitimate. Foucault’s quest begins with the locating of the limits of the legitimate with the question that Rousseau saw fit to avoid in the analysis of this self-propelling failure of modern governmental rationality. Foucault’s empiricism offered that this new kind of relationship is one that required a practice of liberty. That is, projects of governance do not concern themselves with simply prohibiting behaviour, they incite behaviour as a means of eliciting compliance to espoused norms, not a priori universal principles.

Foucault’s view of modern humanism was one that regarded the limits that defined this legitimate “slavery” as something that needed to be problematised as an enslavement to only particular forms of life for governing people’s behaviours. This penchant of government to “require” that one be free to act and make restricted choices was the strategy that Foucault regarded as not simply one of domination but one that provided everyone with a capacity for transformation. This transformation, often occurring as a transgression or transformation of the limits of knowledge, should not be viewed in its traditional sense as a negative or illegitimate act in violation of the social contract, but rather as a positive violation of constraints of convention. Whether socially

inscribed after the fact as positive or negative, the transfiguration of the boundary that maintains the “regulatory impulse” maintains a possibility of always thinking and being otherwise than we are¹³. This transgression is redefined as one that violates the “unthought”, that which exists in silence and that which has yet to become ‘real’, existing as material to yet be formed. Foucault’s effort to break out of the conventional masks that have been taken to reflect the truth of our being can be regarded as an effort to exit from dogmatic humanist forms that proffer a universal founding subject without leaving behind the human values that they espouse¹⁴.

Rousseau’s contractual model of government prevented him from addressing the question of *how* we have come to be who we are today. Rousseau proffered that a state alienated from the citizenry, having ceased to embody the “will of the people”, would simply cease to exist as the peoples’ legitimate governor. Rousseau did not afford consideration to the expansion of regulation and the development of non-state regulatory projects that could engender competing claims to the proper form of life. Ironically, in his elaboration of a contract that bound people by and to their chains of freedom, Rousseau posited only two possible spheres of action, that of the illegitimate and legitimate. It is ironic that he situates as illegitimate an alienated state but employs a framework of analysis that firmly posits as a legitimate foundation one that is alienated from the social realm. Positioning human constructs as *a priori* precepts is an attempt to remove this singular and specific rationality from the realm of the social, from history, and from its humbling human lineage in an attempt to render it universal and

¹³ Being or thinking otherwise is addressed in Chapter Two.

¹⁴ Foucault (1988a:50) stipulates: “I do indeed believe that there is no sovereign, founding subject, a universal form of subject to be found everywhere. I believe [...] that the subject is constituted through

unquestionable.

Rousseau's model of good government, government adhering to the rule of law, is a paradigm that polarises the body-politic and one that rests squarely on the founding limits of right. Foucault takes issue with the contract model of power because the dispersal of truth-generating discourses beyond the realm of the state signals for him the dispersal of a relational form of power, one that escapes the confines of right. The juridical notion of power holds that power can be possessed like a commodity (Foucault 1980b:88). This requires one to be situated as either with or without power. Foucault calls for us to "eschew the model of Leviathan in the study of power" (1980b:102) because it is this model that claims to guarantee personal autonomy through an obedience to a particular truth-claim. That is, one must remain immature or "everywhere in chains". The autonomy advocated by Rousseau and Kant, for example, is echoed by Nedelsky (1996:72) as "self-governance" that "requires the capacity to participate in collective as well as individual governance"; as a significant element of the state, bearing a noticeable resemblance to an ethics of authenticity.

IV. *History and Critique*

For Foucault government is the interplay between an ethics of authenticity and one of creativity. The creative ethic falls further afield of power than does one of authenticity as it is primarily concerned with a folding of power back upon itself rather than a play of its various forms. This concern with self in one's present is articulated as a practical investigation of one's limits in the form of a genealogy of the present. In this section I will elaborate critique as an ethics of liberty (Foucault 1987:4).

practices of subjection, or, in a more autonomous way, through practices of liberation, of liberty [...]"

Foucault's distinction between a dialectic that pushes humanity toward a telos of freedom and the present possibility of performing a critical analysis as a practice of freedom illustrates his rejection of domination as the primary feature of our modern predicament. The rationalised economy of dominations is transfigured by Foucault as an economy of ordering rationalities charged with inciting one to act. Foucault and his interlocutors propose a different way of understanding everyday life as the practical manifestation of the uncertain and contingency and an already present process of transgression and transfiguration.

Foucault, in advocating an exit or escape to other practical forms of governmental rationality concerns himself with a transfiguration or transgression of the limits of modern humanism through a process of ongoing liberty rather than a process ending in the acquisition of liberty. Foucauldian genealogy aims to reveal the interplay and prolific production of a multitude of competing normative positions precisely as an analysis of various ongoing practices of freedom rather than process of liberation.

A turn to a critique where nothing is granted permanent immunity recasts projects of governance as incomplete and unable to grapple with those frustrating elements that emerge from the local and specific character of everyday activity. The silences produced by forcing a dynamic into only two spheres of action (legitimate/illegitimate) play uncontrollably on the limits of the system of recognition itself, altering its reach so as to delimit totalising governance. Because governmental rationality cannot account for these silences – having reduced them to a homogenous “outside” – they are left free to play on the limits that constitute our present. Ironically, through this attempt to reduce a dynamic interplay to avoid direct concern with them,

this interplay escapes without detection aided by the belief that this behaviour can be rendered calculable and predictable¹⁵.

Foucault's historical practice provides for a revealing of this interplay as it seeks to contextualise and problematise singular events within a field of competing differences, rejects an

evolutionist model in which one mode of production flows dialectically out of another in favour of a Nietzschean tactic of critique through the presentation of difference (Poster 1984:73; cf. Falzon 1998:71).

Indeed, Foucault's genealogy is not concerned with origins *per se*, but with tracing a seemingly coherent phenomenon's line of development back to a point in history where it can be regarded as strange, an incoherence of singular events. This queering of the contemporary space serves to disrupt the taken for granted of our everyday so that we become aware of the "historical emergence and specificity" (Falzon 1998:69) of our present. These singularities are not simply the Cartesian parts that make up the unity of the machine, these are distinct elements replete with their own histories and rationale's that collect, break off, and recombine to form many different histories of the present (Prado 1995:20). Foucault describes "making visible" these singularities "where there is temptation to invoke a historical constant [...] an obviousness which imposes itself uniformly on all" (Foucault 1991b:76). This "breach of self-evidence" is rooted in a criticism of "rational schemas". That is, a revealing of what is considered to be natural as "explicit programmes" consisting of "sets of calculated, reasoned prescriptions in terms of which institutions are meant to be reorganised, spaces arranged, behaviours

¹⁵ This interplay of the frustrating effects of governance can be regarded as the "plebeian aspect" of governance which frustrates and renders incomplete projects of governance. For a discussion of the plebeian aspect, see "Power in Strategies" in Foucault (1980a:137-138).

regulated” (Foucault 1991b:80). In short, Foucault seeks to avoid totalising histories that claim to be continuous and cumulative. Genealogy as “effective” history will “uproot traditional foundations and relentlessly disrupt its pretended continuity” (Foucault 1977a:154). Foucault rejects the “social fact” as a “thing in itself” or “a self-sufficient reality which carries its own *raison d’être* within itself” (Foucault 1991b:76) because he takes any historical event to be an aggregate of multiple “singularities”. Foucault’s approach to the analysis of our present releases our enquiries from the *obedience* to “certain modern precepts (e.g., the search for absolute knowledge in the name of progress)” without giving up “the relentless quest to think the unthought” (Pavlich 1995:556).

Conclusion

For Foucault, maturity is the point where one can abandon the obedience to the blackmail of the Enlightenment without “falling into irrationalism” (Falzon 1998:77). Perhaps Foucault’s notion of maturity as a critical engagement with the limits of our present is best summed up by the Enlightenment maxim of “dare to know”. As Nietzsche (1974:n238) proclaimed, “A very popular error: having the courage of one’s convictions; rather it is a matter of having the courage for an attack on one’s convictions!!!!” From this it can be said that we should not be afraid of a critique of our selves. It should be viewed rather as a force by which we can expand the horizons of our present beginning with a questioning of our own assumptions about the world. Critique is the revealing of the unfamiliar, the accepted, whereby “facile gestures” are problematised and made difficult (Foucault 1988a:154-155).

Following this, Foucault's "emancipatory project" can be regarded as a "permanent reactivation of an attitude" that calls for an 'escape' to unconventional ways of thinking the conventional by testing the limits of existence through continually calling forth the unthought. This "ethics of creativity" is one of transfiguring the relations that constitute the present through a process of recognition. That is, of becoming aware of how one's present situation enframes what one is and how a modification of the limits or boundaries can (re)constitute subjectivity. The capacity of the individual for transformation from within projects of governance is supplemented by the mistakes individuals make in properly regulating their conduct and by the disruptions rendered as various regulatory projects collide in their ongoing attempt to fashion a "docile" body. Foucault's long-standing engagement with Nietzsche's question of how one becomes what one is, the infamous subtitle of *Ecce Homo*, infuses Foucault's transfiguring of the autonomous subject of modern thought. Rather than strive to finally become free, we must work continually upon the limits of the present to ensure that we will always find ourselves in that position (Foucault 1987:3-4).

This enabling aspect of what may appear as only constraint casts an ironic shadow over processes of delineating the limits of legitimate action and their reiteration of what Kant referred to as "tutelage", of always being subject to external constraints and limits rather than those imposed on oneself through a process of self-mastery. The ironic aspect of these highly complex systems of governance that delineate imaginary boundaries and channel lines of communication are, according to Foucault, not fully understood and it is for this reason that Foucault's aforementioned genealogy takes the form of revealing the different ways that we have been constituted as subjects.

Foucault's genealogical form of social critique as a permanent undertaking provides a means for understanding and redeploying an already present capacity to exercise power. For Foucault, such limits are to be regarded as something to not be moved beyond but rather modified so as to enable even greater possibilities of action. Although Foucault speaks of self-overcoming as "getting free of oneself", it is not transcendence of limits. It more closely resembles an overcoming of the identities that we are subjected to at the hands of the human-sciences through a modification of those productive limits. As it is projects of governance that inscribe, ascribe and proscribe, they too must be re-evaluated for their role in producing the present, especially in relation to their empowerment of the body and the creation of conditions for resistance.

Foucault recasts emancipation as a constant exercise of freedom that can transfigure our present, a project that anticipates multiple emancipations rather than one grand emancipation of the masses (Pieterse 1992:19). This emancipatory interest recognises, in light of a relational and productive power that flows from multiple sites, that there are multiple limits to transgress in an ongoing process of locating and modifying the present conditions of existence by exercising our already present capacity to be free, creative and critical. The revisiting of the limit of transgression coupled with the local character of authorship as we carry out and modify programmes of government, provides a focal point for an investigation of this emancipatory interest. In the next chapter on the ethics of creativity as a means of transforming our present forms of thought, I concentrate on "thinking otherwise". That is, how to think the conventional differently.

CHAPTER TWO

Governmental Rationality and Thinking Otherwise

What is at issue here is not so much what human beings really are or have become but *how they think* about who they are, *and the consequences of this* (Dean 1996b:210, emphasis added).

Introduction

Foucault's (1997a) pondering of what it means to be modern in his 1982 lecture on Kant and the Enlightenment encapsulates his complex and sometimes cryptic philosophy. It has been suggested that this oft neglected work "can be interpreted as his intellectual testament: a sort of synoptic expression of the foundational points of view of his thinking in a retrospective and prospective manner" (Davila 1997:185). Oddly enough, much of the literature that draws on this essay makes no mention of Foucault's endeavour to break from modern humanism without discarding human values¹. And these authors tend to be sympathetic to Foucault's attempt to salvage the critical *ethos* of Enlightenment thought. Is it any wonder, then, that critics like Jürgen Habermas and Nancy Hartsock fail to grasp that Foucault connects these values to the practical rather than the metaphysical? Foucault grounds them in the practice of an ongoing questioning of our present because he views these values as products of the practices of everyday life. The following passage from Foucault's essay provides the sense that Foucault does have an emancipatory project of a sort, one grounded in a re-cognition, in thinking otherwise:

¹ For an overview of Foucault and Enlightenment see Foucault (1993 & 1997a); Cook (1993); Davila (1997); Dean (1994a); Dreyfus & Rabinow (1986); Gordon (1993); Habermas (1995); Hooke (1987); Hutchings (1996); Nielson (1997); Owen (1994); Touey (1998); Venn (1997). More generally, see Pieterse (1992). Also see the collection by Schmidt (1996). For an overview of Foucault's political thought from other than a governmentality perspective, see Ransom (1997); Simons (1995).

I do not know whether we will ever reach mature adulthood. [...] However, it seems to me that a meaning can be attributed to that critical interrogation on the present and on ourselves which Kant formulated by reflecting on the Enlightenment. [...] The critical ontology of ourselves has to be considered not, certainly, as a theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them (Foucault 1997a:132)

The meaning that Foucault attributes to the critical practice of genealogy is based on the revealed limits of the histories that produce our present. The experiment with going beyond these limits is one of re-cognition, a re-thinking of the history of the present that entertains the claims of marginal and silenced histories. This project is not simply one of revisioning history but is a questioning of the taken for granted that we reiterate every time we leave the silence undisturbed. In other words, what thought is obfuscated in and how does it serve to reiterate the relations of authenticity that we everyday are subjected to? For Foucault, emancipation appears to be a process concerned primarily with the practice of thinking rather than simply an event of action.

Foucault's advocating of an ongoing probing of what it means to be modern partially reflects Kant's grappling with the question of Enlightenment and Baudelaire's attitude that to be modern one must be imaginative and continually fashion our present. Following Baudelaire, one should pay less attention to discovering the authentic truth of existence and strive to fashion engaging and inventive relationships to the present by adopting the attitude of the "modern painter *par excellence*" (Foucault drawing on Baudelaire 1997a:116-118). For Foucault, both Kant and Baudelaire can be regarded as advocating a curiosity about the self in the present. This curiosity can be linked to a

modern *will to know* (Foucault 1977a:157-158; Foucault 1985:8). A will that in modern times, as Nietzsche has suggested, has become manifest as a perverse form of the will to power. Foucault suggests that we can turn this constraining perversion into a positive practice of freedom by reconnecting it with an ethics of care. The curiosity which provokes the obsession of the human sciences to discover *the* truth of the self can also be utilised to “get free of oneself” (Foucault 1985:8), to get free of the obfuscating narratives that present closed and static forms of life that dominate our present. Foucault’s curiosity for knowing (one’s self) is fuelled by an ethic of care. In the previous chapter it was mentioned that Foucault revealed through his genealogies of classical Greek and Roman ethics that knowing one’s authentic self had in modern times come to obscure an ethic of care for oneself. In this chapter, my approach to the creative and imaginative ethics of engaging with the unthought holds that this transgression or transfiguration of the limit of the possible is an ethics of creativity that is coupled to a care for the self. In this chapter I focus on governmental rationality and ethical conduct, drawing from the previous chapter. Focusing on what Foucault has observed as “governmentality” and our everyday participation in this political “art” of social ordering, I address this mentality or way of thinking as it lends itself to the creation of what Foucault has referred to as the “practical systems” (Foucault 1997b:129) of government that serve to (re)constitute a certain kind of ethical subject.

A tenuous relationship exists between the mechanisms that reflect how and what we have come to identify as our authentic self and the curiosity that draws one toward the unknown. The practices in which we ‘choose’ to engage are made available to us as part of the programme of ordering. Through what Foucault (1991a) termed

“governmentalisation”, projects of government seek to delimit compulsion to transgression while striving to maintain a division between an ethics of care and the will to know (leaving the will to know governmentalised or rendered instrumental to maintain self-governing subjects).

I. Self-Management and the Critical Ethos

Everyday practices organised by projects of governance embody relations with self and others that conform to thinking a static, natural and “intangible” existence. Through reiterating a division between our everyday reality through reiterating the intangibility of these processes our capacity to modify and resist constraining relations is delimited. A link is forged between this process of government and the lack of a critical *ethos*. This “ethics of authenticity” is one devoid of care for oneself whereas an “ethics of creativity” necessarily entails caring about one’s self and the relationship to the present. It is this relationship between the individualising forms of power and the (self)management of behaviour that Foucault attempts to thwart.

Foucault places great emphasis on a form of critical thought that leads to, and is itself, an “imagining otherwise” (Foucault 1997a). A creative ethics can be counterposed to the practice of authenticity not as its opposite but as difference. Foucault’s critical *ethos* fosters a positive transgression in the effort to disrupt the necessity of seeking the truth of life by seeking to modify the historical limits that constrain what is possible in the present. For Foucault, “curiosity” is not simply the impetus to enquire into the origin of the species or to pose unanswerable metaphysical questions, but is the impetus to transfigure the present through a “readiness to find strange and singular what

surrounds us; a certain relentlessness to break up our familiarities and to regard otherwise the same things” (Foucault 1996:305). For Foucault, this curiosity of how we become what we are is embodied in a form of criticism that creates rather than destroys, contra those who inscribe Foucault as nihilist. This ethics of creativity takes aim at “the idea of universal necessities in human existence” (Foucault 1988b:11) to provoke the human imagination.

I can't help thinking of the critic who would not try to judge, but bring into existence a work, a book, a phrase, an idea. [...] He would multiply, not the number of judgements, but the signs of existence; he would call out to them, he would draw them from their sleep. Would he sometimes invent them? So much the better. The sententious critic puts me to sleep. I would prefer a critic of imaginative scintillations (Foucault 1996:304)

This genealogy of the present strives to initiate what is unthought through revealing and modifying the present limits of knowledge. Rather than pass judgement on what already exists, it enables one to think about what is in different terms, exposing differences that are embedded in current social relationships. Importantly, this critical ethics is creative, imaginative and concerned with the history of the present insofar as it is possible “to change the boundaries of what one knows and to venture out a ways from there” (Foucault 1985:11). This is what Foucault refers to when he stipulates that we need to “regard otherwise the same things” so that we might break free from a type of thinking that relegates us to a certain ‘naturalised’ form of life.

The contemporary images offered for consumption by and to those who desire the closure of that ‘preferred’ lifestyles of leisure, affluence, and security maintain that it is possible to know one’s true self without even posing the question. For Foucault, the endeavour to rethink what it is that we know would preclude ever definitively knowing

our true essence and affords the greatest and most meaningful existence because of the necessary and ongoing confrontations with the limits that contain us in our present. This exemplary project of an ongoing reflection upon the limits of our present can be regarded as Foucault's attempt to re-connect an ethics of care (Foucault 1997a:125) to knowing the self.

i. Why Resist?

That which Stuart Hall has referred to as a "politics of representation" (Hall 1996:445) can be used to loosely describe Foucault's grounding of human values in the ongoing struggle between competing normative positions. The field of contestation resembles what Poster (1984:73) has described as a Nietzschean field of difference. That is, a field of prolific, shifting and competing normative positions. Foucault does not make normative the claim that one form of ethics is necessarily better than another, only that one form offers to emancipate while with the other offers an eternally recurring movement from "domination to domination" (Foucault 1977a:151). Hence, critics in their castigation of Foucault mistakenly cite his failed attempt to offer firm principles on which to ground a politics of resistance. It is rather that Foucault refuses to prescribe such static and universal criteria. Because Foucault's concern with "imagining otherwise" is to find *within* these governmental rationalities, *within* these systems of thought, a productive capacity to be used for their modification, he does not resort to transcendental foundational principles. He advocates rather an attitude that

consists in recapturing something eternal that is not beyond the present instant, nor behind it, but something *within* it (Foucault 1997a:114, emphasis added)².

² Through this practice of transgression, transfiguration, transpositioning, or critique, Foucault emphasises

The contingency that is fixed and silenced serves as the object of the will to govern.

As mentioned, Foucault's concern was with the practical manifestation of thought, so a transfiguration of thought has to occur at the level of everyday practices not within a metaphysical realm. In this way, a transformation can be elicited through everyday conduct.

Well, the important question here, it seems to me, is not whether a culture without restraints is possible or even desirable but whether the system of constraints in which society functions leaves individuals the liberty to transform the system. [...] But the system of constraint becomes truly intolerable when the individuals who are affected by it don't have the means of modifying it. This can happen when such a system becomes intangible as a result of its being considered some moral or religious imperative or a necessary consequence of medical science. [...] these restrictions have to be within the reach of those affected by them so they at least have the possibility of altering them (Foucault 1996:327-328).

Foucault's concern with the claim of intangibility embodied by modern humanistic practices was that this type of thought precludes a critical thinking. Foucault's question regarding the possibility of transformation situates a constraint as one that is open to a possible transgression due to the continued intersubjective play of those who are exposed to it. The limit for Foucault is conceptualised as not naturally inscribed but one that is socially constituted through our everyday practices. As Dean alludes to in his opening remark, it is thinking that produces the constraining and enabling relations of everyday life and to locate this thought embedded in even the most mundane of

a "revealing" of "spaces of freedom" as a disruption of the present. This comes close to Heidegger's notion of *techne* elaborated in "Building Dwelling Thinking" that enables room for something to appear or be freed within a boundary. This space, rendered so through a practice of revealing is stipulated to be resultant of "techne" or a "technique" to "make something appear, within what is present". The point being that the space for the unthought, of thinking otherwise, can be produced from within constraining limits. Heidegger further stipulates that *techne* can mean "producing, in terms of letting appear [...]. Of late it still remains concealed, and more resolutely, in the technology of power machinery" (Heidegger

practices (Foucault 1988a:155) can lead to a practical transgression of limits. The limit as perceived by the “sciences” charged with rendering coherent the disparate interplay of social relations is one that signals the end of legitimate knowledge.

Critics who tout Foucault’s “failure” to answer the question “why resist?” miss the mark³. Suggesting that human values are grounded in a proliferation of normative positions implies the inadequacy of the question “why” to the hermeneutic task. Foucault’s interest in *how* one resists alludes to his concern with the practical situatedness of resistance that forms in relation to specific conditions of social life. His refusal to even dignify the question of “why” suggests that it would be a waste of time to respond to critics who dismiss the possibility of entertaining the unthought of their own framework, a framework that insists on immutable foundations (Foucault 1996:462)⁴. Simply, to pose the question “why?” would lock Foucault into the dialectical way of thinking he seeks to avoid. Instead, Foucault attempts to prioritise an aesthetic form of judgement, one described by Kant as not deferring to objective standards. Foucault’s advocating a permanent checking on the truth-claims of specialist discourses leave us to pose the question of “how should we, or do we, go about making political judgements?” (Simons 1991:45) rather than “why should we?”

II. *Liberatory Capacities of the Self-governed*

Foucault’s emphasis on cognitive activity as a productive endeavour suggests that any investigation of the limits of knowledge can be realised as an ethics of creativity.

1993:361). It is this obfuscating machinery of government that Foucault seeks to modify the operation of.

³ See Simons (1991) for an overview of the main criticisms of Foucault’s political thought.

⁴ Deleuze uses the anecdote of Foucault writing a rather lengthy response to a critic and afterwards regretting all the time he had wasted on his defence, time he felt would have been better spent on his own

(Prado 1992:153). For Foucault, “intellectual enquiry is a productive and determining exercise which is as much responsible for the nature and existence of what it focuses on as it is for what is learned about its topics” (Prado 1992:153). For example, attitudes about sex in the nineteenth century constructed a proper ethics of sexuality (Foucault 1990). Here, ‘sex’ is an intangible object that governs subjectivity and its reflection in our actions.

‘another system of thought,’ one that indicates ‘the limitation of our own, the stark impossibility of thinking *that*’ [...] defamiliarises our own logic and way of thinking and upsets our sense of identity: ‘it shatters [...] all the familiar landmarks of thought – of *our* thought [...] disturbing and shaking up for some time our age-old use of the distinction between the Same and the Other’ (Foucault in Carroll 1987:55).

Gordon’s (1991:8) essay on governmental rationality alludes to Foucault’s concern with “the changing shape of the thinkable”. This concern with the shifting patterns of thought that constitute the object of enquiry⁵ lends itself to Foucault’s advocating the need of avail ourselves of a “permanent” form of enquiry that can address contingent knowledges that are often imputed to be static. This “perpetual problematisation of the present” (Owen 1994:210) is concerned with locating the historical “events” that represent a shift in thinking, to reveal the “difference” that exists between today and yesterday (Foucault 1997a:105), and that could be employed today to make changes to tomorrow. In this way our object of enquiry is “transfigured” (Foucault 1997a:17,18; Bataille 1986:68) by the investigator.

project.

⁵ As Hacking (1986) has pointed out, an object does not become an object of investigation until it is “governmentalised” or an attempt is made to order it. It appears that this object also acts as a subject, directing how we act in relation to it. Objects of regulation, including the various figures we come to identify with, are “made up”, created as the method of investigation affords a means of analysing and slotting behaviour (Hacking 1986). This implies there can always be a new forms of subjectivity. See Chapter Four for a discussion of “taxonomic reframing”.

The main character in this strategic “game” of enquiry is Baudelaire’s figure of the “modern painter” (Foucault 1997a:116) who embodies the curiosity to “imagine otherwise”⁶. The painter imagines otherwise by posing the question of “*How* does this particular social text mean?” (Game 1991:5, emphasis added). Practices that reproduce the “real” or the “social” as authentic are within the realm of even the passive “*flâneur*” (Foucault 1997a:116), who, in his role of spectator, transfigures himself even if only accidentally.

Of course there are very real and seemingly immovable obstacles that restrict action. Because this action is that which is made possible by a particular “system of constraint” or “practical system”, if we adopt Foucault’s “liminal-attitude” (Foucault 1997a; cf. Owen 1994; Miller 1993) to think otherwise we must turn away from attempts to free ourselves from constraint and try and conceive of different sets of ‘constraints’ that will lead to the production of different configurations of social life. Never beyond limits, freedom, according to Foucault, is a precondition for the operation of power (Foucault 1983a & 1987). If this is so, this *must* leave “individuals the liberty to transform the system”. If we are ourselves part of the power-mechanism, we must have a capacity for transformation. As alluded to, governance implicates the actions of the governed in the reproduction of the limit and, subsequently, their participation as co-authors of constraint. In Foucault’s (1997a:106) analysis of Kant’s text, he stipulates

Enlightenment must be considered both as a process in which men participate collectively and as an act of courage to be accomplished personally. Men are at once elements and agents of a single process.

Game (1991:7), adopting the position that the social can be construed as a “text” that is

⁶ This figure of Baudelaire’s painter transfigures the present, violating what is in order to enable what can

given form by individual action, aligns herself with Foucault's stipulation that we produce our objects through the process of enquiry, indicating that "textual production provokes the question of the ways in which 'we' are implicated in knowledge processes, in the writing of culture." This is illustrated further by Foucault's emphasis of how Kant's text is concerned with *showing*. This is also a preoccupation of Foucauldian genealogy, to show "how, at this very moment, each individual is responsible in a certain way for that overall process" (Foucault 1997a:112), genealogy illustrates

that a lot of things that are a part of their landscape – that people think are universal – are the result of some very precise historical changes [...]. They show the arbitrariness of institutions and show which space of freedom we can still enjoy and how many changes can still be made (Foucault 1988b:11).

Whether or not we adopt the semiotician's dictum that everything is text, we can read everyday activity as the exercising of a productive force that enables our participation as co-authors of our present. This implies that the governing authority is infused with a local character, far from being intangible⁷.

The practice of critique that Foucault advocates as a genealogy of our present history renders a non-normative judgement upon current "natural" forms of life by

be.

⁷ Hermer & Hunt (1996) argue that "governance at a distance" elicits obedience to a disembodied authority. They suggest that authority is transported to the immediate via the regulatory inscriptions of "official graffiti". This thesis requires an "ethics of authenticity" to supplant one of creativity, assuming that we are all the same and will all act "reasonably" when confronted with regulatory signage. As Conklin (1996) suggests, such an invisible authority may be nothing more than obedience to convention. That is, a behaviour that is habitual or second nature. Not recognising the signifier and what is signified as arbitrarily connected dismisses the intertextual or dialogical interplay that occurs when one is attempting to understand what such a marker means. One does not attempt to know the intent of the author so much as to understand by using one's own knowledge to inform the reading of the marker, inevitably attributing meaning garnered from a local not distant context. If not privy to certain cultural codes, which Hermer & Hunt assume we all have access to, the sign can take on meaning quite distinct from the intention of its author. This leaves room for the mistakes or errors in translation that can thwart these very attempts at regulation.

contrasting them with other ways of existing (cf. Deleuze 1995:100) as a way of reflecting or taking stock of personal endeavours. The strategy of suspending judgement on the part of the genealogist is to allow the radical contrasts in history to argue for her or him the possibilities for our present. As Visker (1995:88) remarks, Foucault sought to ground these possibilities in history rather than presuppose them. For those who still insist on a justification for why we should make judgements of the juridical sort, Simons suggests the “incommensurability” of Foucault’s “new genre” of critique with a juridical style judging due to the radical difference between what he sees as Foucault’s aesthetic style judgement and the “scientification” of the juridical form (Simons 1991:44–46). Foucault’s attempt to suspend judgement in contrasting an ethics of experimentation with a humanism concerned with the reiteration of narratives of stability and security takes the form of showing the historical peculiarity of the union of humanism and critique, a relationship “in which we find ourselves prisoners” (Foucault 1996:73).

i. How Resist?

The question of “*How* can we escape from the bleak scenario in which dominant discourses so construct us that resistance seems impossible?” (Purvis & Hunt 1993:495, emphasis added) is at the fore of what, arguably, can be regarded as Foucault’s emancipatory effort to “make the cultural unconscious apparent” (Foucault 1996:73). This modern “ethos” to imagine the world otherwise than it is so as to enable its transformation is not a critique that is concerned with destroying, but one that seeks to understand the processes that inscribe us (Foucault 1997a:117) through offering multiple ways of understanding our present. This concern with “how” led Foucault to

“understand liberalism [...] as a *style of thinking* quintessentially concerned with the art of governing” (Gordon 1991:14, emphasis added). A style of thinking, as Gordon stipulates, taking the “form of activity aiming to shape, guide or affect the conduct of some person or persons” (Gordon 1991:2).

The field of contestable differences rather than a uniform or coherent continuity calls for “the practice of liberty that simultaneously respects this reality and violates it” (Foucault 1997a:117). Foucault’s call to “promote new forms of subjectivity” (Foucault 1983a:216) is a call to violate or transgress the boundaries to the impossible. In short, because projects of governance perpetuate choices for promoting sameness, this enabling aspect of governance situates the individual as “always in the position of beginning again” (Foucault 1983a:128).

To undertake a project of critically thinking otherwise, to adopt what Foucault has termed an “ethos of modernity”, we must be willing to “have the courage, the audacity, to know” (Foucault 1997a:106; Kant 1997). There must be a willingness to close the gap between everyday life and the capacity for transformation, between, as Bataille has articulated, the “profane” and the “sacred”, or at least face the possibility that action may not be “grounded in universal, ahistorical” foundations or a “formal structure of human finitude” (Dreyfus & Rabinow 1986:118). By grounding the will to know to a care of the self one can escape the “constraining rules” that require one to judge, adopting a set of “optional rules” that involve assessing our actions in relation to other styles of life (cf. Deleuze 1995:100).

It is important to not take Foucault as advocating some anarchic smashing of all social institutions to eventually achieve freedom from oppressive power. Because power

and knowledge are tied together and mutually reinforce one another, modifying patterns of thought may translate into new forms activity⁸. To reiterate from chapter one, this “ethics of creativity” requires limits. Indeed, Foucault proposes to affect an “escape” from those limits by paradoxically utilising their productive capacity to produce new and different configurations of social life. What is at issue is how these restrictions can be altered through revealing their embodiment in our everyday activity. This is not to suggest that we will eventually be freed from these constraints, but that we are currently free to attempt their alteration, and because they are part of our everyday, produced through everyday interaction, these limits *are* within reach.

III. *The Biopolitics of Government as Tutelage and Self-Reflection*

In an effort to produce authentic forms of life, the subjectivising process constitutes and maintains boundaries that are imputed to be *a priori* natural. The aim is to organise a population into a static and ‘naturally’ unruly entity that requires management. The subjectivisation of the individual not only constitutes a subject who is expected to make choices (Dean 1996b:211), but also one who is “its own object: it is the formation of the procedures by which the subject is led to observe itself, to analyse itself, to decipher itself, to recognise itself as a domain of possible knowledge” (Foucault 1994b:316; cf. Foucault 1983a:208). In this process that always involves the cycle of attempt and failure to control (Hunt & Wickham 1994:93-94), this “double-bind” of an at once subject and object continually thwarts a totalising expansion of government.

Kant’s essay “What is Enlightenment”, with its concern with an eventual

⁸ “The exercise of power is not a naked fact, an institutional right, nor is it a structure which holds out or is smashed: it is elaborated, transformed, organised; it endows itself with processes which are more or less

disintegration of the “fetters of an everlasting tutelage”, has direct bearing on not just an understanding of modern governmental rationality but also Foucault’s project of “imagining otherwise”. The critical reason that Kant viewed as a “way out” of the governmental mechanism of tutelage and to Enlightenment (Kant 1997; cf. Foucault 1997a)⁹ is for Foucault a perpetuation of constraints in that we are required to “obey” to receive freedom. Foucault’s strategy of transfiguration involves penetrating the unthought to render this obedience overt in an attempt to illustrate how it is that we are directed by external constraints which are interiorised through subjectivisation as our own. Because subjectivisation dissolves the distinction between subject and object, our concern, stipulates Simons (1991:41),

should no longer be about who is the subject and what is the object [...] but about the very structure of the relationship that defines one side as subject and the other as object, empowering someone with the capacities to impose their will on others, yet also constituting the very will of those powerful individuals.

Kant’s (1997:8) stipulation that it is a lack of experience or rather the presence of the potential for failure that keeps people from venturing too far afield of codified rules of conduct can be regarded as commentary on the exemplary aspect of habitual behaviour. This positions projects of ordering as processes that govern through routinisation. Foucault’s interest in modern government shares with Kant a concern with processes that show us how we ought to be¹⁰ or how we ought to exercise

adjusted to the situation” (Foucault 1983a:224).

⁹ Kant’s text embodies much of what Foucault (1991a) discusses regarding governmentality in relation to Machiavelli’s text, *The Prince*.

¹⁰ By Owen’s account (1994:210-213) genealogy is exemplary because it is a “practical” critique concerned with “showing” an ethics of creativity. Genealogy as an “intellectual enterprise” (Owen 1994:211) is “always already an engagement in those struggles”. Foucault’s exemplary social critique is concerned with our capacity “to transgress the systems of constraint which conduct our conduct” (Owen 1994:201) by

judgement.

After the guardians have first made their domestic cattle dumb and have made sure that these placid creatures will not dare take a single step without the harness of the cart to which they are tethered, the guardians then *show* them the danger which threatens if they try to go alone. Actually, however, this danger is not so great, for by falling a few times they would finally learn to walk alone. But an *example* of this failure makes them timid and ordinarily frightens them away from all further trials (Kant 1997:8, emphasis added).

Kant refers to that which Owen tangentially addresses as “showing” (Owen 1994:210): a process of leading by example, a tactic employed by Foucault to problematise everyday conduct. What is important here is that particular social conditions preclude one’s curiosity to venture beyond the safe confines provided by “the fetters of an everlasting tutelage” (Kant 1997:9). Recall those “authentic” subjectivities reflected by “practical systems”. In this regard, the figures of the “critic” and the “coward” that Kant offers as embodying public and private reason (Kant 1997:9) constitute the conditions of the “despotic contract of freedom” that Foucault criticises. Having become “governmentalised” or rendered an instrument to be utilised to maintain a particular form of existence, these figures are not opposed to one another and perpetuate the fetters or chains freedom¹¹. The critical reason of the critic that for Kant can only be free if unfettered, is here still bound to serve the maxim *obey and you shall be free* (Kant 1997; cf. Foucault 1997a)¹². Foucault’s stipulation that governance entails the exercise of

penetrating and disrupting them. The exemplarity of tutelage is transfigured by Foucault’s “critical histories” as he seeks to demonstrate that there can be difference within the present.

¹¹ “In defining an area of things which are the same and an area of things which are the same in being different, it [The Western limit] divides the world for its purposes into two, a division which in itself leads to no *different* place, just more of the same” (Davies 1996:15).

¹² As Rose (1990:258) asserts in relation to the analysand and the search for our ‘authentic’ self, “We are obliged to fulfill our political role as active citizens, ardent consumers, enthusiastic employees, and loving parents as if we were seeking to realize our own desires”; our “obligation to be free” is promoted by government.

power relations, and that power can only be exercised over free persons, leaves one to suppose that the freedom advocated by Kant is nothing more than a governmentalised ethics (of authenticity).

The thought that is embodied and reiterated in our daily practices, those minute details of our daily life that are organised by mentalities of government, make possible the condition of tutelage and its consequences, a constricted capacity for thinking and acting otherwise. Importantly, because it is “self-incurred” (Kant 1997) it refers to our own capacity to conduct conduct. Following this, our daily constraints appear as restrictions that we interiorise. Far from blaming the victim, the recognition of the “proffered boundary” (Gardiner 1996:28) or the “social fiction” (Game 1991) that is taken as an intangible restriction now appears within reach. Implying that there is a local character to authority and that it is possible to thwart projects of governance, we must exercise power in order to maintain this relationship.

1. Governing Self-Reflection

Biopolitics as the politics of the “welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc.” (Foucault 1991a:100), is observed by Foucault to employ a form of productive and relational power to produce conditions to solidify a community of consensus. This biopolitical concern with the “things” or “relations” of everyday life (Foucault 1991a:93,94) is primarily concerned with fostering the growth of patterns of thinking that obfuscate an imagining otherwise. For example, to foster a population that will be productive for the economy, a particular taxonomy of knowledge may be utilised to disqualify competing configurations of

economic life as “naive” (Foucault 1980b:83; cf. Hacking 1986)¹³.

These systems whereby we come to recognise ourselves as autonomous agents that exercise choice operate on us as a “*mise en abyme*”.¹⁴ A mechanism for reflecting this particular self back upon us to ensure the purity of the group,

within its own textual frame and cut[ting] itself off from extra-textual relations (the extra-textual being defined as everything that is not reflected in the mirrors constructed by the text itself). [...] in contemporary theory, the *mise en abyme* has almost always been the sign of literary or aesthetic closure and a denial of the impact of the historical, socio-political, and philosophical contexts of literature and art (Carroll 1987:54).

In this sense, mechanisms of government attempt to arrest the dialogue that ensues between self and others, a dialogue that is crucial for transformation¹⁵.

Projects of governance attempt to orient thinking to the parameters of the truth-claims espoused by particular formations of knowledge. Proclaiming the limits of what is desirable through “multiform tactics”, techniques and strategies (Foucault 1991a; cf. Hunt 1996:3), they repeatedly attempt to inscribe the limit as a boundary that will delimit transgressive or disorderly conduct. Through fostering particular forms of truth, choices are made available with the expectation that we will participate in regulating our own

¹³ Popular knowledge is “particular, local, regional knowledge, a differential knowledge incapable of unanimity and which owes its force only to the harshness with which it is opposed by everything surrounding it” (Foucault 1980b:82). In this sense, that which bounds these popular knowledges, acting as the limit, gives definition to how these popular knowledges are to be known. If this limit can be shifted, or that which bounds it is penetrated and disrupted, these local knowledges may no longer be regarded as “naive” and “underdeveloped”.

¹⁴ I borrow this term from David Carroll (1987:53) who uses it to articulate a “mechanism of self-reflection”. Butler (1997:85, emphasis added), in *The Psychic Life of Power*, stipulates that the prison acts on the prisoner’s body by “forcing the prisoner to approximate an *ideal*, a norm of behavior, a model of obedience. This is how the prisoner’s individuality is rendered *coherent* [...]”. This model of obedience to some normative criteria is not necessarily that which is espoused by the correctional system. It could be one operating within the correctional framework. This image that ‘imprisons’ us is rendered pervasive by what Celia Lury (1998) refers to as a perceptual “prosthesis”. It is within these oft perceived stable forms that “individuals are able, are obliged, to recognize themselves as subjects [...]” (Foucault 1985:4).

¹⁵ Coles distinguishes between two types of “others”: other subjects or participants in what Foucault would term a “truth-game” and the “unthought” or an other way of thinking or organising subjectivity.

behaviour (Dean 1996b:211, 220), assembling for ourselves a singular, manageable subjectivity (Rose 1990:225-228). These choices – reflecting how we conceptualise not only who we are but also how others are or ought to be (Dean 1996b:210; Prado 1992:153), leave one to choose between various incarnations of Kant's (1997) “critic” and the “coward”. These figures embody the technology of “Man” that organises actions that often appear in hindsight as reactions to what others are doing (Foucault 1996:327-328, cf. Hacking 1986), whereas “all causes are themselves already effects” (Owen 1994:11).

This metaphor of the *mise en abyme* lends itself to Foucault's commentary on Kant's inference that “Man” is a “cog in a machine” of government (1997a:109; cf. Kant 1997)¹⁶. The subjectivising strategy of government presents as intangible the figure of “Man” existing outside the particular ordering framework that renders it real. Free from its social moorings, it becomes intangible. This figure reflected as that which we identify as our ‘authentic’ self (e.g., the hysteric, Chinaman, criminal, critic, and coward) is an aggregate of various “positions of enunciation” (Hall 1990:222) that emerge from the interplay within and between different knowledge formations. These multiple positionings that afford our ‘autonomous’ choices through self-insertion (Hall 1990; Dean 1994a:51) into these relations¹⁷, leads to the “right disposition of things, arranged so as to lead to a convenient end” (Pierre in Foucault 1991a:93). This convenient end is, at least on my reading, the delimiting of a creative ethics through the yielding of what

¹⁶ Regarding the exercise of “private reason” to achieve particular “public ends”, Kant anthropomorphises the mechanism of government and mechanises the individual when he stipulates that “a part of the *mechanism* regards *himself* at the same time as a member of the whole community [...]” (Kant 1997:11, emphasis added).

¹⁷ Rose (1990) demonstrates this in his elaboration of the discourse of psychotherapy.

Nietzsche has referred to as “enduring habits” (Nietzsche 1974:#295). This habitual behaviour can be regarded as the “finality of government”. The ends of government is an “intensification” of the capacities for managing one’s self (Foucault 1991a:95) decoupling from an ethics of care.

[...] what is at stake, for Foucault, is our ability to transform ourselves. That is, to transgress the systems of constraint which conduct our conduct. The dilemma posed by humanism is that it ties our capacity to transform ourselves to the intensification of power relations [...] (Owen 1994:201).

This double-bind of governance is our leader-board into the dialogical play between these forms of ethics and between the present and the unthought¹⁸.

IV. *Governance, Dialogue¹⁹, and Power*

Rather than a direct concern with specific results or goals (Hunt 1996:3-4), governance is concerned with reflecting relationships that establish an object that ‘logically’ requires governance. Accordingly, perceptions of reality and the choices that we exercise can be viewed as “governmentalised” to the extent that they act as mechanisms or instruments for mirroring a particular purview of the world as the only one available. In this sense we act as a mechanism for our own self-reflection. How we engage with this reflection of the self could be thought of as a dialogical or reciprocal relationship with the limits that enframe who we are. The following lengthy passage from Gardiner, broken into three sections, provides clarification:

¹⁸ “We have to *imagine* and to build up what we could be to get rid of this kind of political ‘double bind,’ which is the simultaneous individualisation and totalisation of modern power structures” (Foucault 1983a:216, emphasis added).

¹⁹ Surprisingly little has been written on Foucault and dialogue. For a Habermasian perspective see Coles (1991), Falzon (1998). See Gardiner (1996a) for an account of the clash between Foucauldian ethics and Bakhtinian dialogue. Judith Butler’s appropriation of Austin’s speech act theory for her Foucauldian infused “performativity” could, arguably, be read as an elaboration of Foucauldian dialogue.

[...] from within our own purview and subjective outlook, or what Bakhtin calls the 'I-for-myself', we can perceive the world only as a chaotic flow of episodic events and fragmentary sensations. In order to attribute significance to the world in our midst, however, we need to *envision ourselves* as integral and meaningful entities, and to do this we require an additional perspective in order to supplement our own blinkered and constricted standpoint. That is, we need to gain access to the viewpoint of the other, the 'not-I-in-me'.

A radical engagement with the other is halted by tutelage and this not-I-in-me is taken to be a reflection of ourselves. Following the discussion of the *mise en abyme*, this is not the viewpoint of the other but simply of the same. The "aesthetic closure" attempted however fails to totalise the exclusion of the unthought. To continue with the above passage:

In relating to the other within the realm of lived, concrete experience, one 'must become another in relation to himself, must look at himself through the eyes of another'. Through this act of projection, I *'penetrate'* *the sphere of otherness*, and 'almost merge or become one with him from within'.

To penetrate otherness, or what I have been referring to as the unthought, from "within" would suggest that this silence is already present. This also supports the limit as enframing the present rather than dividing it, so we do not have to surpass or transcend but rather modify by revealing other ways of seeing the present. But can this be done if what we are engaging with is simply a reflection of the same? This silence is a form which is not fully embroiled in relations of power. It encircles the present threatening to disrupt the present configuration of knowledges. The endless production of competing normative forms of life not only provides the possibility of mistakes that frustrate governance but effects a modification to the strategy of government each time it fails in its attempt to

totalise control. The locating of limits would not be an exercise in determining our limitations, but rather that of determining the horizon of possible futures.

The reflection of our life in the words and deeds of the other is *translated* into our own language, thoughts and actions, and thereby becomes a part of us. [...] it must be followed by a *return* 'into ourselves' (Gardiner 1996:30 drawing on Bakhtin).

Because this figure of the self is mediated and susceptible to influences from both self and other, even the most stringent form of government is thwarted through the strategy of subjectivisation. Interiorising the shifting limits of what we believe to be authentic about our selves also is the adoption of new ways of thinking and acting utilised for penetrating the unthought.

Elaborated in chapter one, ethics is “thoroughly situated within relations of intersubjectivity” (Owen 1994:205). This contestation of the double-bind of transformation casts subjectivisation as a “becoming with others”. The crucial point here is that the constitution of the unthought or otherness as a multiplicity of difference is “constitutive of the field of possibilities”, enabling the possibility for transformation (Owen 1994:205; cf. Coles 1991; Falzon 1998). Attempts to arrest this dialogue occur when a system of constraint “institutes a closure of our capacity for self-transformation”. This attempt at arrest, regarded by Bakhtin (1984; cf. Weber 1993) as a process of “smoothing”, makes the governing figure out to be an “entirely finished, completed, strictly limited body, which is shown from the outside as something individual”. The autonomous individual of authenticity obscures

that which protrudes, bulges, sprouts, or branches off (when a body transgresses its limits and a new one begins) is eliminated, hidden, or moderated. All orifices of the body are closed (Bakhtin 1984:320).

Smoothing dialogue or intersubjective communication bears similarities to the aims of a self-reflection interiorised, returned into the self. Redirecting power outward, it will be remembered, constitutes the redirection of another's attempt to control.

The basis of the image is the individual, strictly limited mass, the impenetrable *façade*. The opaque *surface* and the body's 'valleys' acquire an *essential* meaning as the border of a closed individuality that does not merge with other bodies and with the world (Bakhtin 1984:320, emphasis added).

This smoothing of the self shares many similarities with the "aesthetic closure" or normalising of the transgressive body that Foucault shows in *Discipline and Punish* to yield "docile" bodies. Both the "grotesque" body in Bakhtin and the transgressive body elaborated by Foucault can be regarded as "a body in the act of becoming" that is always subject to processes of change: "It is never finished, never completed; it is continually built, created, and builds and creates another body" (Bakhtin 1984:317).

The self maintains its transgressive capacity because no power-relation can be at work over a subject that is not free (Foucault 1983a & 1987). Foucault seeks a way, as already stipulated, to make this capacity more than a just a possible transgression.

Because an ethics of creativity is bound up with governance, it entails the exercise of power, whose flow through the body empowers the body to redirect the flow of power through one's everyday activity, rendering immanent to projects of modern government a capacity for social transformation. Because "individuals are part of the power mechanism of the disciplines, they are in a better position to challenge it. It is not, in Foucault's view, from some place 'outside' of power (in this case, a disciplinary mechanism) that individuals acquire the resources they need to oppose it" (Ransom

1997:36, cf. Foucault 1980b:98). This possibility of thwarting or redirecting the flow of power through engagement with the “polymorphous techniques” (Foucault 1980b:96) of governance leads to a perpetual incompleteness or “failure” of regulatory projects.

Governance, because of the concern with relations of power, can be regarded as reciprocal or dialogical in that “we are always in a strategic situation to each other [...] and the continuation of this situation can influence the behaviour or nonbehaviour of the other (Foucault 1996:386). These relations of influence situate the object of regulation as the co-author or subject of present relations. This self-authoring enables individuals to be “not only its [power’s] inert or consenting target [but also] elements of its articulation” (Foucault 1980b:98), not only an object, but also a subject. This situates Foucault’s dialogical ethos: the self is regarded as not “an entity with clear boundaries and fixed properties, but as a dynamic constellation of energies and potentialities that could be continuously refashioned” (Gardiner 1996:33). This dialogic character sustains an ongoing process of engagement, supplying the knowledge that “enhances both self-understanding and our awareness of others” (Gardiner 1996:30). The double-bind of subjectivisation that subjugates and invests in transformation comes unravelled through attention to the weak points that inevitably permeate a closed history.

The mirroring of representation in a particular representation serves both to reflect representation back on itself and to open it up to what it is not – to make it conscious of itself and, in doing so, to indicate the limitations of this consciousness, the gaps or empty spaces within it. Thus for Foucault, self-representation is apparently not limited to what it represents itself to be (Carroll 1987:55).

By reconceiving the “consequences” as relational or dialogical we can act on them otherwise than they ‘are’ (e.g., intangible). The critical reflexivity afforded by a fluid

dynamic can direct us to act upon ourselves as belonging to a “necessarily temporary” unity.

Bataille (1986:64), speaking of violence, states that if murder were not taboo, if it were not the sacred subject of prohibition, war would not be possible as war is simply that which begins at the boundary of murder. In Bataille’s example, the act of transgression “transfigures” murder, or more precisely, transfigures the pattern of thought that constitutes “murder”, leaving both murder and war as *different* forms of the *same*, of violence. Accordingly, “The taboo is there in order to be violated” (Bataille 1986:64)²⁰. The “barrier” to transgression is “ineffectual” (Bataille 1986:67) because it shifts according to the historical frame. Foucault characterises this as a “limit-attitude”, that of identifying the limit of knowledge not in order to know what one has to “renounce transgressing” but in order to enable a “possible transgression” (Foucault 1997a:124), which “opens the door into what lies beyond the limits usually observed” (Bataille 1986:67)²¹.

i. The Critical Mass

One could infer from Foucault’s “limit-attitude” that these limits enable life and allow for new experiences. What is apparently excluded is not rendered impossible but rather falls silent, left unnoticed or unthought. It becomes the limit of the present. In this regard, Foucault calls for exposing the “countless lost events” (Foucault 1977a:155) that have lead us to the present relations that we unknowingly or “non-subjectively”

²⁰ “[...] Foucault (relying on Nietzsche and Bataille, among others) associates the idea of limit with the sociological concept taboo. Limits, no more than taboos, cannot be destroyed, but they can be transgressed. Thus for Foucault, history is a critical practice insofar as it conceives of its truth as the product of a constant transgression of the limits of knowledge” (Lemert & Gillan 1982:133-134).

reiterate through our everyday practices (Foucault 1996:73). The recognition of our existence within a profusion of enabling relations of power is for Foucault to be enabled through a supplanting of an ethics that concerns the “proper” managing of the self with an ethics that concerns the “making up” of people²². This disruptive revealing is the task of Foucault’s “critical histories” as they attempt to illustrate history as an aggregate of contestable differences and not a unified progression. A critical and creative ethics is held to be the first step towards this recognition (Ransom 1997:94). Because the structures of recognition delineated by government are both the condition for and the consequences of *how* they are thought, they are susceptible to modification. Indeed, they undergo frequent modification as part of the governing process. Because it is we who recognise, we contribute to the continued circulation as part of the subjectivising processes of government, bonded as individuals to particular identities that constrain freedom and also integrated into a political community of shared struggle, a form of cultural critique.

Recall Roulier’s assertion in the previous chapter that the community formed through struggle is viewed by Foucault more as a critique of the present situation than as a form of solidarity. Consider the following lengthy but important passage from Foucault:

R. Rorty points out that in these analyses I do not appeal to any ‘we’ – to any of the ‘we’s’ whose consensus, whose values, whose traditions

²¹ Heidegger puts it thusly: “A boundary is not that at which something stops, as the Greeks recognized, the boundary is that from which something *begins its essential unfolding*” (Heidegger 1993:356).

²² As articulated in Chapter One, I draw a contrast between simply managing the self (cf. Rose 1990) and the making up or creating of a self. The former seems to me to signify the regulation of a self that entails the arrest of social dialogue in order to manage the eruptions or unruly activities of the self whereas the latter seems to suggest not a suppression of self but rather the creating of something positive from these unruly fragments. Although Hacking refers to our forced residence within a taxonomy, a wider connotation suggests that a self can be created, breaking old moulds to don new masks.

constituted the framework for a thought and define the conditions in which it can be validated. But the problem is, precisely, to decide if it is actually suitable to place oneself within a 'we' in order to assert the principles one recognises and the values one accepts; or if it is not, rather, necessary to make the future formation of a 'we' possible, by elaborating the question. Because it seems to me that the 'we' must not be previous to the question; it can only be the result – and the necessarily temporary result – of the question as it is posed in the new terms in which one formulates it (Foucault in Owen 1994:211).

This "we", a collection of individual wills that is created after the fact, not before, can be regarded as a practical form of resistance. It should not be confused with the mechanical solidarity coerced into being by contractual obligation.

To be an ongoing form of criticism, or as Foucault has articulated, a "permanent critique", this "we" must be temporary, forming to address issues particular to a 'group' of people, dissolving "into other communities and coalitions as struggles transform the terrain of struggle" (Owen 1995:503). Governance, in the attempt to recreate social solidarity engenders a permanent resistance in the form of a collective capacity to exercise power (or participate in collective [self] governance). Foucault's "ethics of creativity" is precisely that which will make the "future formation of a 'we' possible" as it continually frustrates the reiteration of the limits of knowledge and the parameters of action. As such, the given result to normalise a population comprised of dynamic power is one of incompleteness or failure.

This constitution and reconstitution of struggle and resistance is one that is relational or dialogical in that what is constituted as authentic, as what is 'real' relies upon an encounter with what is thought "impossible" or that which is unthought. This encounter with the limit which excludes the unimagined in order to know what limit to not go beyond (cf. Kant 1997; cf. Foucault 1997a) provides the impetus for Foucault's

curiosity for the unquestioned, the unimagined, and the unthought that often takes the form of the marginal, irrelevant, silenced other. The rejection of conventional modes of enquiry that cannot recognise the “main danger” that other struggles may be obfuscated in the solidification of this “necessarily temporary” identity is the first step in penetrating the unthought and “eliminating our ignorance” (Bernauer 1990:4).

Conclusion

Governmental rationality, not directly concerned with its specific effects but with relations of ordering, is not concerned that it may yield something other than what is expected as a ‘logical’ or ‘natural’ product. This (lack of) care in ordering the social and perpetuating a fictional division is precisely why projects of governance fail in their repeated attempts to completely “governmentalise” social relations. Governmental rationality, unable to address the local and specific mistakes of participants, fails to preclude transformative capacities that are engendered through the subjectivising process which positions the self in the position of author.

Fostering obfuscating “enduring habits”, authentic reflections provide choices in a strategic “game” of exclusion, where the excluded otherwise is necessarily part of the strategy of governance *requiring* transgression as part of the prescription that we exercise power. The enabling and constraining effect of the limit can be regarded similarly maintaining a cycle of enduring habits that promote unity and coherence (Bataille 1986:65). Transgression, as a necessary element of governance, opens one up new forms of constraint for maintaining an ongoing process of becoming. Due to this perpetual ‘failure’, projects of governance actively promote an emancipatory interest comprised of

myriad forms of ongoing transgressions.

What is valuable about Foucault in his advocacy of a permanent interrogation of our present as an “always partial and local enquiry” is that he attempts to separate from its contingent relations the conditions a possibility for thinking otherwise (Foucault 1997a:125, 127). Governmental rationality, with its concern for producing a “favoured perspective” (Prado 1992:15) of the world cannot completely eliminate the “spaces of freedom” (Foucault 1988b:11) that necessarily enable one to act. The creative endeavour of interrogating governmental rationality provides impetus for Foucault’s project to “imagine otherwise”. This would begin with a concern with the “different ways of *thinking* about who we are” (Dean 1996b:210). The concern with ourselves and our present connects to a form of ethics that is aimed at rethinking limits of knowledge to “shift boundaries to make them indefinite” (Foucault 1996:137). This imaginative ethics fuelled by a concern with the self facilitates flight from the confinements that characterise the central experience of modernity (Bernauer 1990:16).

CHAPTER THREE
Difference Through Delimitation:
Ordering(,) Ethics and Dialogue in the Chinese Question

From the state's point of view, the individual exists insofar as what he does is able to introduce even a minimal change in the strength of the state, either in a positive or in a negative direction" (Foucault 1988d:152).

Introduction

The above assertion that the individual is able to have some sort of effect on relations of rule encapsulates what has been argued thus far regarding the capacity of individuals to resist and transform social constraints. Over the past two decades much work has been done to highlight the penetration of regulatory intervention into various spheres of social life. The regulation that is dispersed across boundaries of race, class and gender has moved from being simply a juridical form of judgement to an inscription of normative conditioning for ordering a wide array of conduct. Law as a conditioning mechanism that penetrates even the most mundane of practices, breaks free from state-sponsorship and becomes part of a net-like apparatus making up "power beyond the state" (Rose & Miller 1992). This field of interrelated knowledge-producing practices (Foucault 1980b:98) is characterised by Hunt (1992:25) as "expanding disciplinarity". Drawing from the previous chapter, I suggest that this expanding regulatory activity is symbolic of a modern will to control that motivates projects of governing a wide range of behaviours, from inciting proper moral conduct to the proper use of toothpaste¹. The

¹ For a discussion of the various "official" prescriptions that attempt to direct the most banal behaviours, see Hunt & Hermer (1996). The range of literature on and approaches to governmentality is vast, covering professional regulatory projects such as insurance and risk, medical, legal, educational, and other institutional practices and their effect on everyday life. See Barry *et al* (1996) and Burchell *et al* (1991).

expansion of government is facilitated by the subjectivising effects of the expertise and authority that are invested in the human service professions, private industries such as insurance, polling, and the mass media.

This modern will, discerned by Nietzsche as the compulsion to control is a will that Foucault stipulates is divorced from an ethics of care². I aim to draw upon Foucault's genealogical method of "critical history" and the conception of government as a dialogical practice to demonstrate that immanent to projects of social ordering is a capacity for social and personal transformation³. The later work of Foucault can be employed to reconceptualise what is conventionally taken to be a repressive state power, allowing us to look beyond the reality presented to us. Following from the previous chapter's discussion of the interplay between a creative or aesthetic form of ethics and one of authenticity or self-management, I wish to highlight here a non-purposive form of resistance.

This type of resistance may well be chalked up to bad luck or simply the errors made in the everyday course of life. Because these uncalculated actions serve to frustrate governance they are indeed resistance to projects of ordering⁴. In the case of the Chinese question, a number of factors coincided to produce a crisis that required

² Foucault stipulates in volume one of the *History of Sexuality* that his essential aim is to expose the "will to knowledge" that serves as both the support and instrument of "the polymorphous techniques of power" (Foucault 1978:11-12). Nietzsche, in *On the Genealogy of Morals*, comments on this will when he speaks of humans' penchant to will or govern nothingness than to not will at all (Nietzsche 1967a:97, 163).

³ Discipline as an "individualising" form of power and bio-power, concerned with populations, intersect to constitute governmentality. For a discussion of biopolitics and biopower, see Foucault (1978:133-159). For a discussion of governmentality, see Foucault (1991a) and Dean (1994a:174-193); for a discussion of governmentality and biopolitics, see Foucault (1988c & 1988d).

⁴ Kevin Heller draws a distinction between tactics and strategies for government, stipulating that tactics are the "intentional actions carried out in determinate political contexts by individuals and groups" while strategies "are the unintentional – but institutionally and socially regularised – effects produced by the non-subjective [or accidental -JF] articulation of different individual and group tactics". He adds, "Both tactics and strategies involve power, because both create social change; only strategies, however, involve non-

ongoing regulatory interventions. British Columbia legislators' aim to control the conduct of the Chinese can be regarded to have generated a resistance or friction that frustrated their regulatory efforts, eliciting a need for even further efforts.

The literature on the subject outlines a tacit and incremental expansion of state intervention into what could be conceptualised as "private" sphere activity⁵. Attempting to describe the history of narcotics legislation in Canada, especially opium interdiction, this literature contributes to the mythology of the state/society division with its uncritical acceptance of the latent criminality of the "dope fiend"⁶. Generally the literature implicates economic, political, and racial factors in the criminalisation suggesting these factors stemmed from ongoing class struggle. The state is portrayed as the purposive agent primarily responsible for thrusting this proscription upon a passive and disempowered population, with no mind to how this population of primarily Chinese males took on a distinctly "Chinese" character or how this ordering category was more effective for regulating behaviour than any state sanctions.

The analyses put forth in the literature portrays criminalisation as a response to a pervasive evil. I suggest that the legislation can be regarded as a response to resistance. The blindness to the constitution of the categories, limits and practices that would afford this 'transgressive' behaviour is due to frequent attempts to locate a unitary cause within a linear and continuous historical progression. The view that criminalisation was a logical end to the immoral and offensive habit of smoking opium, or social strife

subjective [unintentional] power" (Heller 1996:87-88).

⁵ See Appendix One for time-line of regulatory interventions.

⁶ On the Chinese question and the opium issue see Anderson (1991); Boyd (1984 & 1995); Carstairs (1998); Chapman (1977); Comack (1985 & 1986); Cook (1969); Craddock (1998); Green (1979); Manderson (1996 & 1997); Munro (1971); Roy (1989); Solomon & Green (1982); Trasov (1962); Ward (1990).

generally, suggests that there is much unexplored theoretical terrain. The organising category of “Chinese”, for example, is taken to simply exist apart from any social or political structure, outside of history itself, as a foundation on which to build a human nature of the “idolatrous and offensive” (Gray in Munro 1971:47). I seek to highlight the formation of a “Chinese population” whose ‘inherent’ characteristics were both the catalyst for and result of a need for persistent regulatory intervention. I suggest that to understand regulatory activity in this matter it is crucial to view the regulatory target of the Chinese population as any other form of the built environment, as something manufactured through a complex and intertwined web of practices. For example, the actions of pharmaceutical companies, Chinese opium merchants, Asian and Caucasian labourers, and moral entrepreneurs (e.g., the anti-Asiatic League, W.L. Mackenzie King) all intertwined to produce a particular configuration of social life that would be adopted as a measure of deviance, etc.

In contrast to the problematic claim that the Chinese were a passive and powerless primordial self, I argue, firstly, that Chinese is a *subjectivity* produced at the intersection of various activities. This way of thinking and acting perhaps had greater effects on regulators than the Chinese themselves. This subjectivity is particular to the confluence of relations that make up a programme of government and it changes depending on its context. The Chinese can be regarded as an object of regulation constituted through a number of intersecting professional wills, a particular way of thinking and acting. For example, the medical profession, pharmaceutical firms, legal profession, industrial labour unions, and the British Columbia and federal government all competed with one another to have their view of the world become a standard

measure. Because the reciprocal or dialogical interplay of relations of influence is overlooked, no regard is given to “Chinese” as a performative⁷ entity, constituted by and within those regulatory projects that were aimed at its eradication. In other words, “Chinese” was not an authentic or original identity in the sense of pre-existing regulatory initiatives. Rather, this identity was one which hinged on the intersection of regulatory strategies stemming from multiple interests, rendering it malleable and susceptible to change⁸.

Secondly, I argue that the impetus to regulate this “population” in the first place betrays the claim that they were passive and powerless. Regulatory interventions claiming to regulate an a priori “Chinese” produced this apparent stable subjectivity. This is illustrative of a distinctly modern rationality for social ordering that organises and offers particular “choices” that serve to circulate particular configurations of life. Having a penchant for ordering relations or conditions to render predictable the possible or potential configurations of the self by, in part, making available particular manageable choices, this rationality attempts to establish not only an authentic self to be utilised in

⁷ I use the term “performative” to denote that what became known as “Chinese” was constituted in and by a number of intersecting practices; that it did not exist prior to that configuration of actions that assembled and constituted “Chinese” as a taxonomic category denoting particular characteristics/attributes. This grouping of “abnormals” constituted a population to be administered. This follows Foucault’s arguments regarding the constitution of the madman, homosexual, criminal, et cetera. The homosexual subject, for example, was a product of eighteenth and nineteenth century medical discourse and could not have existed prior to this specific configuration of truths which served to constitute the limit or boundary of the category “homosexual” and, more importantly, the mechanisms and practices for self-identification (e.g., confession) that segregated a population to be governed by apparatuses such as the prison and hospital.

Sexuality ‘itself’ is nothing but the dense pattern of discursive and interventionist relationships that prevail among these otherwise heterogeneous circuits of knowledge and practice. Sexuality is nothing – it does not exist – apart from this contingent history (Allen 1991:436).

⁸ Those with a vested interest in the issue include the Anti-asiatic League, who wanted to end what they considered the unfair labour competition of cheap Chinese labour, and the pharmaceutical industry who had the Chinese opium merchants as direct competition. Also, the government of B.C. was pitted against the Dominion government through its constant and failed efforts to expel the Chinese from the province.

practices of self-regulation, but firmly entrenches the individual's transgressive capacity in projects of governance. The effect of investing the individual with the capacity to act, through the task of maintaining a cohesive and 'natural' Chinese population, entails that projects of governance ironically maintain this capacity whereby individuals can frustrate, disrupt and render "failed" these regulatory efforts⁹. Paradoxically, as a necessary effect of these delimiting initiatives the *requirement* to take an active rather than passive role in these regulatory efforts put the Chinese in a position from which to influence these developments through their everyday activity. Because of their supposed unassimilable nature, their mere existence was regarded as disruptive to received notions of community and British Columbian identity¹⁰. Although faced with daunting measures of constraint, the Chinese *did* exercise resistance to attempts at arresting their influence, participating in a dialogic relationship with themselves and others that led to personal and social transformation. Bearing in mind this dialogical interplay and the attempts to govern were tied to its frustration, we can address Elizabeth Comack's (1985:65) call for "a different theoretical scheme for interpreting the emergence of Canadian drug

⁹ Foucault's ambiguous maxims "There is no relationship without the means of escape or possible flight" (Foucault 1983a:126) and "Where there is power there is resistance" (Foucault 1978:95) refer to the possibility that the situation can always be changed, whether positively or negatively. The term "resistance" will be used throughout mainly to imply behaviour that frustrated what was considered to be the "correct" comportment of the self. Here resistance appears as a "non-subjective" act: an action that stems from intentional behaviours that have unanticipated effects that disrupt, disturb and/or alter the regulatory process, whether by 'forcing' a change in the regulatory strategy or simply by reinforcing the *need* to regulate. For example, the head tax as a measure to stem the influx of Chinese immigrants had the inverse effect of increasing immigration due to the unanticipated effect of increasing the Chinese labourer's economic bargaining position (Comack 1985 & 1986, Boyd 1984). This is an example of the "intentional and non-subjective" exercise of power. An intentional strategy for curbing immigration had the non-subjective effect of increasing it. See Heller (1996) for a brief discussion of the "intentional and non-subjective".

¹⁰ This 'inherent' difference that prevented the Chinese from being assimilated was constituted through practices that were perceived by legislators and others to be defiance or resistance to good moral conduct. And of course, their phenotypic characteristics were in open defiance of the white Anglo-Saxon British Columbian. For a similar discussion regarding relations between Aborigines and Euro-British Columbians see Tina Loo (1992; 1994a; 1994b; 1995). For a discussion of the broader context of

legislation”.

I. *The Chinese Question: Governance, Subject, and Population*

The Chinese question begged an answer of what to do about the presence of thousands of ‘surplus’ Chinese initially brought to the west coast in the 1850s as a cheap “standing reserve” of labour. Their presence by the mid 1880s, in the midst of vast changes to Canada’s social, political, and economic landscape, especially within British Columbia, had become synonymous with a threatening foreigner who posed danger to entrenched notions of community, identity, and Christian morality.

Until 1908, both medicinal and non-medicinal opiates were freely available in Canada¹¹. Medicinal opiates were prescribed by physicians and dispensed by druggists across the country (Comack 1985 & 1986; Boyd 1984) while smoking-opium was available from Chinese “opium merchants” (Boyd 1984:106). Although there was no legislation that specifically regulated the production or consumption of opium, licensing fees were required of vendors of non-medicinal opiates and import tariffs were levied on both raw and refined opium¹². These administrative mechanisms functioned to legally recognise the use of opium, distinguishing Caucasian use for pain relief from the Chinese’s pleasurable use of the substance (Boyd 1984:106; cf. Trasov 1962). This seemingly benign distinction between a utilitarian and remedial use *contra* the pleasurable and, by implication, non-productive, habitual abuse, would figure prominently in the

reception see Williams (1990).

¹¹ In 1908 the *Opium Act* criminalised only non-medicinal use of opium while *The Proprietary and Patent Medicine Act* of that year was implemented to regulate the use of medicinal opiates (Solomon & Green 1982:314; Boyd 1984:120; Comack 1985; Trasov 1962).

¹² *An Act to Alter the Duties of Customs and Excise*, 1879: \$5/lb for prepared smoking-opium and 20% on raw opium. Also, \$500/annum licencing fee (Trasov 1962; Green 1979) payable to the municipal government. Caucasian pharmaceutical companies did not pay this fee (Boyd 1984:105-106).

constitution of future projects of social regulation and the creation of both the Chinese and Canadian identity. Following Foucault's eschewal of a polemical investigatory approach, I propose to re-position this productive/non-productive dichotomy as both effects of governance, not as antithetical poles. Both were products of a particular rationality. This is not to say that there was not conflict between them, only a suggestion that they mutually enforced one another and generated the need to regulate.

Prior to its official inscription, this division was expressed in popular sentiment during the 1850s and 1860s, according to Chapman's account of "the opium smokers of Western Canada". Chapman's research indicates that the general public showed little concern for the use or abuse of non-medicinal opiates, largely considering their use equivalent to liquor consumption (Chapman 1977:64,68). Well-known at this time that most medicinal elixirs contained opiates, their addictive qualities had not been fully discerned. Interestingly, it was the practice of consuming patent medicines that drew the most attention, with the public growing outraged by the "prevalence of quackery" and the fraudulent claims of many so-called medical professionals (Chapman 1977:68).

With the medical profession largely self-regulated (Chapman 1977), patent medicines were prescribed for a wide range of ailments "ranging from venereal disease, gallstones, childbirth, and stomach spasms to the simple toothache" (Chapman 1977:61). The authority linked with what was assumed to be medical expertise compelled many to accept these remedies without question. This era of the patent panacea is readily captured by the image of the travelling medicine show and its ringmaster and self-appointed "Doc", hawking as remedy future poisons such as morphine, cocaine, opium, arsenic, chloroform, and alcohol. Not only did these substances become equated with

harm and danger, so too did the “users” of such products become regarded as unproductive, habitual offenders of law and (moral) order¹³. Because its pleasurable use was contrasted to a productive remedy and the Chinese were contrasted with physicians and pharmaceutical manufacturers, the Chinese opium-user was positioned as the disruptive purveyor of vice and social disorder.

Anti-Chinese sentiments gestating in the early 1860s were first manifested in the gold-fields of the Fraser River and Cariboo. Here, hostility toward the Chinese was harboured by many, most notably those from the California coast where the American experience of the Chinese question had predated Canadian concerns by several years (Anderson 1991:36-37; Munro 1971:42). Although the threat of “unfair” Chinese labour was considered on some accounts to be primarily “imaginary” (Comack 1985 & 1986; Anderson 1991:37; Munro 1971), “Chinese”, as a signifier of a particular configuration of ‘inherent’ characteristics, had very real effects on the way the population would be governed¹⁴. The threat of unfair competition by this “useless race” fast transformed this economic question into a moral issue. According to Chapman (1977:64), “The previously ignored Chinese practice of opium smoking came to be viewed as instrumental to the potential downfall of the white race”. Opium-smoking became linked to this ‘threatening’ race as a habit that betrayed even proved their

¹³ The Chinese here can be regarded as a population of “abnormals”, discussed by Foucault by way of the metaphor of the monster: the ‘human monster combines the impossible and the forbidden’ (Foucault 1997b:51). The Chinese symbolised the forbidden – unproductiveness, hedonism and even the impossible – in the rejection of Christian asceticism. From this “unnaturalness” emerges the “dangerous individual”, denoting a “natural connection between illness and infraction” (Foucault 1997b:52). Also Foucault (1988), “The Dangerous Individual”.

¹⁴ See Comack (1985 & 1986) and Munro (1971) regarding the Chinese labourer as an “imaginary threat” to the Caucasian labourer and Boyd (1984:113) and Green (1979:45) regarding “rampant paranoia” and perceived “occupational insecurity”, respectively. See also Hermer & Hunt (1996:462-463) regarding the moral regulation and the constitution of the “imagined stranger” that legitimises the need to regulate and

dangerousness¹⁵. Ironically, the “unproductive” leisure activity by a “useless” underclass of Chinese became a productive organising element in the development of a social and political crisis. The Chinese question was identified as requiring increased regulation as attention was directed to the frightening possibility that the *in potentia* ‘dangerous’ character of “Chinese” *might* be unleashed (cf. Foucault 1997b:51-58; Foucault 1988a:125-151).

This shift in perception that is illustrated by the turn from regulating actualities to the regulation of possibilities can be understood, following Foucault and others, as a transformation in the government of people: a turn toward the government of the attributes that characterise a population and its productiveness¹⁶. This governmental rationality was concerned not primarily with particular ends but with those relations and conditions that were thought to yield desired aptitudes and behaviours, leading to a ‘logical’ and desirable outcome. This entailed, in short, a concern with how individuals identified with themselves and others and whether this process of identification might yield unproductive and disruptive effects¹⁷. A mechanism for reflecting an ‘authentic’ self circulated the image of the “Chinaman” to aid in the identification of the Chinese male as possessing a unique configuration of deviant attributes.

Hermer (1997) regarding “civic sanitation” initiatives and the construction of the undesirable “loiterer”.

¹⁵ “[...] today, the crime tends to be no more than the event which signals the existence of a dangerous element [...] in the social body” (Foucault 1988a:128).

¹⁶ See the previous chapter for a discussion of this.

¹⁷ I refer to what Foucault has articulated as the “intentional and non-subjective” exercising of power. See Heller (1996) for discussion of this. Jessica Kulynych’s formulation of a performative politics of resistance also addresses the “intentional and non-subjective” in that, “Political action [...] does not have to be intentional, rational, and planned; it may be accidental, impulsive, and spontaneous”. For her, “It is the disruptive potential, the surprising effect, rather than the intent of an action” that gives it its force (Kulynych 1997:339). This is congruent with what Foucault has described as the “plebeian quality or aspect” that is “everywhere in a diversity of forms and extensions, of energies and irreducibilities”. It is this aspect that is “the permanent, ever silent target for apparatuses of power” (Foucault 1980a:137, “Power and Strategies”).

This rationality, with its task of ordering relations between people and things acts as a *mise en abyme*¹⁸. This system of recognition engendered a coherent image of a self that was to be taken as authentic, natural and desirable by both the Chinese and others. This tactic filtered out disorganisation and obfuscated differences among the Chinese. Put another way, following Butler, this coherence acts as “spatial captivity” wherein the individual is subjected to a “normalising ideal” which is reiterated in practice (Butler 1997:85-86) to standardise.

Action and choice in this regard become calculated elements for making up a population, similar to that which Heidegger terms a “standing reserve”. As an assemblage of resources, continuity was strove for through attention to and the cultivation of the minute details of everyday life. This “building” of particular forms of life¹⁹ can be understood as the process whereby technologies of government are constructed and cultivated in the creation of a recognisably natural self²⁰.

¹⁸ This is explored further later in the paper as I resume a discussion of ethics and “subjectivisation”, wherein forms of life are constituted through a confluence of various knowledge. It is within these oft perceived stable forms that “individuals are able, are obliged, to recognise themselves as subjects [...] (Foucault 1985:4).

¹⁹ Dean explains, drawing on Heidegger, that governmental rationality is concerned with assembling, gathering together, combining and concentrating “human, technical, and natural beings as *resources* in the generation of power that can be unlocked, stored, transported and distributed” (Dean 1996:60, cf. Heidegger 1993:355, Heidegger 1977). An interesting parallel between Heidegger and Foucault is the attention to the productive, and often unnoticed, aspect of everyday activity. Heidegger’s stipulation, “Of late it [techne] still remains *concealed*, and more resolutely, *in the technology of power machinery*” calls for what Foucault urges as a critical ontology of our present. See Foucault’s (1997a) “What is Enlightenment” and his (1988a) “The Art of Telling the Truth”

²⁰ Heidegger’s essay “Building Dwelling Thinking” is useful for understanding modern projects of governance. “Building”, for Heidegger, is an intimate part of “Dwelling” or the living of one’s everyday life: “Building as dwelling, that is, as being on the earth [...] remains for man’s everyday experience that which is from the outset ‘habitual’ – we inhabit it” (Heidegger 1993: 349). Humans’ everyday activities, according to Heidegger, entails building, comprised of *cultivating* and *constructing* ‘nature’ (Heidegger 1993:349). *Cultivating* bears similarities to “nurturing” or “care” of oneself and others and *constructing* to produce apparatuses (physical and discursive) for the government of our everyday life (1993:249). Building, then, would not only include caring for life (a definite link to both ethics and biopolitics) but also would entail our assembling of reality. Foucault has referred to this as the creation of a lifestyle or the aesthetics of existence (Foucault 1983c). This “experience is understood as the correlation between fields

Attention to this productive aspect of government is crucial for understanding how an oppressed and marginalised group has access to some sort of transformative or productive capacity. In Chapter Two I suggested that it is an “ethics of authenticity” that is primarily embroiled in governance. As both forms of ethics cannot be wholly divorced from one another as they are both effects of the subjectivising process of government, this ethics of authenticity is tied to a creative and critical ethics. I suggest that the capacity of projects of governance to produce social relations, subjectivities and choices must leave open a space for transforming these very things. This follows from Heidegger’s use of the term *techne*, employed by Dean (1996a) in reference to government as an “art” of ordering. Heidegger explains that *techne* involves making something appear “*within what is present*” (Heidegger 1993:361, emphasis added), implying that change can occur from within particular limits, from within the context of our everyday life, signalling the possibility that individuals can affect a disruption in what is taken to be *a priori* natural (cf. Ransom 1997:36). The process Heidegger (1993:361) describes as building renders present spaces of difference (cf. Dean 1996a:58)²¹.

of knowledge, types of rationality, and forms of subjectivity in a particular culture” (Foucault 1985:4). As Sedgwick (1992) and others have articulated, we produce these qualities and our reality as truth via everyday conduct. For example, the rhetoric of fitness, with its “instrumentalisation of lifestyle in the name of health” (Rose 1994:52) would have us believe that we can “build the perfect body”. However, as Foucault might argue, we do not “reveal some inner truth”; we do not possess some inner truth waiting to be released (Foucault 1997b:81). This is Foucault’s criticism of psychoanalysis – that some inner truth is waiting to be revealed, waiting to betray through our actions (Foucault 1978). *Pax* Heidegger, we “inhabit” a space that is enframed by a particular configuration of limits that give way to other boundaries renders our essence fleeting.

²¹ In Foucault’s later works, the Self appears to be a non-discursive “material” to be utilised as a technology or tool for the development of (discursive) subjectivities, rendering present difference: the often disparate ways of experiencing the world around us, leading to unique engagements with the others and the self, subjectivises us. In Heideggerian terms, we can “enframe” this relation to self and other as “dwelling [including building and thinking] in the fourfold”. The “fourfold”, very simply put, is our environment; nature, or at least what we have come to conceive of as natural (Heidegger 1993:351-152). Not only do we dwell within the fourfold, but through our everyday activity we build the fourfold – cultivate it and construct it. *Vis-à-vis* Foucault, building can be considered an “intentional and non-subjective” exercise.

In this regard, government is not only the ordering of relations between people and things but also a productive activity implicated in the constitution of disjunctions and spaces of resistance²². One could speak here of *techne* as a creative or productive activity for constructing and cultivating not only the technologies, techniques, and tactics for policing self and other but also ways of acting and thinking differently. Even if governmentalised, a change in the structure of government affirms that change is possible, whether positive or negative. Because of the ongoing production of differences that invests a capacity for transformation in governance, these regulatory projects *fail* in their task to completely close off one form of life to another. In short they fail to completely smooth out all of the differences²³.

The “art” of government or “techne” of social ordering as a building of one’s environment is reflected in what Ian Hacking (1986) has referred to as the process of “making up people”: the *construction* of categories that facilitate “gathering” together characteristics into what appears as a cohesive field of behaviour, in turn are utilised as a universal measure of the “truth” of the subject occupying this field. In this light, the Chinese population can be regarded as much more than a passive recipient of disciplinary inscriptions. Through the subjectivising process a “taxonomic reframing” (Sedgwick 1992:582) took place that constituted the Chinese as objects of a process of building a distinctly “Chinese” subjectivity²⁴.

Following the suggestion that transformation is immanent to projects of social ordering I posit that an approach to the Chinese question and the opium issue must

²² See the previous chapter regarding intellectual enquiry as a productive endeavour.

²³ Foucault (1980a:137-138) offers at least a partial explanation for this immanent failure in his discussion of “a plebs” in “Power in Strategies”.

recognise that this process of “making room for” difference is immanent to processes of identification. The constitution of the Chinese from within a process of moralisation, one that required an active deviant replete with a natural immorality or natural unnaturalness casts moralisation as a process of identifying²⁵ that utilises the mechanisms of reflection and recognition discussed in Chapter Two. As Hacking (1986:225) elaborates, this process as one of taxonomic reframing creates “ways to be persons”. These new forms of existence also entail the exercise of choices that oblige one to be free²⁶.

i. Government of the Performative Population

Responding “yes” to the question, “Is making up people intimately linked to control?”, Hacking stipulates that this process of inscribing forms of life is a process not whereby a self comes to be increasingly recognised as if it were primordial and hitherto unrecognised, but rather a process concerning the transformation of subjectivities. That is, one is not suddenly recognised as being what they are. They are identified in this manner through a process of subjectivisation. They are constituted within the ever-shifting limits of available knowledge and practices. Hence, it is argued that “Chinese” is an invention, a subjectivity assembled or built to require regulatory intervention²⁷. Of course the individuals subjectivised are not imaginary or their plight minimalised, but they did not possess the ‘inherent’ characteristics delineated by the taxonomic category

²⁴ This “taxonomic reframing” is addressed in Chapter Four.

²⁵ See Hunt (1997:296) regarding the creation of an implied threat to engage moral regulatory practices which “provides a general form by which social agents act both on themselves and on others”.

²⁶ The governmentalisation of choice is discussed in the previous chapter. See also Rose (1990:258).

²⁷ Examples of a “taxonomic reframing” include Laqueur (1989), Engelstein (1987), Corbin (1987), Foucault (1980), Hyde (1997); Manderson (1996) Panizza (1980). Foucault 1990. See also Chapter Four for a discussion.

“Chinese”.

Foucault’s investigation of the 19th century manufacture of a subjectivity that governed one’s thoughts and actions about sex is a process of “making up” people.

‘Claiming to speak the truth, it stirred up people’s fears; [...] it ascribed an imaginary dynasty of evils destined to be passed on for generations [...] strange pleasures, it warned, would eventually result in nothing short of death: that of individuals, generations, the species itself (Foucault 1990:53-54).

This “it” can be regarded as a system of recognition which, by way of imag(in)ing an authentic self, attempted to repress as taboo talk of sexuality. Ironically, this project of proscription had the inverse effect of engendering spaces of resistance, described by Foucault as a “veritable discursive explosion” (Foucault 1990:17) on the subject: the subject of sex and, more importantly for our immediate concerns, the subject that *performs* sexuality.

As a process of self and social formation, it is important to recognise the performative nature of the “we”, “us”, “them” and “it”. That is, Foucault suggests these characteristic knowledges that are tied to relations of power are performative (Foucault 1980a:89). Because they only exist in action, for the Chinese to be regarded as they were they *must* have been active participants and not merely passive recipients. This fleeting power/knowledge nexus underlies the formation of the necessarily temporary “we” discussed in the previous chapter. Sexuality or Chinese cannot be previous to the group that enacts it. The act serves to (re)constitute the conditions that give rise to this subject/object. The performer is both the author and that which is objectified deemed to act in a particular way according to some set of discernible characteristics. Inhabiting the taxonomic category “Chinese”, the performer or author is inextricably implicated in

fostering what Foucault referred to as biopolitics: the politics of public health and welfare. The biopolitical will entails knowing the details of “Chinese”²⁸ for effective management. For Foucault, an investigation of the “Chinese population” would be an investigation of the capacities that serve to constitute subjectivity of not only Chinese but also those who seek to regulate it. The truth-producing practices that make the individual a subject is the “how” that Foucault seeks to make apparent.

Hence, I do not envisage a ‘history of mentalities’ that would take account of bodies, only through the manner in which they have been perceived, and given meaning and value, but a ‘history of bodies’ and *the manner which what is most important, material and vital in them has been invested* (Foucault 1990:152, emphasis added).

The effects on the body as immediate concern for Foucault, suggests that the body is made *vital*, invested with energy, with power and that the body is malleable and can be transformed. Discipline, the individualising aspect of government, and biopolitics, that which is concerned with the health and welfare of the population of individuals, forms the “two poles around which the organisation of power over life was deployed” with “the performances of the body” (Foucault 1990:139)²⁹. This follows Chapter One’s suggestion that projects of governance incite to action those who are governed by investing them with the capacity to direct the flow of power, and by implication, to effect the limits of knowledge.

As a performative act “which brings into being that to which it ostensibly refers”

²⁸ This need to know the minutia of existence is identified by Foucault as characteristic of “the great bipolar technology” charged with “individualising” and “specifying”: “the harnessing, intensification, and distribution of forces, the adjustment and economy of energies [and] the regulation of populations, through all the far-reaching effects of its activity” (Foucault 1990:139, 145).

²⁹ Foucault refers to the “anatomy-politics of the human body” and the “biopolitics of the population” that combine to form “this great bipolar technology – anatomic and biological, individualising and specifying” (Foucault 1990:139).

(Kulynych 1997:330), the object of regulation is in prime position to affect and disrupt, to transfigure the limits of the bipolar technology that defines it. For example, Foucault viewed madness as a “repetitive ritual”. This notion of a routine practice, custom or convention challenges the claim that this diagnosable condition is inherent to individuals³⁰. It challenges the notion that our actions somehow betray some inner truth.

Commenting on Foucault, Szakolczai asserts that

the actors were not only ‘playing’ madness, but were therefore producing it; behaving in the same way as they would really behave had they been put in an asylum (Szakolczai 1998:237).

In the same way that madness can be performed and the actor identified as mad when s/he may not ‘really’ be, the Chinese were identified as evil others. It is precisely the actions of the Chinese that were taken to signify resistance and deviance that constituted “Chinese” as a signifier of danger and inherent evil. This collective of individuals if regarded as a form of cultural critique of dominant conception of the world also signifies a form of resistance. Because behaviour that was considered relatively harmless until the mid 1880’s was now thought to betray some *in potentia* characteristics or essential truths about that self³¹, new ways of thinking and acting was called for.

This overriding emphasis on authenticity and discovery precludes the possibility of thinking that this nature was created by and within the very processes that claim to discover their essential truth. The Chinese question must be treated by dispensing with

³⁰ See Conklin (1996) for a discussion of authority, authorship and convention.

³¹ Hunt’s (1998) analysis of the anti-masturbatory campaigns of 18th and 19th century England demonstrates the performative aspect of identification. Accordingly, this conception of regulation involves the process of moralisation whereby impending value is assigned according to the recognisability of the action performed. The implication is such that government is concerned with practices of moralisation rather than the regulation of some inherent pre-existing morality. In this sense, the practices of the Chinese did not betray some essential self, they merely reflected a particular, fleeting, subjectivity which was conflated as their true nature.

frameworks such as moral entrepreneurism and dialectical materialism (Cook 1969 and Comack 1985 & 1986, respectively) because of their inability to account for how subjectivity is constituted through subjectivising practices that foster the interiorising of particular values and beliefs³².

The Chinese were regarded as the “undesirable and dangerous parasites” (cited in Munro 1971) that, by their inherent nature, would lead to the death of the white race. Victory over the potential corruption of the young white soul necessitated a *will to know* the Asiatic³³.

Here we have a disease, one of many directly traceable to the Asiatic. Do away with the Asiatic and you have more than saved the souls and bodies of thousands of young men and women who are yearly being sent to a living hell and to the grave through their presence in Canada (Member of Parliament for Vancouver [1922] cited in Solomon & Green 1982:321).

Because it was thought that the “Chinaman” was “governed by pestilential habits”, “inclined to habits subversive to the comfort and well being of the community”, and “carr[ied] with them elements of disease and pestilence and degradation over the face of the fair land” (cited in Munro 1971, *passim*), strategies for regulating this subject were ultimately doomed to failure because the “Chinaman” did not exist outside of the intersection of knowledges that enframed this subjectivity. It was a phantasm that became a scapegoat for ordering initiatives that ironically served to proliferate this

³² The notion of “moral regulation” purports to escape such constraining cause/effect frameworks as labelling theory which supposes a deviant subject must pre-exist and necessitate regulatory efforts (cf. Hunt 1997:296).

³³ In his analysis of the English anti-masturbatory projects of the 18th and 19th centuries, Hunt (1998:589) suggests:

Victory over the sexuality of young men [the target of moralising discourses] was symbolically necessary to provide the legitimation for their capacity to carry forward the national or imperial project.

Following Hunt, the opium issue can be similarly understood as an “everyday manifestation of concerns about the national identity” (Hunt 1998:589).

“yellow peril”. As part of the subjectifying process, new gestures and norms of behaviour were inscribed (Kulynych 1997:319). New categories of knowledge and expertise were implemented (*pace* Hacking) to rule this new subjective space (cf. Rose 1993) and the investment of capacities for the political participation of this “we” constituted forms of resistance that mobilised new techniques of government.

ii. The Subject and Government

Anderson (1991) and Ward (1990) speak of a toleration for the gambling of the Chinese. Similarly smoking opium was also confined to “places of tolerance” (Foucault 1990:4) such as “dens of iniquity” and, on a larger scale, Chinatown (cf. Craddock 1998; Anderson 1991). As with gambling, opium-smoking was initially not a cause for alarm, that is until it was realised that it *might* spread to the wider (or rather, a different) population. When the possibility of miscegenation became probable – with both whites and the undesirable but more manageable ‘Indian’ – the regulatory target became the propagation of “dangerous individuals” and their “filthy habits”. Congruent with other projects of nation-building prevalent at this time, the Chinese question appears to be “part of a wider discourse of anxiety about degeneration” (Hunt 1998:596).

Just as the government of sexuality gave rise to public controls that monitored every aspect of sex – the birth rate, the frequency of sexual relations, contraception, masturbation – the government of the Chinese, out of concern for the spread of this “pestilence”,

led to the appointment of officials whose task was to execute the spirit and the letter of a law strictly for “Chinese”. A chief controller of Chinese immigration at the ports of Victoria and Vancouver was entrusted to enforce the act, and special records of Chinese entry, exit,

occupation, and other statistics began to be compiled. In such ways, the act gave the category 'Chinese' an administrative existence and a reality in Canadian official life (Anderson 1991:57-58).

An provincial act passed in 1871 prohibited the Chinese from reporting vital statistics in an effort to prevent them from voting. In 1884 British Columbia reversed this policy by making it mandatory for Chinese residents and immigrants to provide their vital statistics in an effort to exclude them from particular areas of public and private service. They were forced to participate in political life – to not remain silent and anonymous – as a strategy to keep them from influencing the development of the social and political terrain. Thirteen years after the 1871 initiative by the British Columbia government to proscribe the reporting of Chinese vital statistics in order to disenfranchise the 'Chinaman', there occurred a reversal of this policy in an effort to solve this social problem (cf. Hermer & Hunt 1996:456-457). Instead of marginalising and silencing, the new strategy was to render the 'Chinaman' known, to give him an official administrative existence and a new voice to speak with. This shift in the government of the population demonstrates a reciprocal influence between the object to be known and the subject of the knower. The will to know all in an attempt at strict governance often yields disparate and sometimes contradictory strategies. It is these repeated and often disparate attempts at regulation, that plays off the "intransigence of freedom" (Foucault 1983a:222).

Accounts put forth by Anderson, Ward, and others support the idea that a shift in government did occur as they recount the British Columbia legislature's failed attempts to reconfigure "Chinese" in an effort to delimit the capacity to 'adversely' influence others. Munro (1971:42), in his article on Canada's first anti-Asiatic law, asserts that the Chinese issue took on wider political significance in the early 1870s,

evidenced by the British Columbia legislature's address of this issue on the first of what would be many occasions. He suggests that it is at this time that the Chinese question "commenced as a political question" (in Munro 1971:42), whose address would become a matter of some routine occurrence, manifesting in popular agitation – e.g., the Anti-Asiatic League – and the "hostile gestures" of the British Columbia legislature as efforts were "intensified" to "transmit local definitions of the 'Chinese' to legislators and officials in Ottawa, who at the time did not have first-hand experience of 'them'" (Anderson 1991:52-53; cf. Foucault 1991a:95). This strategy, in part, entailed repeated attempts to embody "Chinese" as an official organising category in a string of mostly failed enactments during what came to be known as the "Fight Ottawa" period from 1874-1883 (Munro 1971:43; Ward 1990:32-33)³⁴. From this we can discern a shift in the mode of governing: from an immediate focus on delimiting specific behaviour to a distant ordering (distant both as temporal and spatial) of potential future social relations

Although struck down by the Supreme Court of British Columbia not long after it was enacted the province's *Act to Regulate the Chinese Population* of 1884 is of crucial importance as it officially author(ise)s, as Anderson suggests, the "Chinese" taxonomy³⁵. Behaviour that might have unleashed the *in potentia* savagery that was to be arrested (cf. Sedgwick 1992) before it could get out of order. Further recognition of "Chinese" in

³⁴ Prior to this, Ward dates the first anti-Chinese measure as 1863 when an elections returning officer arbitrarily cancelled all votes cast by Chinese in the Cariboo (Ward 1990:30-33). In 1872, *An Act to Amend the Qualification and Registration of Voters Act*, precluded Chinese and Aboriginals from voting, even if they were British subjects; 1871: a failed attempt at imposing a \$50 per annum poll tax and to bar the Chinese from employment on provincial and federal works (Ward 1990:31-32, cf. Anderson 1991:47-48); 1883: a law passed that restricted jury selection in criminal and civil jurisdiction to only those eligible to vote (Anderson 1991:47; cf. Ward 1990:30).

³⁵ As an aside, Manderson (1997:384-385) erroneously claims that it was the South Australian parliament in 1885 that was the first in the English-speaking world to enact legislation proscribing the use of non-medicinal opiates. Clearly, this is an honour that belongs to the province of British Columbia, predating

1885 by the Dominion government's *Commission of Enquiry into Chinese Immigration* confirmed it as a force with a capacity to (negatively) influence common notions of Christian morality. It may be argued that this was only a perceived threat (as does Comack), however, this perception influenced the legislature to treat this capacity as a reality, calling for strict measures to delimit future disorder. Even if this capacity had not manifested itself, the potential that it might yield a version of social and political life that would include the Chinese was justification enough. The capacity for disruption, even if not a force that was "real" in the strict sense certainly had the force of reality, having the very real effect of eliciting increased regulatory intervention. The British Columbia legislature's increasing concern with the aforementioned influential *potential* of the Chinese and the possibility that the province could be "over-run with a *Chinese population, to the injury of the settled population of the country*" (in Anderson 1991:48, emphasis added) illustrates a concern with the government of characteristics and relations.

iii. The Government of Government

It is here that "Hacking's account of the deployment of statistical processes to classify and regroup populations through relocating them into 'new' categories [...]" (Hunt 1997:278, cf. Hacking 1986) is useful for understanding the subject of the Chinese question. Like the Foucauldian triad of power-knowledge-ethics, the Heideggerian triad of building-dwelling-*thinking* can be invoked to aid our understanding of this shift in thought and its effects on the body, as new technologies of building were bound up with the new forms of existence that were made available. The space we inhabit, *pace* Heidegger (1993), can only unfold in the presence of the technical machinery of

the Australian's by 11 years.

governance, that is, the performative space is constituted by the power/knowledge nexus. A new configuration of techniques of ordering outlines new criteria for which to judge and to know the behaviour of others. As demonstrated above, the taxonomy of the “Chinaman” was one element in the apparatus of government. By implication, this process of “building” subjectivity necessarily leads to different ways of “dwelling” and “thinking”, echoing Hacking’s above elaboration of the making of new persons.

As an effect of “changes [in] the space of possibilities for personhood” (Hacking 1986:229), the kind of person delineated by this “taxonomic reframing” came into existence at the same time the knowledge of the population was being ‘discovered’ (Foucault 1994; Hacking 1986:228). The birth of this new technical machinery³⁶ signals a shift in thought or general attitude that occurred in the governing of British Columbia in the late 19th century.

Social policy, in its capacity to ascribe proper conduct and change attitudes through rigorous campaigning (Foucault 1997b:70) is pivotal for the forming of social and political life³⁷. Policy or mechanisms for policing the limits of behaviour “promotes and organises knowledge, norms and social practices in order to regulate the quality of life of the population – its health, security and stability” (Hewitt 1991:225). An important object of governance is a condition whereby “human happiness” is afforded (Owen 1994:194; cf. Foucault 1988d), embedded in, and reflected as an authentic or

³⁶ An example of the legal machinery is the 1884 B.C. *Act to Regulate the Chinese Population*. It set out specific requirements as to what type of information was useful or relevant and in what manner to collect information regarding Chinese residents and immigrants of the province.

³⁷ Lalvani (1996:102-103), in his discussion of photography and its ability to produce truth mistakes what Foucault’s notion of police for the coercive arm of the state that is charged with prohibiting action. Policing for Foucault, is not the “police institution”, which enforces a particular way of living, but is that “police science”, “political science” or, simply, “policy” that effectively creates this way of life, utilised in the cultivation and construction of behaviours that can be administrated (Foucault 1997b:67-81).

original form of existence. Governmental mechanisms of self reflection constitute a “population [as a] subject of needs” that become “aware” of “what it wants” (Foucault 1991a:100). Human happiness can be regarded as an effect of conditions that enable the exercise of choice in the process of *building* or assembling a population. Although governmentalised, this choice fosters a capacity for action nevertheless. The subject “Chinese” having acquired specific ‘inherent’ qualities that can be ordered and calculated, was targeted. It is these ‘natural’ characteristics that were to be cared for and cultivated in the administration and management in the public interest (cf. Anderson 1991:52; Foucault 1988d).

This concern with the constitutive characteristics that make up the population “Chinese” is reflected in the following statement culled from House of Commons debates from 1907-1908:

The object of good government is to help people in every way and even to control people so that they may not do what injures them (House of Commons’ Debates cited in Cook 1969:41).

Alternatively, the above passage could just as easily read as follows: “The object of good government”, the Chinese population, “is to help people”, in this case Euro-Canadians, “in every way and even to control people”, by exercising power/resistance through some performative identity, “so that they”, the Euro-Canadian and ‘Chinaman’, “may not do what injures them”, namely being, uncivilised. The image of a potential for savagery and disruption was needed to legitimise a preventative intervention in the most mundane aspects of one’s everyday conduct³⁸. Here the legislature is subjectivised as it is

³⁸ A very mundane behaviour of the Chinese was the use and retail of prepared smoking-opium. The B.C. *Pharmacy Act* of the late 1800’s levied heavy taxes on this activity. The 1908 *Dominion Act to Prohibit the Importation, Manufacture and Sale of Opium for Other than Medicinal Purposes* made a very common form of

constituted itself as a *locum tenens* so as to be able to legitimately render subvention to a 'virulent' population in an attempt to prevent what would otherwise be inevitable injury. As Robert Williams (1990) poignantly infers, justification for wilful intervention and regulation of others in the *building* of colonial empire takes the form of constituting a poor and helpless population to be in need of assistance. This performative aspect of governance requires that the "savage" population act as though in need of assistance, or at least be interpreted by others as such, and that the legislators act as though that population is in need – creating the harm where it did not previously exist to justify intervention. In this way the Chinese population was cultivated and cared for. It would not appear to be an issue of one group dominating another but one of reciprocal influence.

II. *Government Yields Transformation*

Writing of the 1871 Act that excluded the Chinese from the vote, Ward (1990:32, emphasis added) claims: "Henceforth they were to enjoy *no political power* in British Columbia". Following the suggestion that we are not without power or necessarily against power, I submit that Ward is mistaken. The vigorous anti-Chinese campaign that followed for years betrays his stipulation. The actions of the Chinese did impact on political attitudes and incited British Columbia's "sporadic" legislating. If, as suggested, projects of governance aim to incite behaviour, it would seem that the Chinese were in a position to do just that. At the very least, this demonstrates a very real influence exercised by the Chinese³⁹. Ward's further assertion regarding what he feels is a "mostly

livelihood illegal. For a schedule of legal interventions see Appendix One.

³⁹ See Appendix One.

symbolic” act to exclude the Chinese from reporting their vital statistics – that “the act was an open assertion that Chinese immigrants *had no integral role to play* in west coast society” (1990:32, emphasis added) – is also contested. The vehement opposition to the Chinese made them all the more important to the constitution of west coast society. The presence of this ‘dangerous’ population, their unruly practices, and the belief that they had the potential to exercise influence over others provided a goal and impetus for the *will to govern* (Nietzsche 1967a:97). The shaping of the British Columbian identity would surely have taken a different turn had this danger not reared its ugly head.

In an attempt to understand the relational influence of disruption or frustration of regulatory projects as a non-subjective form of resistance, Iris Young offers that

the conscious actions of many individuals daily contribute to maintaining and reproducing oppression, but those people are simply doing their jobs or living their lives, and do not understand themselves as agents of oppression (cited in Kulynych 1997:319).

The connotations of the language of “agency” and “oppression” is admittedly problematic. However, Young’s espousal of the tangential effects of living one’s life is well taken. Following Foucault’s (1983c:231) remark that “everything is dangerous”, we must concede that the choices that we daily make may have more than the immediate effects of self-fulfilment or meeting obligation, etc. Think here of the *distant effects* of polluting waters or our atmosphere. The far reaching effects of our daily activity constitutes a web of inter-relations; a web that binds us within our environment (both built and natural). Supporting a multinational conglomerate’s domestic endeavours by, for example, purchasing their soft drink beverages, may have the tacit effect of condoning and perpetuating their foreign endeavours of, for example, polluting some

fragile ecosystem. How this is a pertinent example given Heidegger's insistence that to dwell is to "spare", to "safeguard" and to "preserve from harm", is to question what it is that is being preserved – simply put, nature; the natural status of the Chinese disorder and the requisite will to govern. Considering the penchant for regulatory projects to create nature, "sparing" can be read as an attempt to "preserve" a 'natural' moral order from the harmful effects of a naturalised unnatural "threatening foreigner"⁴⁰.

It is not my intent to connect these local and distant effects by means of a unifying (economic) base, but only to demonstrate that we can engage in a variety of activity without purposive intent to do so. The effects of these actions, then, could be said to be "non-subjective". This does not mean that we unconsciously act, but that, even though we may be well aware of our immediate actions, distant ramifications may escape our attention. As Anderson (1991:54) recounts, it was "the early provincial governments of British Columbia [that] played a pivotal role in transforming people of Chinese origin into members of an undifferentiated alien category in British Columbia culture and politics". There was not an intent to produce the figure of the "Chinaman", nevertheless this figure was introduced and became governor and measure of not only the behaviours of the Chinese but influenced how social relations within and between all populations would be regulated. A population falling under the category "Chinese" was assembled as a collection of "dangerous individuals" who at the least had the potential to become "habitual offenders" of the common good.

⁴⁰ Think here of the "places of tolerance" – the opium den, Chinatown – as nature preserves for what was considered an unasimilable natural deviancy.

i. Relations of (Bad) Influence

Many accounts of the development of the Chinese question by way of the opium issue attribute the Dominion of Canada's 1908 criminalising of the non-medicinal use of opium to class conflict, rampant moral entrepreneurism (Comack 1985 & 1986, Cook 1969, Green 1979, Roy 1989) or the contradictions inherent in capital accumulation (Comack 1985 & 1986). The state is portrayed as a primary causal agent responsible for thrusting legislation upon an already incapacitated society. Accounts posit an explanation of *why* with no regard to *how* multiple subjectivities and practices intersected to produce this event. These analyses portray the criminalisation of opium as the effect of a particular cause, a linear and logical progression that found its maturity in the event of interdiction. Employing a polemical framework to discover the cause of the 1908 *Opium Act* obfuscates the performative and creative aspect of government⁴¹ and advocates not a bounded field of action with malleable limits, but a divided field with limited possibilities. It is this obfuscating discourse that must be problematised to reveal that projects of governance work not by prohibiting behaviours, but by endowing individuals with the capacity to act. The criminalisation of opium should not be regarded as an isolated event or as the by-product of only labour disputes or moral entrepreneurism – as argued by Elizabeth Comack (1985 & 1986) and Shirley Cook (1969), respectively. We would do well to follow Foucault's attempt to avoid having to be either "for or against" power (Foucault 1997a, cf. Foucault 1983b).

Assuming that power is a zero-sum game not only restricts the capacity for transformation to only those groups deemed privileged, but assumes that one group

⁴¹ As discussed in Chapter Two.

must be passive and without and/or against power as a thing that can be possessed. If “intentional and non-subjective” actions can influence at a distance (spatial and temporal), various actors, cutting across diverse social, economic and political spheres, would be implicated in a web constituting the conditions for reciprocal relations of influence. Even if this influence is articulated as the perceived “bad” influence that the Chinese threatened because of their “pestilential habits” (cited in Munro 1971), it is influence nonetheless, and hence, an exercise of power.

Considering both the so-called dominant group and subordinate group are constitutive of and effects of particular ordering rationalities prevalent at that time, both dominant and subordinate can be regarded as being with(in) rather than without power. In this sense, both would be *required* to exercise power as part of projects of governance, and both would be able to effect the behaviour of the other. Foucault’s claim that power circulates “through a net-like organisation” implicates “individuals [as] vehicles of power”, thus always in the process of transfiguring (Foucault 1980b:98) their environment and themselves.

To claim that constraints that seemingly leave one in a space devoid of power and subordinate to others also enable the capacity to elicit social transformation is contentious, to say the least. Needless to say, this assertion has been condemned by critics, most notably Nancy Hartsock, who, in her denial of the usefulness of Foucault’s “analytics of power” for feminist theory, castigates this claim as “blaming the victim”⁴². Hartsock stipulates,

⁴² For a more sympathetic reading of Foucault and his usefulness for feminist theory see Jana Sawicki (1991), LaDelle McWhorter (1990), and Shane Phelan (1990). Devoney Looser (1992) provides a brief overview of the debates in her “Feminist Theory and Foucault: A Bibliographic Essay”.

Foucault seems to suggest that not only are we equals but that those of us at the bottom are in some sense responsible for our situations. [...] Foucault's argument for an 'ascending analysis' of power could lead us to engage in a version of blaming the victim (Hartsock 1990:169).

Foucault may well be "blind to those disciplines that produce a modality of embodiment that is peculiarly feminine", as Sandra Bartky (1988:64) charges, but he nonetheless provides a method by which unnoticed forces can be revealed and transformed, as Bartky well demonstrates in her appropriation Foucault's (1990) "docile bodies" thesis. Foucault's genealogical method of critique is one that attempts to trace the lineage of a particular rationale to show "people that a lot of things that are a part of their landscape [...] are the result of some very precise historical changes". That is, they are not *a priori* universal; they have a history and they are subject to change. This attempt to render strange the ideas that we today hold most dear is an attempt to "show the arbitrariness of institutions and show which space of freedom we can still enjoy and how many changes can still be made" (Foucault 1988b:11). For Foucault, criticism is the questioning of our present and our relation to it. It challenges the present order as being only one of many possible orders. It is not a form of judgement that attributes a positive or negative value to an action or situation. Because it is our experience and engagement with the limits of what is accepted that define our present, criticism seeks to locate these limits to enable their transformation.

A critique is not a matter of saying that things are not right as they are. It is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices we accept rest. [...] [Thought] is something that is often hidden, but which always animates everyday behaviour. There is always a little thought even in the most stupid institutions; there is always thought even in silent habits. Criticism is a matter of flushing out that thought and trying to change it: to show that things are not as self-evident as one believed, to

see that what is accepted as self-evident will no longer be accepted as such. Practising criticism is a matter of making facie gestures difficult (Foucault 1988a:154-155).

This “experiment” with our limits, as Foucault refers to it, is both the Kantian concern with what our present is and a Nietzschean concern with how we have become what we are. Here Foucault rejects a juridical model of judgement based on a “dogmatic humanism” that “presents a certain form of our ethics as a universal model for any kind of freedom” (Foucault 1988b:15). Instead of assuming a “universal form of subject to be found everywhere” (Foucault 1988a:50), Foucault seeks to think the present differently, ushering in a destabilisation and denaturalisation of the current forms of individuality that are believed to be universal (Ransom 1997:93). Hartsock, conspiring with those authors who in their treatment of the opium issue insist that one group *must* lack the capacity to transform or modify their situation, gives in to the blackmail and the assumption of the universal subject. One who has rights and one who does not. The victim in Hartsock’s narrative is without a capacity for resistance, without the commodified power of right. If the Chinese were feared and acted against because of their capacity for negative influence, and influencing another’s behaviour can be characterised as a relation of power does not this suggest that even the marginal are ‘with’ power? That is, that they habitually exercised a form of power that entailed a dialogical interplay of influence.

Hartsock’s assertion that there must be some fundamental ground on which to base judgement, some founding subject, “presumes that resistance is an essentially representative or expressive action”, that “the act of resistance tells us something

essential about the actor that explains what is wrong with the current situation” Kulynych (1997:329). This belief inscribes the victim as one who *needs* intervention, perhaps by some state agency who can represent them in their struggle⁴³. Hartsock’s strategy simply reinscribes the victim as passive and lacking disruptive capacities, as one who needs to be spoken for. Rather than have their silenced voice heard, Hartsock would have it translated into something other. Again, what is called for is a recasting of the victim/oppressor relationship as one which is dialogical or reciprocal and both produced through processes of subjectivisation. Simply put, a process of continual becoming or transformation of the limits of being is advocated over a dialectic that will overcome empowering limits. This entails change from within, utilising the productive qualities of limits. The strategy advocated by Foucault is

one of struggle, but what I mean by power relations is the fact that we are in a strategic situation towards each other. [...] When we deal with the government, the struggle, of course, is *not symmetrical*, the power situation is not the same, but we are in this struggle, and the continuation of this situation can *influence the behaviour or nonbehaviour of the other*. So we are not trapped. We are always in this kind of situation. It means we always have possibilities, there are always possibilities of changing the situation. We cannot jump *outside* the situation, and there is not a point where you are free from all power relations. But one can always change it. So what I’ve said does not mean that we are always trapped, but that we are always free. Well, anyway, that there is always the possibility of changing. (Foucault 1996:386, emphasis added).

Foucault does not claim, as Hartsock suggests, that “we are equal”, nor does he advocate that we should be. It would be ludicrous for him to do so as this would put him right

⁴³ See Goodrich (1990) for a discussion of how within the legal system voices can be silenced and must be translated into a recognisable form deemed coherent and manageable by juridical discourse. This process of translation, however, still leaves them silenced, filtering out what is irrelevant or simply unrecognisable. Legal representation serves to translate or re-present to the court a particular type of subject, one who is re-figured as a legal subject. This is an example of “taxonomic reframing”. See also chapter four for a discussion.

back into the type of rationalism that he seeks to escape from. He makes it clear that we are not equal, which is precisely why he castigates a juridical and liberal understanding of power as right and the subject of equality.

If this relation of dominant/subordinate is not recast efforts at transformation will continue to be viewed as opposing some necessarily evil force. The liberal welfare state will continue to imprison individuals in what Foucault has referred to as “relations of domination”. For example, conceiving of an oppressor/victim dichotomy leads to a perception that one’s right has been violated. The discourse of Right, argues Foucault, can be regarded as a “permanent agent” of domination (1980b:96) that perpetuates a dependence on repressive power rather than a relational and productive power. Appropriating the liberal Kant (1997), this relationship is one of “tutelage” whereby one is directed to particular ends by an other, functioning as a cog in the machinery of government⁴⁴. Importantly, tutelage implies a subject that is not free. Foucault’s (1980b:97) suggestion that “one should try and locate power at the extreme points of its exercise”, suggests that there is a productive form of power at the ‘margins’ that is exercised in maintaining a “strategic situation towards each other”.

Detractors may cite this as one of Foucault’s greatest weaknesses, but to do so would firmly support a system of right that would reduce all heterogeneity down to sameness, when clearly and undeniably all people are not the same⁴⁵. To treat people as such would be to ignore the importance of the particular circumstances that give rise to

⁴⁴ Kant referred to this a “private reason”, as opposed to a transformative “public reason”. See discussion in chapter Two.

⁴⁵ This harkens back to liberal American feminism versus continental European feminism. The liberal agenda is one of equality, which is absolutely useless for fostering a culture of difference, that is, a society that can be recognised as consisting of people who are not simply greater or lesser versions of man – and I don’t mean mankind. Empathy is undermined.

their local struggles. One must assume that a dynamic and productive power

surmounts the rules of right which organise and delimit it and extends itself beyond them, invests itself in institutions, becomes embodied in techniques and equips itself with instruments and eventually even violent means of material intervention (Foucault 1980b:96).

If power knows no bounds and is “beyond the state”, as Foucault and contemporaries have suggested, then searching for the locus of power would be a fruitless task.

Foucault’s emphasis on the “polymorphous techniques” of power required, as I suggest in previous chapters, that he turn to an analysis of *how* this power was/is dispersed throughout the social body, functioning to enable various forms of life:

rather than try to discover where and how the right of punishment is founded on sovereignty, how it is presented in theory of monarchical right or in that of democratic right, I have tried to see in what ways punishment and the power of punishment are effectively embodied in a certain number of local, regional, material institutions [...] of effective apparatuses of punishment (Foucault 1980b:96-97).

Foucault viewed modernity as the rationalisation, routinisation and humanisation of the inhumane, rejecting one-time large-scale transformation as a remedy to social injustice. Foucault’s rejection of modern humanism certainly does not mean that he rejects human values, as I show in chapter one. Such a suggestion would be naive at best, given his lifelong political struggles against oppressive social conditions generated by the disciplinary practices associated with humanising institutions such as the prison and the asylum. His life-long effort to invoke a different way of thinking, to provoke the conditions whereby we can affect flight from the constraints of the “despotic contract of freedom” was a struggle to found human-being in ongoing revolt, a “permanent checking” on the truth-claims that up-hold the modern will to know.

The oppressor/victim binary harkens back to the cause/effect binary espoused by the “social control” thesis which envisions a “unitary and self-conscious project of some primary agent (society, state or class) that imposes itself on others” (Hunt 1997:277 drawing on Van Kriecken)⁴⁶. This cause/effect relation is precisely that which would entail a *discovery* of the originary source of domination. This view that the source of domination can be readily located or that it is antecedent of the practices that reconstitute it downplays the generative quality of the moralised categories that are employed in the investigation. The moral categories required to discern good from evil in locating the centre of a repressive power reinforces the problematic assertion that only repressive power must be exposed. Only searching for an oppressive form of power allows for many other forms to escape one’s purview. The search for true intentions centred on the belief that there is an authentic and static form of oppression blinds one to the conjuncture of relations between the governance of the self and of others (cf. Dean 1994a; Foucault 1988d) and between an ethics of authenticity and one of creativity that locate the individual a in prime position to affect transformation.

This failure to attend to how the situation was produced and the interplay between the immediate and the distant misses how it is that the individuals who find themselves in particular situations are at once products of that situation and elements in the constitution of that situation. Hartsock’s “blame the victim” assertion and her further claim that Foucault stresses “resistance *rather than* transformation” (Hartsock 1990:167, emphasis added), positions resistance *contra* transformation in an attempt to force Foucault into a hopeless polemic. Foucault makes it quite clear that he believes

⁴⁶ Cook (1969) and Green (1979), and to a lesser extent Comack, advocate the “social control” thesis in

resistance to be a constituent component of power-relations. As transformation entails a relation of power, resistance cannot be *contra* transformation⁴⁷. Resistance is the exercising of power, and, by implication, entails a transformation of one's present in the sense that what will be can be affected by the disruption and/or redirection in the flow of power, changing the parameters of the performative. Hartsock's assertion embraces what Foucault (1997a; cf. Foucault 1983b) has articulated as the "Blackmail" of the Enlightenment: a polemic whereby one must choose either for or against power, entailing a juridical form of judgement (cf. Cutrofello 1994) as to whether power is "good" or "evil". If we are to get beyond this good and evil, we cannot negate, as Hartsock does, two crucially important features of power, namely that power is relational and productive.

Rather than only conceiving of power as a thing that one possesses to the detriment of another we can regard this dialectic as one of reciprocal relations of influence. The body, as the "source and target of power" "is not assigned a binary value as either active or passive, as the perpetrator or recipient of power" as the body operates within a field of fluid force-relations that constitute a "dialogic form of power" (Hewitt 1991)⁴⁸. This dialogical aspect entails that we are already in a position to influence the behaviour of others (Foucault 1980b:89, 98). In this sense, the exercise of influence entails acting upon an other's capacity to act on those conditions that would enable *relations* of domination, not only a singular form of domination⁴⁹. Instead of concern

their account of the 1908 criminalisation of opium.

⁴⁷ Foucault states, "Where there is power there is resistance" (Foucault 1990:95).

⁴⁸ See chapter Two regarding Foucault and dialogue.

⁴⁹ Foucault (1987:3) elsewhere stipulates that this "state of domination" consists of "relations of power, instead of being variable and allowing different partners a strategy which alters them, find themselves formally set and congealed".

with how one can affect change from their current position, Hartsock – implying that the victim’s immediate position lacks power and is subordinate – implies that we must first get to or out of a particular position in order to then affect change. However, if we cannot affect change until we occupy some privileged place, how do we get there in the first place? And, doesn’t this advocating of a hierarchy serve to maintain the patriarchal system of domination that she seeks to ultimately dismantle?

In sum, power, according to Foucault, “is less a confrontation between two adversaries or the linking of one to the other than a question of government” (Foucault 1983a:221). Invoking government whereby relations between people and things are administered avoids the pitfalls of a perpetuity of contradiction (Hewitt 1991:252). This not only alludes to the ability to govern self and others but to the “folding” of power or the creative work done on our self. By turning to an analysis of relations of influence, individuals, as elements of power’s articulation, already occupy a place from which to contest the order of things. As Ransom suggests, following Foucault, individuals are “vehicles of power” and because it is individuals who exercise power, and because they are implicated in carrying out projects of governance, they “might go off the designated path in directions that frustrate” attempts at ordering (Ransom 1997:36; Foucault 1980b:98)⁵⁰.

ii. Inscribed on the Body: Self and Subject

Within this field of force-relations, the body undergoes what Foucault has

⁵⁰ Ransom refers here to the “plebeian aspect” that frustrates the government of “intentional and non-subjective” action, leading to the eternal recurrence of the ‘failure’ of projects of governance to totally subjugate the body. This ties into dialogue as it can be characterised as a “relationship which is at the same time reciprocal incitation and struggle; less of a face-to-face confrontation that paralyses both sides than a

described as a process of “subjectivisation”, which, simply put, is a process whereby subjectivities are constituted (by being subjected to mechanisms of governance). This process whereby the limits of self are constituted entails a configuration of relations that define what it is that we should think and do. In other words, subjectivisation entails the building of our present. It is also an attempt to relegate the body to a singular terrain of fixed co-ordinates. The subject, in this case the figure of the “Chinaman”, is mapped to be recognised as “endow[ed] with particular forms of facticity and causality” (Hewitt 1991:226). Inscribing the limits and obligations of interaction with others and with oneself in the organised field of available action, this taxonomic reframing of the self is illustrated by an 1887 amendment to the 1885 *Act to Restrict and Regulate Chinese Immigration*. Here “women and children were no longer ‘Chinese’ if they were fathered by or married to ‘British and Christian subjects’” (Anderson 1991:58).

This plotting of the “co-ordinates of the subject”, delineating points of reference that fix the subject “into the social landscape” (Pile & Thrift 1995:1-2, cf. Tagg 1988:23) renders coherent reflections of an authentic body, which is paradoxically constantly disrupting its own stability. The body can be read as a “a flat, two-dimensional map” (Pile & Thrift 1995:5 drawing on Nash) whereby the body is at once a surface of inscription and tool for inscribing⁵¹. Read as a map of meaning or maps reality (Hall 1980:134), the Chinese subject is located within the realm of particular ‘inherent’ characteristics that inscribe it. In this process of inscription, space is demarcated through the expansion of (disciplinary) limits. This expansion of the field of action

permanent provocation” (Foucault 983:221-222).

⁵¹ Hunt (1996:397) stipulates that, even today, “appearance is still read as a means of discerning the boundary between insiders and outsiders, the virtuous and the vicious, the respectable and the immoral”.

increases the possibilities for engaging with the unthought. This human map can be paralleled with the “photo-graph” (Lacan in Denzin 1995:45) as a permanent record of historical coherence. From fluctuating configurations, the reality to be experienced is fixed as “evidence” of truth (Tagg 1988:23). Mapping particular points of vision renders flattens or arrests differences in the production of the recognisable image, a process that Bakhtin has referred to as “smoothing”. This attempt to “close up and limit the body’s confines and to smooth [its] bulges” (Bakhtin 1984:n322, cf. Weber 1993) is aimed at preventing “protrusions” or discontinuities by utilising a “system of marks” that “institutes, declares, writes, inscribes, [and] prescribes”, assigning “forced residence” to a closed taxonomic space (Derrida 1986:331).

This inscription of or “source of a truth” (Tagg 1988:2) can be observed to be a rendering of the non-discursive self imag(in)ed as a discursive subject. Here, this “photographic realism” convincingly does what rhetoric aims to do: “to make present what is absent or, more exactly, to make it retrospectively real – a poignant ‘reality one can no longer touch’” (Tagg 1988:4). This *mise en scène*, or production of reality, is the product of subjectivisation. Tagg (1988:11) stipulates that these newly constituted objects of governance were,

forced to emit signs, yet cut of from command of meaning, such groups were represented as, and wishfully rendered, incapable of speaking, acting or organising for themselves.

The effect of government by *locum tenens* is to organise according to the (engendered) needs of the population, entailing some locale in which to gather together, to assemble, the characteristics of the “dangerous individual” as justification for regulatory projects

and their restoration of security and stability⁵².

Conclusion

The subject of the Chinese question is quite distinct from the self. The governing figure of the 'Chinaman' was a non-subjective but nonetheless calculated element produced by the process of subjectivisation. Building or "making-up people" includes repeated attempts to arrest the immanent transformative capacity "before it [could grow] to unmanageable dimensions" (Anderson 1991:61). Projects of governance, deploying the knowledge of the 'authentic and primordial self', required that the Chinese population act in ways unlike others, and invested the population with an "expert" skill and a special knowledge of vice, deviance, et cetera which functioned to inscribe a limited field of action with a singular occupant⁵³. As Foucault once remarked, we need to take this negative and repressive power and turn it into a positive thing to demonstrate that "we are not trapped", that transformation is possible, and, indeed immanent to projects of ordering (Foucault 1997a). This is evidenced by the dynamic subject of the Chinese Question and the significant influence that this "Chinese population" exercised *vis-à-vis* repeated attempts to "map" its field of action, opening up, as part of the "implementing of a Chinese race" (Anderson 1991:7), spaces of difference as this seemingly subordinate and marginal group was made integral to the "the composition and the idea of 'Canada'" (Anderson 1991:57).

⁵² See Craddock (1998) and Anderson (1991) regarding the constitution of a Chinatown.

⁵³ I'd like to develop further the idea that the Chinese population was constituted as an expert population, replete with authority, and capacity for action/influence.

CHAPTER FOUR

Conclusion

I started this project not quite knowing what to expect and although the underlying claim that projects of ordering generate the capacity for transformation has remained the same, the investigative endeavour changed the approach several times over. My interest in Foucault's political philosophy led me to explore an area little developed by Foucault himself, one which has become a fertile and prolific area of investigation. That many writers who appropriate Foucault's work on governmentality only employ a few of Foucault's later texts seemed to me to be rather odd. The most rudimentary bibliographic research reveals the volumes of material available on various facets of Foucault's thought, areas directly related to the study of modern governance. One could only suppose from the absence of much of this material in contemporary writings on Foucauldian governance that it is considered irrelevant for the study of modern governmental rationality. Even though Foucault would object to the unifying function of the author, I don't see how one could approach governmentality without attempting to understand what drew Foucault to this line of enquiry. This is not to suggest that we must attempt to understand the intention in the mind of Foucault, far from it. I merely observe that Foucault's philosophical influences led him to ask some insightful questions that offered interesting and fruitful analyses. Without at least some preliminary reading regarding Foucault's background, influences, etc., efforts to understand how Foucault endeavoured to think differently the same sorts of problems that have plagued the social sciences from their inception would be partial at best, leaving one to fall back on

comfortable and manageable lines of enquiry that perhaps will not or cannot offer the challenges or intellectual agitation that is so fruitful for opening new lines of enquiry.

I employ Kant, Heidegger and Nietzsche in my endeavour to understand Foucault not because I think that they can unlock but because Foucault was working within a philosophical tradition that influenced his approach to confronting everyday life. It seems to me that these three philosophers were crucial for Foucault's philosophical development and they are reflected throughout his philosophical investigations and at the very least in his late turn toward the question of subjectivity. Indeed, the connections are abundant. Contrary to those who profess Foucault to be possibly the greatest anti-Kantian of the twentieth century, Mitchell Dean, David Owen and Ian Hacking (1986a:238), among others, situate Foucault as a philosopher who is not antithetical to Kant's critical project. Foucault's minor thesis on Kant's Anthropology for his doctorate and, ten years later, his successful book *The Order of Things* are testament to the productive influence of Kant's thought. Again, this engagement is illustrated in Foucault's 1982 rejoinder to Kant's 1784 essay "Was ist Aufklärung". I draw heavily from these in the first and second chapters on Foucault's relationship to Enlightenment rationality. Heidegger's essay "Building Dwelling Thinking" is drawn from for the second and third chapters to gain an understanding of the "limit" that enframes and the intersection of various facets of everyday life that produce one's immediate context. And of course Nietzsche's thought forms a general framework.

I have tried to get a sense of Foucault on governance by reading the prominent literature in this area. To gain a sense of Foucault's so-called antihumanism and whether or not it could be said that Foucault did have an emancipatory project, I

engaged with a number of works on Foucault's relationship to Enlightenment thought. His genealogical form of critique as an investigation of the unthought is infused with the Enlightenment's critical ethos, employed by Foucault to think outside established conventions. It can be said then that Foucault does have an emancipatory project, one that espouses that we are free to break from conventional ways of thinking, of liberating the critical ethos of modernity from the dogmatism of humanism. Projects of governance aid in this thinking otherwise. Finding David Owen and Mitchell Dean's works the more theoretically insightful, at least for this project, their work helped to clarify some intricate theoretical issues regarding the interplay of knowledge, ethics, power, resistance and the resulting governmental rationality. It is from Owen that I borrow the useful concepts of a "creative" and "authentic" ethics, although I don't claim to use them in the same way.

This project's coherence is only an after-effect, retrospectively imposed upon it. In the main, it seems that it can be said that there are two separate but interconnected forms of ethics elaborated by Foucault. One that specifically concerns the exercise of power and one that seems to 'escape' power, or at the least attempt an escape. Their agonistic relationship is the heart of governance. The aesthetic or creative ethics follows from Foucault's technologies of the self as a way to constitute oneself as a subject to purposefully effect transformation. The ethics of authenticity is that which is inscribed to produce self-regulation or management and to halt transformation. However, it nevertheless engenders a non-subjective form of transformation. An ethics of creativity and authenticity are not opposed to one another, rather they work in tandem to foster ongoing change to how we think and act. They operate as part of a strategy of

subjectivisation, which introduces forms of life and choices that provide us with limited autonomy for fostering the reiteration of particular ways of thinking and acting, but also the possibility of a disruptive transgression. Subjectivisation, as a process that relies on our participation, and the interplay of ethics leads to the perpetual failure of totalising governance, leaving one with the possibility of freedom and to think otherwise.

I would like to conclude with a few remarks following from the above. I should start by saying that when I say that transformation is immanent to projects of governance I am not arguing that it is necessarily a change for good or bad, it simply is some change to the limits of knowledge that affect our ability to act in a given way. This may seem rather un insightful, even uninspiring. After all, why bother to point out the obvious or to make a claim that is couched in neutrality? Especially when, by my deference to the performative nature of meaning, I suggest that there can be no such thing as this neutrality. It seems that neutrality to some extent is taken for granted, an assumption that there can be some neutrality. For example, the (social) scientist who can reason from no particular point of view, the penchant to pit positive against negative, the need to analyse things in black and white terms.

Resistance is usually viewed as a positive reaction against a negative constraint. However both sides may adopt this view that they are doing the 'right' thing against an other who most likely is thinking the same thing. Resistance to one is imposition to another, leading to further resistance. This might suggest that it is not very productive to force the question "why resist?" to be the only worthwhile line of enquiry. To achieve some neutrality and to somehow climb outside to gain a bird's eye view of the situation to offer an account of why we should act, which incidentally assumes that we are not

already resisting, would be to withdraw from the experience made available by the organising limits, limits that provide us with the subjectivity that would lead us to act in the first place. If inside the frame, one could not have a bird's eye view of the goings on and could not be objective, so one could not answer "why" in any definitive sense. Such is the criticism launched against Foucault by some feminists and liberals. That is, that he cannot tell us why we should resist. Often, though, resistance comes about seemingly by accident, transforming strategies of governance unbeknownst to participants. The best we can hope for is to describe what it is that we think we know and contest this with some other description, not to judge which one is better, but to look at the differences between them. It is from these differences that we can proceed to investigate what it is we thought we knew about ourselves, others, and the world we live in. Foucault's genealogical histories do just this; they present a different view of the same present, rendering the common conception strange, opening it up to questioning and a possible transformation.

Kritzman (1988a:xvii) stipulates, "it is difficult to situate Foucault's political practice within a single perspective". Perhaps this is why Foucault is rejected by historians as too theoretical and by philosophers as too empirical. Foucault's seeming lack of a coherent methodology could be regarded as a symptom of a historical revisionist who has no concern for "historical facts". The oft regarded failure of his genealogical critiques to provide better alternatives to the present state of affairs, to prescribe how to think and act, casts him as a relativist¹. Perhaps then Foucault is a

¹ "For me," stipulates Foucault, "intellectual work is related to what you could call aestheticism, meaning transforming yourself. [...] I am not interested in the academic status of what I am doing because my problem is my own transformation. That's the reason also why, when people say, 'Well, you thought this a

nihilist rejecting truth? To the contrary, as Foucault's redescriptive histories attest: "I believe too much in truth not to suppose that there are different truths and different ways of speaking the truth" (Foucault 1988a:51). This Nietzschean perspectivism has crept into recent theoretical endeavours in the field of legal studies. For example, to borrow from Alan Hyde's (1997) recent work on the representation of the body in law, it would seem that Foucault sought to engender multiple truths so that no one truth could ever be taken as natural. Foucault's insistence on a permanent checking of the 'facts' stemmed from his curiosity with the "play of truth" (1988a:48) that produced on-going transformations to the self and the social.

Curiosity is a vice that has been stigmatised in turn by Christianity, by philosophy, and even by a certain conception of science. Curiosity is seen as futility. However, I like the work; it suggests something quite different to me. It evokes 'care'; it evokes the care one takes of what exists and what might exist; a sharpened sense of reality, but one that is never immobilised before it, a readiness to find what surrounds us strange and odd; a certain determination to throw off familiar ways of thought and to look at the same things in a different way; a passion for seizing what is happening now and what is disappearing; a lack of respect for the traditional hierarchies of what is important and fundamental (Foucault 1988a:238).

The theme of care ties into the ethics that permeate and envelope governance: an ethics of authenticity as a way of thinking and acting that reflect particularly manageable forms of life and creative or aesthetic ethics concerned with affecting at the very least a personal transformation. Foucault goes to great lengths, immersing himself in the texts of ancient Rome and Greece to position this ethics of creativity as one that

few years ago and now you say something else,' my answer is, 'Well, do you think I have worked like [a dog] all those years to say the same thing and not to be changed?' This transformation of one's self by one's own knowledge is, I think, something rather close to the aesthetic experience. Why should a painter work if he is not transformed by his own painting?" (Foucault 1988a:14).

involves a self-mastery that is transformative rather than simply a style of management. That is, this work on oneself, as Deleuze (1995) articulates, involves a “folding” of a single form of power and a crafting of this form, rather than a concern with relations between forms of power.

Governance is concerned with the interplay between the various forms of power, which distinguishes self-governance from self-mastery, distinguishing an ethics of authenticity from one of creativity. To a certain extent, governance is dialogical. At first glance, this may seem contradictory. How can governance, which is concerned primarily with an ethics of authenticity, of implementing and maintaining a stable and secure subject, be dialogical? And how could this creative ethics as a singular form of power against itself be dialogical? For the latter, an ethics of care and will to know are interconnected in the fashioning of a form of life. In the former, dialogue manifests the concern with the various forms that are crafted, to manage and render them coherent. What I am suggesting is that immanent to projects of governance is the transformation of the self and social situations. This, however, can occur as a non-subjective form of resistance that thwarts attempts and renders incomplete total closure. Work on the self can be regarded more as a purposive act of transformation, connected to a care or concern for oneself and with one’s present.

It might be helpful to conclude by drawing on how this is presented by Hunt & Wickham (1994) in their elaboration of governance. I will also loosely employ Sedgwick’s (1992) notion of “taxonomic reframing”. This discussion of ethics is noticeably absent from Hunt & Wickham’s four principles of governance, outlined in their book *Foucault and Law*. The principles elaborated are: governance is an endless

cycle of attempts to control and incompleteness or failure; governance involves power, and by implication, politics and resistance; it always involves knowing the object and how to most effectively regulate it; and governance “always works to bind societies together”, possibly creating divisions in the process (Hunt & Wickham 1994:79-92).

The second point, that governance always involves knowing the object and how to most effectively regulate it is elaborated to suggest that the object is “always-already” there (Hunt & Wickham 1994:88). As I have attempted to demonstrate, this is not so, objects are created at the moment they become governed. I’m not suggesting that the object is created out of thin air. There is some “material” that, to follow Foucault’s discussion of technologies of the self, is worked upon by processes of subjectivisation to make it into a governable object or governing subject. But this material is not in itself the object of governance. To stipulate that the object is always-already there suggests some stability and security where there is none. We know that one of the reasons that governance fails, discussed by Hunt & Wickham as the first principle of governance, is because of the competing truth-claims that are generated and circulated that thwart various attempts to secure one form of life over another. This is effectively the creation of knowledge and its circulation as object of governance. This resembles what Hunt & Wickham term “politics” (1994:82), the ongoing challenges or potential challenge to instances of governance. What “politics” skirts around is the plebeian aspect, that quality that Foucault suggests ‘escapes’, although is never outside, the power-knowledge nexus until such time as it is rendered known as an object of governance. It appears that the plebeian quality is referred to when they make statements such as “something always goes wrong” (1994:81) with projects of ordering. On the other hand, their downplay of

an escape from governance (Hunt & Wickham 1994:97-98) suggests that the interplay of “a plebs” largely escapes their attention)². For them, politics appears as a “passive” and “mundane” form of resistance, which they call the “counter-stroke” of power (1994:83). This “counter-stroke” is not resistance *per se*, but the plebeian aspect of governance. The counter-stroke to power could be regarded as , perhaps a frustrating doubling back off power. This folding is subjectivisation and by implication a form of ethics. Ethics for Foucault was a way of situating the formation of subjectivity ‘outside’ the relations of power without leaving the productive force. To invoke Foucault, power only exists in action, so resistance would be a form of action, possibly an ethics of care of the self.

This plebeian quality is the “ever silent target for apparatuses of power” (Foucault 1980a:137). Waiting to be revealed it bounds the present and ever-threatens disruption that could penetrate at any moment. We could say that this silence or unthought acts as resistance to what is known, however that would put it within relations of power, rendering it a known object of governance. It is not known, which is precisely why it is so effective at thwarting government. This silence “is not so much what stands outside relations of power as their limit, their underside, their counterstroke [...]”

² They assert that “there is no escape from governance (except perhaps in death and certainly in some extreme instances [...])” (Hunt & Wickham 1994:97). Death, they stipulate, is a “possible example of a thing which is not governed” but they drop this line of enquiry because it “is not something we can know”. It would seem that it is precisely because death is something that cannot be known that is unthought, which allows it to at least partially escape governance. For those who actively seek to achieve a particular type of death they assert that, in this case, death may be completely governed. It is this that Foucault addresses in his brief essay “The Simplest of Pleasures” as a means to exit from self-governance to achieve self-mastery , addressed below. Hunt & Wickham offer the attaining of enlightenment by the Zen Buddhist as an “extreme instance” that may very well escape governance. Because this highly disciplined practice yields its ‘logical’ result of enlightenment or “nothingness” as they suggest, this would seem to suggest that this enlightenment would be highly governed, being a product of governance. Following Nietzsche, even nothingness is an object of the will to govern. I suggest that attention to the plebeian aspect of governance would be better suited to theorising instances of “escape”. It is transformative because it is formed ‘outside’ of or as the limit of governance.

(Foucault 1980a:138). This counterstroke is not resistance per se and is not an always-already governable object within relations of power, it is a not-yet form of power, an amorphous quality that is in part generated by governance yet remains just beyond its reach. This disruptive aspect is silent, bordering on the known and “in the bodies, in souls, in individuals, in the proletariat, in the bourgeoisie, but everywhere in a diversity of forms and extensions, of energies and irreducibilities” (Foucault 1980a:138). Perhaps this “plebs” can simply be chalked up to the imperfect workings of the governance machinery, as has been suggested (Hunt & Wickham 1994:83), but I suspect it is much more than that.

Politics for Hunt & Wickham appears to take the form of resistance, the counterstroke to the power that drives governance. They suggest that this politics is a passive frustration of governance. Missing is the plebs as a non-known object of governance that plays to thwart attempts at regulation. This crucial aspect of governance that seems to somehow escape relations of power brings us back to my assertion that ethics is absent in their analysis. I don’t conflate this plebs with ethics, but it does tie into the non-subjective exercising of power, into the failure to sustain an ethics of authenticity. Hunt and Wickham (1994:84) propose their notion of a passive and mundane resistance as a “corrective” to the “many years of political theory and analysis which has discussed politics as if it were only about active contestation [...] using the metaphor of struggle”. But is not the relationship between an ethics of authenticity and creativity one of agonism? They (1994:83) suggest that it is the agonistic interplay between power and resistance that “make a social machinery run imperfectly or incompletely”. I suggest that it is rather the interplay of an ethics that drives and fouls

the machinery; a non-subjective form of resistance playing between an ethics of authenticity and ethics of creativity, an interplay which keeps governance going. A passive and mundane “plebs” has a hand in the perpetual failure and impetus to regulate, but is not quite resistance as it skirts the power-knowledge nexus.

In this regard, the known object of governance is not “always-already” an object of governance, as claimed. The *in potentia* characteristics of the Chinese which sustained regulatory attempts supports a silent, unknown, target of governance. What was governed was something that might occur, a possible configuration of disruptive relations. Although this object was generally known, for example as moral degeneration, its particular form could not have been discerned. At this point it existed as a phantasm held in the minds of the regulators. Perhaps this was enough? It did after all engender very real effects. The object in this case would be patterns of thinking, patterns that translated into actions on the side of the regulators and governed by their interpretation of actions performed by the Chinese. In this sense, this appears to be self-governance according to an image of an authentic self.

The object of “Chinese” was effectively created. There was no object already there, only the unknown, the unthought. In this sense, governance is not “independent” from knowledge, as it is claimed (Hunt & Wickham 1994:88). It does not precede or follow the object to be governed. The power articulated by projects of governance is intimately related with the real forms of life that are enframed by the limits of knowledge. Governance and its object are coterminous, as Hacking (1986) suggests. The ever-shifting configurations of knowledge, of what can be known and of what is real, serve to transform governmental projects, and these projects in turn can shift the

boundaries of the present. The attempt to govern the unthought effectively created an object and detailed knowledge about that object, but this object was simply what was framed by the taxonomy used to understand actions, events, etc. One reason for the perpetual incompleteness of projects of governance may be because they often create objects that don't correspond to anything real. For example, the Chinese were governed as if a social disease. First, they were regarded as an economic threat, this became a threat to moral decency, then a question of the very survival of the Euro-British Columbian species. Metaphors with very real effects, but not in themselves real. Borrowing from the Swiss philologist Saussure, the signifier, for example of smoking opium, was arbitrarily tethered to the conception of disease. There was nothing inherent that connected the Chinese to the contagion that was perceived, it was a matter of taxonomic reframing, adjusting the explanatory framework to match up with the 'results'. In this sense, strategies of governance may often engender non-subjective effects, as Heller (1996) suggests. This can be seen with the various attempts to curb Chinese immigration to British Columbia. The various "head" taxes imposed served to increase rather than decrease the influx of Chinese immigrants.

Sedgwick's (1992) notion of "taxonomic reframing" can be related to the subjectivising process employed by a body of knowledge that is charged with upholding a particular form of life. This can be likened to what Corbin (1987:210) describes as a "series of images and perceptual schemas", circulated as widely as possible to reflect what is to be consumed as authentic by those exposed to and who put into practice this body of knowledge. In the case of the Chinese and the opium issue, "there was an uncritical acceptance of the 'dope fiend' image of the drug user" (Cook 1969:40) which

permitted the virtually unchallenged passage of legislation that defined addiction as a law enforcement problem, extended the range of the criminal sanctions, increased the punitive consequences of conviction, and encroached on traditional safeguards of civil liberties (Solomon & Green 1982:325).

The perceptual schema or taxonomy employed to grapple with the Chinese question obfuscated the incremental expansion of governance and its prescription of conduct framing governance simply as a project of exclusion. It was touted as a necessary response to the undesirable behaviours of others. What is down-played is that this *excessive* behaviour required the containment of desired behaviour, knowledges, etc. within a taxonomy that would legitimate what people *ought* to think and do and the attribution of illegitimacy to excluded practices. All is subjected to certain practices or management techniques that are bound up with a concern for “the purification of the body and maintenance of body boundaries” (Hyde 1997:252) through the promotion of behaviours. Hence, the body is subjected to treatment that aims to render its movements calculable and to re-identify these movements as having a natural affinity with the self while at the same time their natural affinity is denaturalised through techniques employed for arresting the growth and dissemination of what in this case was considered a disease “directly traceable to the Asiatic”³, targeted not only social malady but the vehicles of contamination: the human body⁴. The point here is that by forging such a link between the Chinese body and that of the metaphor of infection, the Chinese “foreigner” takes on the persona of an invader from the outside, penetrating the orderly

³ Member of Parliament for Vancouver (1922) cited in Solomon & Green 1982:321

⁴ The body as the vehicle of disease is often conflated, as Corbin (1987) and Engelstein (1987) point out, with the disease itself. Engelstein makes this point in relation to the regulation of syphilis in nineteenth century Europe – that it was the prostitute’s body that was subjected to management techniques by

and healthy body-politic. The ability of the taxonomic language to mark in this way renders it “the perfect instrument of empire” (Williams 1990:74). Employed authoritatively through its connection to some body of expert knowledge, it incites action of a particularly manageable sort. Images circulated function iconically as rhetoric.

What individuals experience (as real) depends on the interplay of various knowledges and the ephemeral boundaries or limits that provide us with a field of possibilities. That is, both their interpretation of this experience and the possibility to engage in this activity is determined by the limits of knowledge. No experience could be unmediated or lie outside the realm of some system of signification⁵, whether language, images, or actions. As a result, our subjectivity(es) can be regarded as the product of various historically contingent “truth-games” which we participate in and which subjectivise us. For example, the performative of racism as a “reiterative and citational practice” (Butler 1993:2) is, according to Foucault (1988c:11), “the result of some very precise historical changes”, changes that are “part of a regulatory practice that produces the bodies it governs” (Butler 1993:1). These changes or transformations, immanent to projects of governance, continually offer resistance to any configuration of knowledge that vies for stability and security.

This reframing of the real will be briefly illustrated below. The first example draws from the representation of women’s bodies in medical discourse, the second draws from the more specific example of hermaphroditism. Thomas Laqueur

regulating projects that were to target the disease itself.

⁵ Ludwig Wittgenstein [(1958), *Philosophical Investigations*, G.E.M. Anscombe (translator), New York: Macmillan] in particular argues that it is impossible to get outside of language.

demonstrates the relation between a corporeal body and one constituted through medical discourse in his article “Amor Veneris, vel Dulcedo Appeletur”. Describing the treatment of female bodies by the medical profession from about the sixteenth century through the nineteenth, he illustrates the widely accepted view that female genitalia were simply inverted male genitalia. The dominant understanding of male and female anatomy through this “one-sex body” model, an understanding which flattened difference, was due to the inability of medical knowledge to distinguish “male from female organs” (Laqueur 1989:106-107). In short, the language did not exist. This example of how the framework employed renders a ‘logical’ truth, requires practices to entrench this knowledge in everyday life. Practices associated with this unisex model included those that attended to “the problem of the clitoris”, which came to be the problem of “the solitary penis: masturbation” (Laqueur 1989:113). The clitoris, regarded as the female “penis” was to be “excised” by the surgeon, cutting “out what was superfluous and subject to abuse” (Laqueur 1989:117). This elimination of bodily “excess” can be understood as part of the campaign to standardise the body, affirm its heterosexual nature and to get it to act in a certain manner. The body had to be made to conform to established medical truth-claims because as medical knowledge changed body deviated from the standard rendering it abnormal and in need of correction. The “antimasturbatory” procedure of removing the “penis” prevented the *potential* of good Christian women becoming moral degenerates. This procedure also quelled the homo-erotic undertones of “rubbing penis on ‘penis’” (Laqueur 1989:116), moralising heterosexual relations by removing the possibility of the man’s penis coming into contact with the woman’s member. In short, physical and moral degeneration was arrested by

redirecting *in potentia* perverse desires. The “putative spirits” that drove women to become grotesque or foul as opposed to their normal and natural state of femininity and fragrance were driven out through this medical ritual.

The point here is to illustrate the power of a language of authority in constructing a reality through subjectivisation. The medical constitution of the gender-neutral penis subjected some women to various practices that positioned them as morally and physically degenerate and in need of correction. Talk of the transgendered body even today is something that does not permeate many spheres of social life. It is still taboo, and indeed, is non-existent for a large number of disciplines, including law. This taboo is precisely what Foucault advocates we penetrate in order to shift the boundaries of the accepted and the known. This different type or experience “can yield a culture and an ethics. To be “gay”, I think, is not to identify with the psychological traits and the visible masks of the homosexual, but to try to define and develop a way of life” (Foucault 1996:310),

Hermaphroditism is the second example of this type of bodily recodification illustrated by the case of the nineteenth century French hermaphrodite Alexina “Herculine” Barbin, whose memoirs were introduced and edited by Foucault (1980c). Congruent with Laqueur and Emily Martin’s (1997) description of the medical perceptions of the female body 19th century French physicians redesignated the sex of the 22 year old female Alexina Barbin as “male”. This legal redesignation resulted from the discovery of her “penis”. Echoing Laqueur, medical knowledge in the nineteenth century had not produced the language to understand or legitimate a transgendered body. Official medical reports and subsequent legal redesignation of Alexina’s sex

disrupted her ability to identify with her own corporeal body because of the reflection by the medical and legal machinery of an authentic female. Her sex was to be her master-status, removing her body from one set of practices and subjecting it to a different performative. This dislocation ended in his/her suicide. Interestingly, the autopsy made reference to the fact that the “penis” was indeed a clitoris.

The taxonomy of knowledge and its claims to truth subjectivise individuals by presenting them with highly regulated ways of thinking about and acting upon self and others. Although these two examples illustrate radical changes to how one is or should be identified, many processes of subjectivisation are not overt, which is precisely why they are so effective. Alexina’s suicide can be considered an extreme form of purposive resistance, an escape from governance, lead to by the failure of an ethics of authenticity. In the former example, resistance can be regarded as the non-subjective influence that the perceived need to curb the possibility of moral degeneration had over the medical establishment, effectively governing its behaviour. Reworking their conceptual schema in an attempt to understand and legitimate hermaphroditism would have resulted in less time and energy wasted on their self-governing moral campaign.

According to Hunt & Wickham (1994:97) “there can be no genuine anti-governance activities short of death. There can be only anti-particular-technique(s)-of-governance activities [...]”. Because governance serves to provisionally “bind” social actors together, “What appear as anti-binding activities [...] must involve some alternative binding techniques”. The reworking of the medical taxonomy in the above example would have simply resulted in an “anti-particular-technique” of governance, but a form of resistance nevertheless. The goal isn’t necessarily to escape governance, but to be able

to avail oneself of its transformative capacity. In other words, death escapes governance, or rather relations of power-knowledge, but death isn't useful for an ethics of creativity. What Hunt & Wickham term the "dark side" of resistance refers to Foucault's limit-attitude, an *ethos* that they claim, drawing on James Miller, is a "search for freedom from governance" (Hunt & Wickham 1994:86). Foucault (1996:327-328) doesn't seek so much a way out as a means to transform or modify constraints (see page 52). It is here that they invoke the profane, to grapple with the "irrational" element involved in slipping the bonds of governance. Perhaps a reframing is in order. As they (1994:86) suggest, but quickly dismiss, the category "irrational" does not speak to the unthought that defies a "standard sociological ground". By failing to adjust their framework, as we saw in the above examples, they exclude the possibility of the unthought. The recourse to the "simplest of pleasures"⁶, I suggest, does not necessarily entail that it is only in death that we may slip the bonds of power, but rather it is in the preparation for this unique experience.

We should consider ourselves lucky to have at hand (with suicide) an extremely unique experience; it's the one which above all the rest deserves the greatest attention – not that it shouldn't worry you (or comfort you) – but rather so that you can make of it a fathomless pleasure whose patient and relentless preparation will enlighten all of your life (Foucault 1996:296).

A plebs as the unthought that escapes Hunt & Wickham's principle's of governance. Above all, this excludes the coupling of a care for oneself with knowledge of oneself, distinguishing self-mastery from self-governance, in the form of a "patient and relentless preparation" that will lead one out of the fetters of an everlasting tutelage

⁶ A reference to Foucault's (1996:295) brief essay of the same name regarding suicide.

as a domination, not as a productive limit. It is here that an ethics of creativity escapes, at least partially, projects of governance. This crucial aspect that distinguishes a purposive resistance from the non-subjective is simply chalked up to a mysterious and general “politics”. As I said in the introduction, my aim is not to level a critique against the literature on governmentality, and my singling out of Hunt & Wickham’s claims is due only to the fact that they offer the most rigorous attempt to flesh out Foucauldian governance and the relationship to the sociology of law.

The failure of governance can be regarded as the successful introduction of new forms of thinking and acting, which is at least partially explained by what Foucault has referred to as a plebs and also because of the modern will to govern nothingness, explained in Chapter Three to be a preoccupation with the will to govern the phantasm of the ‘Chinaman’. These two elements constantly engender the need to make changes to the regulatory process, whereby the individual continually undergoes change. A creative or aesthetic form of critique leads to purposive change but does not preclude the plebeian aspect of an ethics of authenticity. This is highlighted with attention to the non-subjective form of resistance in the Chinese question as a reciprocal influence. Foucault’s conception of power as a relational and productive force that is not simply handed down in the form of a contractual right, suggests that one does not have to occupy a greater or worse position than another in order to exercise power over oneself or others. Exercising it over oneself appears as an ethics of creativity which attempts to break from governance of the self or maintenance of an authentic form of being. By re-coupling care to the will to know oneself, one is no longer concerned with the phantasm of others but with folding back power to work on forming a self. This facilitates the

temporary “escape” in the form of a transformation from within the field of action consisting of the expansion of possible behaviours. Expansion is characteristic of governance, which seeks to incite one to act in a particular way. By expanding into deeper areas of social life, the subjectivising process brings with it a possible transformation of more and more seemingly static or conventional ways of thinking and acting. Foucault’s brand of philosophy sought to reveal these disruptions through

displacement and transformation of frameworks of thinking, the changing of received values and [working] to think otherwise, to do something else, to become other than what one is (Foucault 1988a:330).

His permanent probing of the limits of our present with his critical histories sought to effect a transformation of the conventional. The possibility of transformation preoccupied Foucault. For him striving to transform oneself and others was part of the liberty to effect ongoing emancipations from the present

PLATES

Works by M.C. Escher

illustrating the interplay and fluidity of the seemingly static boundaries that divide the social field of action. Plates I and II illustrate Deleuze's characterisation of subjectivisation as the "folding" of power (p 29-30). Plates III, IV, and V illustrate a "thinking otherwise" about the mundane (p. 30).

Source: Escher 1971b

9. Ruiter - Horseman - Reiter - Cavalier

40. Band van Möbius II

74. Belvedere

Klimmen en dalen - Ascending and descending - Treppauf und treppab - Montée et descente

76. Waterval - Waterfall - Wasserfall - Cascade

APPENDIX ONE

Time-Line of Governmental Initiatives surrounding the Chinese Question

Sources:

**Anderson 1991
Boyd 1984
Boyd 1995
Comack 1985
Comack 1986
Cook 1969
Green 1979
Munro 1971
Roy 1989
Solomon & Green 1982
Trasov 1962
Ward 1990**

APPENDIX ONE

The Chinese Question: Time-line of Governmental Initiatives

I present here a time-line of events surrounding the opium and Chinese question. This is not a complete list, and is only intended to provide a general familiarity of the events. Prior to the time-line I present a summary of the major points of view articulated by the literature on the criminalisation of opium in Canada.

Prior to 1908, tonics, elixirs and cough syrups were freely prescribed by doctors and dispensed by druggists across the country (Comack 1985). Smoking opium was also freely available. Even though there was no Federal legislation regarding the production or consumption of opium, there was a legal distinction between the consumption of opiates for medicinal and pleasurable purposes (Boyd 1984:106).

This rift (between medicinal and pleasurable; public and private practices; skilled and unskilled labour; whites and immigrants) was increasingly emphasized as various conflicts arose in society [between foreign workers and white workers; between socialist unions and conservative unions; between labour and the state; between Brit. Columbia and the Federal Government over immigration (Comack 1985 & 1986); the Federal government and the professions -- that is, the politicians, medical, pharmaceutical, police, judges -- among others]. Such conflict reflected the existing stratification order, cultural beliefs, and interracial hostilities (Cook 1969), among other things.

Such complex interactions between competing discourses engendered many different constructions of what was 'really' going on:

- economic/labour crises (job scarcity; creed of industrialists) brought on the need for legislation to maintain industrialisation and appease the majority of labourers. (Part of Macdonald's 'National Policy').
- moralistic lobby groups were responsible for the legislation.
- W.L. Mackenzie King was solely responsible, with later help from Emily Murphy.
- Opium was seen as a harmful drug, a contagion causing moral and physical degeneration that undermined society's values.
- Using opium for pleasure was not acceptable: it wasn't productive; it didn't conform to the Protestant work ethic.
- The unchristian Chinese were not welcome; they threatened the morality of Canada's youth (especially young white

girls).

This time-line will allow us to contextualise the various practices that served to foster incremental change in public and private attitudes, increasing state powers of repression, and erosion of civil liberties. It is important to situate Canada's move to criminalise within a global and local context. Each event should be seen as a product of an historically specific set of interrelated practices.

I. TIME-LINE OF EVENTS

**1839-
1856**

- Britain goes to war with China to “preserve and expand British India trade in opium” (Boyd 1984:106).

1850s

- Chinese begin immigrating to British Columbia (Solomon & Green 1982:309)

1860s/1870s

- Rapid industrial expansion utilising cheap labour of primarily Chinese work-force (Green 1979:44; Comack 1985 & 1986).

1871

Pharmacy Act (British Columbia)

- To control the dissemination of medical elixirs (for the mostly Caucasian pharmaceutical companies (Boyd 1984:105).
- British Columbia joins Confederation.
- British Columbia excludes the Chinese from voting (Ward 1990:32).

1878

- British Columbia imposes a Quarterly tax of \$10 on Chinese; struck down by the Supreme Court of B.C. (Munro 1971:43).

1879*An Act to Alter the Duties of Customs and Excise*

- Federally imposed duties on importing opium
 - \$5/lb. for prepared smoking opium; 20% on raw opium
 - \$500/annum licencing fees (Trasov 1962; Green 1979) for manufacturers (Comack 1985) and dealers, payable to the city (Boyd 1984:105); Caucasian pharmaceutical companies did not pay this fee. (Boyd 1984:106).
- This legislation effectively recognises the legal use of opium.

1880s

- Work starting to become scarce as completion of Canadian Pacific Railroad nears .
- Chinese starting to be perceived as a threat as they are willing to work for substantially reduced wages (they always had worked for less but not in direct competition with Whites. According to Comack, at this time they still were not in direct competition with whites. This threat is only “imaginary”).

1882*The Exclusion Act (United States)*

- Prohibits further immigration of Chinese into California.
- Greater numbers immigrate to Canada.

1884*Act to Regulate the Chinese Population (British Columbia)*

- criminalised the non-medicinal use of opium (Anderson 1991; Roy 1989)
- Declared *ultra vires* by B.C. Supreme Court

1885*Royal Commission on Chinese Immigration*

- “a commission to fully investigate the Chinese problem on Canada’s Pacific Coast” (Trasov 1962:275).
- Recommends \$50 head-tax on Chinese immigrants
- Opium use frequently mentioned, but not in relation to criminalisation (cf. Solomon & Green 1982:311-312)

1885*Chinese Immigration Act*

- Imposition of \$50 head-tax on Chinese immigrants (excepting merchants, “men of science”, and students) (Boyd 1984:108).

1893*British Royal Commission report on Opium in India***1901**

- Head-tax increased to \$100 (Solomon & Green 1982:312).

1902*Royal Commission on Chinese and Japanese Immigration*

- Recommends that further Chinese Immigration be prohibited (not implemented until 1923)
- As with the 1885 Commission, the report contained evidence about opium use but no recommendations to criminalise.
- According to Trasov (1962:277), “One may assume that they did not regard its use as a serious matter or one which there needed to be any additional legal restriction”.

1904

- Head-tax increased to \$500 in lieu of exclusion (exclusion provision in the 1923 *Chinese Immigration Act*)
- King would later find (in 1908) that this tax “was having the effect of creating greater bargaining power for the Chinese immigrants already resident in Canada prior to 1904” (Boyd 1984:109).

United States Philippine Commission

- Recommends prohibition of opium in Philippines.
- US opium/narcotic legislation pending

1906*Government of China*

- issues royal edict (Imperial Decree [Boyd 1984:109]) declaring that the growth, sale and consumption of opium should cease within ten years (Trasov 1962:277).

- constructs opium smoker as being infected by a “poison” that must be eradicated (Boyd 1984:110); the need to cure the ‘sickness’ is constituted by one of its major producers.

1907

Asiatic Exclusion League formed

- by conservative craft unions on West coast (Comack 1986).
- Anti-Asiatic demonstration and subsequent rioting in Asian section of Vancouver (September)
 - About 9000 angry White labourers “inspired by occupational insecurity” (Green 1979:45) and “rampant paranoia” (Boyd 1984:113).
- Deputy Minister of Labour (Mackenzie King) dispatched to Vancouver (in October) to “investigate and assess the Chinese losses and settle claims” for damages (Itasov 1962:276). Initially only to entertain claims from Japanese at the behest of Laurier; the Chinese were later considered (in the Spring of 1908).
- Initially, according to Boyd (115), “King had no intention of making opiate use illegal” and only felt that “a better licensing system for the Chinese ‘druggists’” was needed (Boyd 1984:114-115) [this is not stipulated in other articles]
- Prompted by local Chinese interested in the criminalisation of opium (Boyd 1984:115; Comack 1985 & 1986), King recommends, in his report of either July 1 or 3, 1908 (two conflicting dates) that legislative restrictions be imposed [See Green 1979:46] as sale of opium by Chinese supposedly contravenes the *BC Pharmacy Act*.

1908

- Britain and China enter into agreement to bring about the “world-wide cessation of the opium trade” at a rate of 10% a year for a decade (Boyd 1984:110-111). Although Britain at this time is still reaping substantial profits from the consumption of opium.

An Act to Prohibit the Importation, Manufacture and Sale of Opium for other than Medicinal Purposes

- King’s proposals are implemented within three weeks of submitting his unofficial report on the Anti-Asiatic riot to the Minister of Labour.
- Passed with no discussion in House. Senate moves to have included a provision to allow six months for merchants to sell remaining stock (Solomon & Green 1982:313).

- This act, according to Trasov (1962:278), "made no mention of addicts nor did it indicate how they were to be treated."
- King receives reputation as narcotics expert (Green 1979:49).
- As with subsequent Acts and Amendments, no empirical evidence is consulted.

Proprietary and Patent Medicine Act

- Discussion was held with representatives of the Pharmaceutical Association so that their concerns could be addressed .
- Required labeling of patent medicines (Green 1979) containing heroin and cannabis (Boyd 1984:120). Morphine and heroin are prohibited.
- It should be noted that these medicines were far more addictive than smoking opium. (cf. Solomon & Green 1982:314).

1909

King part of British delegation to Shanghai International Opium Commission

- This is the first international effort to suppress opium traffic (Green 1979:49; Solomon & Green 1982:315).
- This conference, according to Green (1979:49) was to "alleviate China's near-epidemic levels of opium dependence" which were introduced by the British.
- Opium now being promoted as a contagion. According to Boyd, about 13 million of China's 80 million(?) were addicted to opium; only 10 percent of Chinese in Canada estimated to be addicted.

1910

Royal Commission to Investigate Alleged Chinese Frauds and Opium Smuggling on the Pacific Coast

- investigation of allegations of corrupt Customs officials and BC Liberals smuggling Chinese and opium into Canada.
- Due to inability to curb importation, the emphasis of government shifts to "'drastic' legislative amendments targeted at the consumer" (Green 1979:49). Imprisonment and fines were urged (Solomon & Green 1982:316).
- There were three important recommendations by this Commission that would later be implemented:
 1. Use and possession to be criminalised (embodied in the 1911 Act, below)
 2. Police should be provided with extraordinary powers of search and seizure (embodied in the Writ of Assistance, implemented in 1922. Good for life of the peace officer to search any place but a

“dwelling house”).

3. Calls for effective deterrence, such as the imposition of imprisonment as well as hefty fines, whipping, deportation [implemented 1922] and the loss of right to appeal (1923) would later come into effect.

1911

- William Lyon Mackenzie King becomes Minister of Labour.

Opium and Narcotics Act

- Criminalises possession for purposes of smoking (i.e., for pleasure); still legal to consume in medicinal elixirs
- Only number one, above, is adopted.
- reduction in fines from \$1000 to \$500 (summary offence).
- “Curiously, the illegal possession of opium calls for a much lighter penalty than possession of any other narcotic drug even though it was the smoking opium that gave rise to the Opium and Drug Act” (Irasov 1962:278).
- Liberal government of Sir Wilfred Laurier defeated in Federal election.

1912

The Hague International Opium Convention

- brought into force when ratified and appended to the Treaty of Versailles (Treaty of Peace), 1919 (Cook 1969; Green 1979; Boyd 1984:125).

1919

Amendment to 1911 Act

- before importing or exporting opium, a licence must first be obtained from the Federal Minister of Health.
- Amendment dictated by international law (due to Treaty of Peace) (Boyd 1984:125).

1920

Amendment to 1911 Act

- restriction of “opiate containing nostrums for reasons of public health security” (Green 1979:52) to meet the conditions of the Hague Convention (Cook 1969:37). [It should be noted that smoking opium only gradually became an issue of health, moral and physical. There had always been a sharp contrast between medicinal use and smoking opium for pleasure. This dichotomy slowly decreased as smoking opium came to be regarded as,

even though not medicinal, a matter of health. Private practice came to be of public concern. Later, health practitioners would be told that they had no role whatever viz. the 'contagion' of opium; that it was strictly a legal matter. The literature does not directly address this subtle shift].

- Name changed to *Opium and Narcotic Drug Act*
- Amendment dictated by international law (due to Treaty of Peace) (Boyd 1984:125).
- Health Canada assumes responsibility for the Act and its enforcement (Green 1979).
 - Narcotic Drug Branch created.
 - previous to this, no one Ministry was responsible for the Opium/Narcotics Act.
- The N.W.M.P. and the Dominion Police are merged to create the R.C.M.P.
- Mounties are given federal jurisdiction and become the "enforcement arm of the Department of Health" (Green 1979:52).
- The feminist, suffragette, puritan, police magistrate, author, moral entrepreneur, and Edmonton Juvenile Court Judge Emily Murphy is commissioned by Macleans magazine and writes a series of uninformed and sensationalist articles (Green 1979; Cook 1969) about the contagion of drugs and those (the non-white races) who are spreading this disease.
 - These five articles are expanded considerably and culminate in a book called *The Black Candle* (1922), which is highly influential for the 1922 amendments and subsequent 1923 *Opium and Narcotic Drug Act*.

1921

Amendment to 1911 Act

- Increased penalties and special punishment for distribution to minors (made an indictable offence) (Trasov 1962:279).
- Whipping again suggested, but rejected.

1922

Amendments to 1911 Act

- wider powers of search -- writ of assistance implemented.
- whipping introduced; at judges discretion, for those convicted of trafficking to minors (Green 1979:57; Trasov 1962:279); later expanded to all trafficking.
- deportation of convicted aliens unless court determines otherwise (Green 1979; Trasov 1962:280).

- government proposes abolishing the right to appeal lower court decisions, however this is rejected by the Senate (Green 1979; Trasov 1962:280) (this is implemented in 1923).

1923

Opium and Narcotic Drug Act

- Consolidated previous legislation and imposed stiffer penalties (Trasov 1962:280).
- Deportation of aliens and Canadian citizens becomes automatic upon conviction.
- Appeals abolished

Chinese Immigration Act

- Excludes Chinese from immigrating to Canada

Bibliography

- Alcoff, L. (1990). "Feminist Politics and Foucault: The Limits to a Collaboration". In Dallery & Scott (Eds.), *Crises in Continental Philosophy* (pp. 69-86). Albany: SUNY Press.
- Allen, B. (1991). "Government in Foucault". *Canadian Journal of Philosophy*, 21(4), 421-439.
- Anderson, K. (1991). *Vancouver's Chinatown: Racial Discourse in Canada, 1875-1980*. Montreal: McGill-Queen's UP.
- Bakhtin, M. (1984 [1965]). "The Grotesque Image of the Body and Its Sources", *Rabelais and His World* (pp. 303-367). Bloomington: Indiana UP.
- Barry, A., Osborne, T., & Rose, N. (Eds.). (1996). *Foucault and Political Reason: Liberalism, Neo-liberalism and Rationalities of Government*. Chicago: University of Chicago Press.
- Barthes, R. (1997). "The Eiffel Tower". In N. Leach (Ed.), *Rethinking Architecture* (pp. 172-182). New York: Routledge.
- Bartky, S. L. (1988). "Foucault, Femininity, and the Modernization of Patriarchal Power". In I. Diamond & L. Quinby (Eds.), *Feminism and Foucault: Reflections on Resistance* (pp. 61-86). Boston: Northeastern University Press.
- Bataille, G. (1986 [1957]). "Eroticism and Inner Experience" & "Transgression", *Eroticism: Death & Sensuality* (pp. 29-39 & 63-71). San Francisco: City Lights Books.
- Berger, J. (1977). *Ways of Seeing*. New York: Penguin Books.
- Bernauer, J. (1990). "Dissident Thinking", *Michel Foucault's Force of Flight: Toward an Ethics for Thought*. Atlantic Highlands, NJ: Humanities Press.
- Blomley, N. (1994). "Part I: History, Geography, and the Politics of Law", *Law, Space, and the Geographies of Power* (pp. vii-60). New York: Guilford Press.
- Bordo, S. (1993). "Reading the Slender Body", *Unbearable Weight: Feminism, Western Culture, and the Body* (pp. 185-214). Berkeley: University of California Press.
- Bourdieu, P. (1984). *Distinction: A Social Critique of the Judgement of Taste* (Richard Nice, Trans.). Cambridge MA: Harvard UP.

- Boyd, N. (1984). "The Origins of Canadian Narcotics Legislation: The Process of Criminalization in Historical Context". *Dalhousie Law Journal*, 8(1), 102-136.
- Boyd, N. (1995). "The Sources of Canadian Narcotics Legislation: Understanding Intentions and Consequences", *Canadian Law: An Introduction* (pp. 32-41). Toronto: Harcourt Brace.
- Braidotti, R. (1994). "The Ethics of Sexual Difference: The Case of Foucault and Irigaray", *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* (pp. 124-136). New York: Columbia UP.
- Broos, C. H. A. (1971). "Escher: Science and Fiction". In J. L. Locher (Ed.), *The World of M.C. Escher* (pp. 29-37). New York: Harry N. Abrams Inc.
- Burchell, G., Gordon, C., & Miller, P. (Eds.). (1991). *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.
- Butler, J. (1993). "Introduction", *Bodies That Matter: On the Discursive Limits of "Sex"* (pp. 1-26). New York: Routledge.
- Butler, J. (1997). "Subjection, Resistance, Resignification: Between Freud and Foucault", *The Psychic Life of Power: Theories of Subjection* (pp. 83-105). Stanford: Stanford UP.
- Camfield, D. (1995). *Towards a Social History of Foucault's Thought*. Unpublished MA (Social and Political Thought), York University, Toronto.
- Carroll, D. (1987). "Self-Reflexivity and Critical Theory: Foucault", *Paraesthetics: Foucault, Lyotard, Derrida* (pp. 53-106). New York: Methuen.
- Carstairs, C. (1998). "Innocent Addicts, Dope Fiends and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada". *Journal of Canadian Studies*, 33(3), 145-162.
- Certeau, M. de (1986a). "The Black Sun of Language: Foucault", *Heterologies: Discourse on the Other* (pp. 171-184). Minneapolis: University of Minnesota Press.
- Certeau, M. de (1986b). "Micro-techniques and Panoptic Discourse: A Quid pro Quo", *Heterologies: Discourse on the Other* (pp. 185-192). Minneapolis: University of Minnesota Press.
- Certeau, M. de (1986c). "The Laugh of Michel Foucault", *Heterologies: Discourse on the Other* (pp. 193-199). Minneapolis: University of Minnesota Press.

- Chapman, T. (1977). "Drug Usage and the Victoria Daily Colonist: The Opium Smokers of Western Canada". Paper presented at the Canadian Society for Legal History, Toronto.
- Coles, R. (1991). "Foucault's Dialogical Artistic Ethos". *Theory, Culture & Society*, 8, 99-120.
- Cornack, E. (1985). "The Origins of Canadian Drug Legislation: Labelling Versus Class Analysis". In Fleming (Ed.), *The New Criminologies in Canada: Crime, State and Control* (pp. 65-86). Toronto: University of Toronto Press.
- Cornack, E. (1986). "'We will get some good out of this riot yet': The Canadian State, Drug Legislation and Class Analysis". In S. Brickey & E. Cornack (Eds.), *The Social Basis of Law: Critical Readings in the Sociology of Law* (pp. 67-89). Toronto: Garamond Press.
- Conklin, W. E. (1996). "The Invisible Author of Legal Authority". *Law and Critique*, 7(2), 174-192.
- Conner, S. P. (1996). "The Pox in Eighteenth-Century France". In L. E. Merians (Ed.), *The Secret Malady: Venereal Disease in Eighteenth-Century Britain and France* (pp. 15-33). Lexington, KY: University Press of Kentucky.
- Cook, D. (1993). "The Turn Towards Subjectivity" & "Conclusion", *The Subject Finds a Voice: Foucault's Turn Toward Subjectivity* (pp. 121-147). New York: Peter Lang Publishing Inc.
- Cook, S. (1969). "Canadian Narcotics Legislation, 1908-1923". *Canadian Review of Sociology and Anthropology*, 46(1), 36-46.
- Cooper, B. (1981). "Language", *Michel Foucault: An Introduction to the Study of His Thought* (pp. 27-32). Lewiston NY: Edwin Mellen Press.
- Cooper, D. (1994). "Productive, Relational and Everywhere? Conceptualising Power and Resistance Within Foucauldian Feminism". *Sociology*, 28(2), 435-454.
- Cooper, D. (1996). "Review of Hunt & Wickham: Foucault and Law". *Social and Legal Studies*, 5, 565-567.
- Cooper, D. (1998). "Governing Through Space and Belonging", *Governing Out of Order: Space, Law and the Politics of Belonging* (pp. 3-25). New York: Rivers Oram Press.
- Corbin, A. (1987). "Commercial Sexuality in Nineteenth-Century France: A System of Images and Regulations". In C. Gallagher & T. Laqueur (Eds.), *The Making of the*

- Modern Body: Sexuality and Society in the Nineteenth Century* (pp. 209-219). Berkeley: University of California Press.
- Coxeter, H. S. M. (1971). "The Mathematical Implications of Escher's Prints". In J. L. Locher (Ed.), *The World of M.C. Escher* (pp. 49-55). New York: Harry N. Abrams Inc.
- Craddock, S. (1998). "*Body and Place: Pathologizing the Chinese and Chinatown in Nineteenth Century San Francisco*". Paper presented at the Deviant Bodies: Health and the Construction of Identity.
- Cutrofello, A. (1994). "The Search for a Metaduction of the Juridical Model of Critique"; "From the Transcendental to the Genealogical and Back: Kant *avec* Foucault"; "The Role of Discipline in Kant's Court of Reason", *Discipline and Critique: Kant, Poststructuralism, and the Problem of Resistance* (pp. 1-48). New York: SUNY Press.
- Davies, M. (1996). "Legal Theory and Contemporary Philosophy" & "The Limits of the Law", *Delimiting the Law: 'Postmodernism' and the Politics of Law* (pp. 1-38). London and Chicago: Pluto Press.
- Davila, J. (1997). "An Exegesis of the Text *Was ist Aufklärung?* Foucault's Intellectual Testament". In C. O'Farrell (Ed.), *Foucault: The Legacy* (pp. 185-192). Queensland: Queensland University of Technology.
- Dean, M. (1994a). *Critical and Effective Histories: Foucault's Methods and Historical Sociology*. New York: Routledge.
- Dean, M. (1994b). "'A social structure of many souls': Moral Regulation, Government, and Self-formation". *Canadian Journal of Sociology*, 19(2), 145-168.
- Dean, M. (1996a). "Putting the Technological into Government". *History of the Human Sciences*, 9(3), 47-68.
- Dean, M. (1996b). "Foucault, Government and the Enfolding of Authority". In A. Barry, T. Osborne, & N. Rose (Eds.), *Foucault and Political Reason: Liberalism, Neo-liberalism and Rationalities of Government* (pp. 209-229). Chicago: University of Chicago Press.
- Deleuze, G. (1988). "A New Cartographer" & "Topology: 'Thinking Otherwise'", *Michel Foucault* (pp. 23-123). Minneapolis: University of Minnesota Press.
- Deleuze, G. (1995). "Michel Foucault", *Negotiations* (pp. 81-118). New York: Columbia UP.

- Denzin, N. (1995). "The Voyeur's Desire", *The Cinematic Society: The Voyeur's Gaze* (pp. 42-64). Thousand Oaks CA: Sage.
- Derrida, J. (1986). "Racism's Last Word". In H. L. Gates (Ed.), *"Race," Writing, and Difference* (pp. 329-339). Chicago: University of Chicago Press.
- Deveaux, M. (1994). "Feminism and Empowerment: A Critical Reading of Foucault". *Feminist Studies*, 20(2), 223-247.
- Diamond, I., & Quinby, L. (1988). "Introduction". In Diamond & Quinby (Eds.), *"Feminism and Foucault: Reflections on Resistance"* (pp. ix-xx). Metuchen NJ: Northeastern UP.
- Dreyfus, H., & Rabinow, P. (1986). "What is Maturity? Habermas and Foucault on 'What is Enlightenment?'". In D. Hoy (Ed.), *Foucault: A Critical Reader* (pp. 109-122). New York: Basil Blackwell.
- Easthope, A. (1988). "Preface", *British Post-structuralism Since 1968* (pp. xi-xiv). New York: Routledge.
- Eckersley, R. (1994). "The Failed Promise of Critical Theory". In C. Merchant (Ed.), *Ecology: Key Concepts in Critical Theory* (pp. 65-78). Atlantic Highlands NJ: Humanities Press.
- Engelstein, L. (1987). "Morality and the Wooden Spoon: Russian Doctors View of Syphilis, Social Class, and Sexual Behaviour, 1890-1905". In Gallagher & Laqueur (Eds.), *The Making of the Modern Body* (pp. 169-208). Los Angeles: University of California Press.
- Eribon, D. (1991). *Michel Foucault*. Cambridge MA: Harvard UP.
- Escher, M. C. (1971). "Approaches to Infinity". In J. L. Locher (Ed.), *The World of M.C. Escher* (pp. 37-41). New York: Harry N. Abrams Inc.
- Escher, M. C. (1971b). *The Graphic Work of M.C. Escher*. New York: Ballantine Books.
- Falzon, C. (1998). *Foucault and Social Dialogue: Beyond Fragmentation*. New York: Routledge.
- Foucault, M. (1977a). "Nietzsche, Genealogy, History". In D. Bouchard (Ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault* (pp. 139-165). Ithaca: Cornell UP.
- Foucault, M. (1977b). "History of Systems of Thought". In D. Bouchard (Ed.), *Language, Counter-Memory, Practice* (pp. 199-205). Ithaca: Cornell UP.

- Foucault, M. (1977c). "A Preface to Transgression". In D. Bouchard (Ed.), *Language, Counter-memory, Practice* (pp. 29-52). New York: Cornell UP.
- Foucault, M. (1980a). *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. New York: Pantheon.
- Foucault, M. (1980b). "Two Lectures". In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (pp. 78-108). New York: Pantheon.
- Foucault, M. (1980c). "Introduction". In M. Foucault (Ed.), *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (pp. vii-xvii). New York: Pantheon.
- Foucault, M. (1983a). "The Subject and Power". In Dreyfus & Rabinow (Eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics* (pp. 208-228). Chicago: University of Chicago Press.
- Foucault, M. (1983b). "Structuralism and Poststructuralism". *Telos*, 83.
- Foucault, M. (1983c). "On the Genealogy of Ethics". In H. Dreyfus & P. Rabinow (Eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics* (second edition ed., pp. 229-252). Chicago: University of Chicago Press.
- Foucault, M. (1985). "Introduction", *The Use of Pleasure: Volume Two of the History of Sexuality* (pp. 1-32). New York: Vintage Books.
- Foucault, M. (1987). "The Ethic of Care for the Self as a Practice of Freedom: An Interview". In J. Bernauer & D. Rasmussen (Eds.), *The Final Foucault* (pp. 1- 21). Cambridge MA: MIT Press.
- Foucault, M. (1988a). *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*. L. Kritzman (Ed.). New York: Routledge, Chapman and Hall.
- Foucault, M. (1988b). "Truth, Power, Self: An Interview with Michel Foucault". In L. Martin, H. Gutman, & P. Hutton (Eds.), *Technologies of the Self* (pp. 9-15). Amherst: University of Massachusetts Press.
- Foucault, M. (1988c). "Technologies of the Self". In L. Martin, H. Gutman, & P. Hutton (Eds.), *Technologies of the Self* (pp. 16-49). Amherst: University of Massachusetts Press.
- Foucault, M. (1988d). "The Political Technology of Individuals". In L. Martin, H. Gutman, & P. Hutton (Eds.), *Technologies of the Self* (pp. 145-162). Amherst: University of Massachusetts Press.

- Foucault, M. (1990). *The History of Sexuality: An Introduction, Volume One*. New York: Vintage.
- Foucault, M. (1991a [1978]). "Governmentality". In G. Burchell, Gordon, C., Miller, P. (Ed.), *The Foucault Effect: Studies in Governmentality*. (pp. 87-104). Chicago: University of Chicago Press.
- Foucault, M. (1991b). "Questions of Method". In G. Burchell, C. Gordon, & P. Miller (Eds.), *The Foucault Effect: Studies in Governmentality* (pp. 73-86). Chicago: University of Chicago Press.
- Foucault, M. (1993). "Kant on Enlightenment and Revolution". In M. Gane & T. Johnson (Eds.), *Foucault's New Domains* (pp. 10-18). New York: Routledge.
- Foucault, M. (1994 [1966]). *The Order of Things: An Archaeology of the Human Sciences*. New York: Vintage Books.
- Foucault, M. (1995 [1975]). *Discipline and Punish: The Birth of the Prison* (Alan Sheridan, Trans.). (second ed.). New York: Vintage Books.
- Foucault, M. (1996). *Foucault Live: Collected Interviews, 1961-1984* (L. Hochroth and J. Johnston, Trans.). New York: Semiotext(e).
- Foucault, M. (1997). *The Politics of Truth*. S. Lotringer (Ed). New York: Semiotext(e).
- Foucault, M. (1997a [1984]). "What is Enlightenment". In S. Lotringer (Ed.), *The Politics of Truth* (pp. 101-134). New York: Semiotext(e).
- Foucault, M. (1997b). *Ethics: Subjectivity and Truth* (Robert Hurley, et al, Trans.). P. Rabinow (Ed.), (Vol. One). New York: New Press.
- Foucault, M., [M. Florence]. (1994b). "Foucault, Michel 1926-". In G. Gutting (Ed.), *The Cambridge Companion to Foucault* (pp. 314-320). New York: Cambridge UP.
- Fraser, N. (1995). "Michel Foucault: A 'Young Conservative'?" In M. Kelly (Ed.), *Critique and Power: Recasting the Foucault/Habermas Debate* (pp. 185-210). Cambridge MA: MIT Press.
- Gallagher, C., & Laqueur, T. (1987). "Introduction". In C. Gallagher & T. Laqueur (Eds.), *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century* (pp. vii-xv). Berkeley: University of California Press.
- Game, A. (1991). *Undoing the Social: Towards a Deconstructive Sociology*. Toronto: University

of Toronto Press.

- Gardiner, M. (1995). "Utopia and Everyday Life in French Social Thought". *Utopia Studies*, 6(2), 90-123.
- Gardiner, M. (1996). "Foucault, Ethics and Dialogue". *History of the Human Sciences*, 9(3), 27-46.
- Gatens, M. (1992). "Power, Bodies and Difference". In M. Barrett & A. Phillips (Eds.), *Destabilizing Theory: Contemporary Feminist Debates* (pp. 120-138). Stanford: Stanford UP.
- Gatens, M. (1997). "Corporeal Representation in/and the Body Politic". In K. Conroy, N. Medina, & S. Stanbury (Eds.), *Writing on the Body: Female Embodiment and Feminist Theory* (pp. 80-89). New York: Columbia UP.
- Goodrich, P. (1990). "Modalities of Legal Annunciation: A Linguistics of Courtroom Speech". *Languages of Law: From Logics of Memory to Nomadic Masks* (pp. 179-186). London: Weidenfeld and Nicolson.
- Gordon, C. (1991). "Governmental Rationality: An Introduction". In Burchell, Gordon, & Miller (Eds.), *The Foucault Effect: Studies in Governmentality* (pp. 1-52). Chicago: University of Chicago Press.
- Gordon, C. (1993). "Question, Ethos, Event: Foucault on Kant and Enlightenment". In M. Gane & T. Johnson (Eds.), *Foucault's New Domains* (pp. 19-35). New York: Routledge.
- Green, M. (1979). "A History of Canadian Narcotics Control: The Formative Years". *University of Toronto Faculty of Law Review*, 42, 42-79.
- Gruber, D. (1989). "Foucault's Critique of the Liberal Individual". *The Journal of Philosophy*, 86(11), 615-621.
- Habermas, J. (1995). "Taking Aim at the Heart of the Present: On Foucault's Lecture on Kant's 'What is Enlightenment?'". In M. Kelly (Ed.), *Critique and Power: Recasting the Foucault/Habermas Debate* (pp. 149-156). Cambridge, MA: MIT Press.
- Hacking, I. (1986). "Making Up People". In T. Heller, M. Sosna, & D. Wellbery (Eds.), *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought* (pp. 222-237). Stanford: Stanford UP.
- Hacking, I. (1986a). "Self-Improvement". In D. Couzens Hoy (Ed.), *Foucault: A Critical Reader* (pp. 235-240). Cambridge MA: Blackwell.

- Hall, S. (1980). "Encoding/decoding". In S. Hall (Ed.), *Culture, Media, Language*. London: Hutchinson/Centre for Contemporary Cultural Studies.
- Hall, S. (1990). "Cultural Identity and Diaspora". In J. Rutherford (Ed.), *Identity: Community, Culture, Difference* (pp. 222-232). London: Lawrence and Wishart.
- Hall, S. (1996). "New Ethnicities". In D. Morley & K.-H. Chen (Eds.), *Critical Dialogues in Cultural Studies* (pp. 441-449). New York: Routledge.
- Hartsock, N. (1990). "Foucault on Power: A Theory for Women?". In L. Nicolson (Ed.), *Feminism/Postmodernism* (pp. 157-175). New York: Routledge.
- Harvey, D. (1990). "The Passage From Modernity to Postmodernity in Contemporary Culture", *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (pp. 3-120). Cambridge MA: Blackwell.
- Hayes, J. C. (1996). "Contagion and Containment: Sade and the Republic of Letters". In L. E. Merians (Ed.), *The Secret Malady: Venereal Disease in Eighteenth-Century Britain and France* (pp. 243-260). Lexington, KY: University Press of Kentucky.
- Heidegger, M. (1977). "The Question Concerning Technology", *Basic Writings* (pp. 287-317). New York: Harper & Row.
- Heidegger, M. (1993 [1951]). "Building Dwelling Thinking", *Basic Writings* (second ed., pp. 347-363). San Francisco: Harper Collins.
- Heller, K. J. (1996). "Power, Subjectification and Resistance in Foucault". *SubStance*, 79, 78-110.
- Hermer, J. (1997). "Keeping Oshawa Beautiful: Policing the Loiterer in Public Nuisance By-Law 72-94". *Canadian Journal of Law and Society*, 12(1), 171-192.
- Hermer, J., & Hunt, A. (1996). "Official Graffiti of the Everyday". *Law & Society Review*, 30(3), 455-480.
- Hewitt, M. (1991). "Bio-politics and Social Policy: Foucault's Account of Welfare". In M. Featherstone, M. Hepworth, & B. Turner (Eds.), *The Body: Social Process and Cultural Theory* (pp. 225-253). London: Sage.
- Hindess, B. (1997). "Politics and Governmentality". *Economy and Society*, 26(2), 257-272.
- Hooke, A. (1987). "The Order of Others: Is Foucault's Antihumanism Against Human Action?". *Political Theory*, 15(1), 38-60.
- Hunt, A. (1992). "Foucault's Expulsion of Law". *Law and Social Inquiry*, 17(1).

- Hunt, A. (1996). *Governance of the Consuming Passions: A History of Sumptuary Law*. New York: St. Martin's Pres.
- Hunt, A. (1997). "Moral Regulation and Making Up the New Person: Putting Gramsci to Work". *Theoretical Criminology*, 1(3), 275-301.
- Hunt, A. (1998). "The Great Masturbation Panic and the Discourses of Moral Regulation in Nineteenth- and Early Twentieth Century Britain". *Journal of the History of Sexuality*, 8(4), 575-615.
- Hunt, A., & Wickham, G. (1994). *Foucault and Law: Towards a Sociology of Law as Governance*. London and Boulder: Pluto Press.
- Hunter, I. (1996). "Assembling the School". In A. Barry, T. Osborne, & N. Rose (Eds.), *Foucault and Political Reason* (pp. 143-166). Chicago: University of Chicago Press.
- Hutchings, K. (1996). "Foucault's Critical Attitude", *Kant, Critique and Politics* (pp. 102-122). New York: Routledge.
- Hyde, A. (1997). *Bodies of Law*. Princeton: Princeton UP.
- Jefferson, A. (1989). "Bodymatters: Self and Other in Bakhtin, Sartre and Barthes". In Hirschkop & Shepard (Eds.), *Bakhtin and Cultural Theory*. New York: Manchester UP.
- Kant, I. (1997 [1784]). "What is Enlightenment". In S. Lotringer & L. Hochroth (Eds.), *The Politics of Truth* (pp. 7-22). New York: Semiotext(e).
- Kritzman, L. (1988). "Foucault and the Politics of Experience". In L. Kritzman (Ed.), *Michel Foucault: Politics, Philosophy, Culture* (pp. ix-xxv). New York: Routledge.
- Kulynych, J. J. (1997). "Performing Politics: Foucault, Habermas, and Postmodern Participation". *Polity*, XXX(2), 315-346.
- Lacombe, D. (1996). "Reforming Foucault: a Critique of the Social Control Thesis". *British Journal of Sociology*, 47(2), 332-352.
- Lalvani, S. (1996). "Photography and the Deviant Body", *Photography, Vision, and the Production of Modern Bodies* (pp. 87-138). Albany: SUNY Press.
- Laqueur, T. (1989). "Amor Veneris, vel Dulcedo Appeletur". In M. Feher (Ed.), *Fragments for a History of the Human Body: Part Three* (Vol. Three,). New York: Zone Books.

- Lemert, C., & Gillan, G. (1982). *Michel Foucault: Social Theory and Transgression*. New York: Columbia UP.
- Locher, G. W. (1971). "Structural Sensation". In J. L. Locher (Ed.), *The World of M.C. Escher* (pp. 41-49). New York: Harry N. Abrams Inc.
- Locher, J. L. (1971). "The Work of M.C. Escher". In J. L. Locher (Ed.), *The World of M.C. Escher* (pp. 7-29). New York: Harry N. Abrams Inc.
- Locher, J. L. (Ed.). (1971). *The World of M.C. Escher*. New York: Harry N. Abrams Inc.
- Loo, T. (1992). "Dan Cranmer's Potlatch: Law as Coercion, Symbolism, and Rhetoric in British Columbia, 1884-1951". *Canadian Historical Review*, LXXIII(2), 125-165.
- Loo, T. (1994a). "Introduction: Rethinking Law, Order, and Authority", *Making Law, Order, and Authority in British Columbia, 1821-1871* (pp. 3-17). Toronto: University of Toronto Press.
- Loo, T. (1994b). "Bute Inlet: Law, Crime, and Colonial Identity", *Making Law, Order and Authority in British Columbia, 1821-1871* (pp. 134-156). Toronto: University of Toronto Press.
- Loo, T. (1995). "Tonto's Due: Law, Culture, and Colonization in British Columbia". In H. Foster & J. McLaren (Eds.), *Essays in the History of Canadian Law, Vol. 6: British Columbia and the Yukon* (Vol. 6, pp. 128-170). Toronto: Osgoode Society for Legal History.
- Looser, D. (1992). "Feminist Theory and Foucault: A Bibliographic Essay". *Style*, 26(4), 593-603.
- Lury, C. (1998). "Identity and Prosthetic Culture", *Prosthetic Culture: Photography, Memory and Identity* (pp. 1-8). New York: Routledge.
- Lydon, M. (1988). "Foucault and Feminism: A Romance of Many Dimensions". In Diamond & Quinby (Eds.), *Feminism and Foucault: Reflections on Resistance* (pp. 135-147). Metuchen NJ: Northeastern UP.
- Manderson, D. (1996). "Law and the Senses: The Construction of 'Drugs' in Historic and Aesthetic Perspective". In L. Bently & L. Flynn (Eds.), *Law and the Senses: Sensational Jurisprudence* (pp. 199-216). Chicago: Pluto Press.
- Manderson, D. (1997). "Substances as Symbols: Race, Rhetoric and the Tropes of Australian Drug History". *Social and Legal Studies*, 6(3), 383-400.

- Martin, B. (1988). "Feminism, Criticism, and Foucault". In Diamond & Quinby (Eds.), *Feminism and Foucault: Reflections on Resistance* (pp. 3-19). Metuchen NJ: Northeast UP.
- Martin, E. (1997). "Medical Metaphors of Women's Bodies: Menstruation and Menopause". In K. Conroy, N. Medina, & S. Stanbury (Eds.), *Writing on the Body: Female Embodiment and Feminist Theory* (pp. 15-41). New York: Columbia UP.
- Marx, K. (1978). *The Marx-Engels Reader*. In R. C. Tucker (Ed.) New York: WW Norton.
- McWhorter, L. (1990). "Foucault's Analytics of Power". In A. Dallery & C. Scott (Eds.), *Crises in Continental Philosophy* (pp. 119-126). Albany: SUNY Press.
- Miller, J. (1993). *The Passion of Michel Foucault*. New York: Anchor Books.
- Miller, P., & Rose, N. (1990). "Governing Economic Life". *Economy and Society*, 19(1), 1-31.
- Munro, J. (1971). "British Columbia and the 'Chinese evil': Canada's First Anti-Asiatic Immigration Law". *Journal of Canadian Studies*, 1(4), 42-51.
- Nedelsky, J. (1996). "Reconceiving Rights as Relationship". In J. Hart and R. Bauman (Ed.), *Explorations in Difference: Law, Culture, and Politics* (pp. 67-88). Toronto: University of Toronto Press.
- Nielson, K. (1997). "Habermas and Foucault: How to Carry Out the Enlightenment Project". *Journal of Value Inquiry*, 31, 5-21.
- Nietzsche, F. (1957). *Thus Spoke Zarathustra: A Book for All and No One* (Marianne Cowan, Trans.). Chicago: Henry Regnery Company.
- Nietzsche, F. (1967a). *On the Genealogy of Morals*. New York: Vintage Books.
- Nietzsche, F. (1967b). *Ecce Homo: How One Becomes What One Is*. New York: Vintage Books.
- Nietzsche, F. (1974 [1887]). *The Gay Science* (Walter Kaufmann, Trans.). New York: Vintage Books.
- O'Farrell, C. (Ed.). (1997). *Foucault: The Legacy*. Kelvin Grove: Queensland University of Technology.
- Owen, D. (1994). *Maturity and Modernity: Nietzsche, Weber, Foucault and the Ambivalence of*

Reason. New York: Routledge.

- Owen, D. (1995). "Genealogy as Exemplary Critique: Reflections on Foucault and the Imagination of the Political". *Economy and Society*, 24(4), 489-506.
- Panizza, O. (1980 [c.1893]). "A Scandal at the Convent". In M. Foucault (Ed.), *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (pp. 155-199). New York: Pantheon.
- Pavlich, G. (1995). "Contemplating a Postmodern Sociology: Genealogy, Limits and Critique". *The Sociological Review*, 548-572.
- Phelan, S. (1990). "Foucault and Feminism". *American Journal of Political Science*, 34(2), 421-440.
- Pieterse, J. N. (1992). "Emancipations, Modern and Postmodern". *Development and Change*, 23(3), 5-41.
- Pile, S., & Thrift, N. (1995). "Introduction". In S. Pile & N. Thrift (Eds.), *Mapping the Subject: Geographies of Cultural Transformation* (pp. 1-13). New York: Routledge.
- Poster, M. (1984). "A New Kind of History", *Foucault, Marxism and History: Mode of Production Versus Mode of Information* (pp. 70-94). Oxford: Polity Press.
- Poster, M. (1989a). "Foucault, the Present, and History", *Critical Theory and Poststructuralism: In Search of a Context* (pp. 70-86). Ithaca: Cornell UP.
- Poster, M. (1989b). "Foucault and the Problem of Self-Constitution", *Critical Theory and Poststructuralism: In Search of a Context* (pp. 53-70). Ithaca: Cornell UP.
- Prado, C. G. (1992). *Descartes and Foucault: A Contrastive Introduction*. Ottawa: University of Ottawa Press.
- Prado, C. G. (1995). *Starting With Foucault: An Introduction to Genealogy*. San Francisco: Westview Press.
- Probyn, E. (1991). "This Body Which is Not One: Speaking an Embodied Self". *Hypatia*, 6(3), 111-124.
- Probyn, E. (1993). "Technologizing the Self: Foucault and 'le souci du soi'", *Sexing the Self: Gendered Positions in Cultural Studies* (pp. 108-137). New York: Routledge.
- Purvis, T., & Hunt, A. (1993). "Discourse, Ideology, discourse, ideology". *British Journal of Sociology*, 44(3), 473-499.

- Rabinow, P. (1997). "The History of Systems of Thought". In P. Rabinow (Ed.), *Ethics: Subjectivity and Truth: The Essential Works of Michel Foucault, 1954-1984* (Vol. I, pp. 11-42). New York: New Press.
- Ransom, J. S. (1997). *Foucault's Discipline: The Politics of Subjectivity*. Durham and London: Duke UP.
- Rose, N. (1990). "Introduction" & "Managing Ourselves", *Governing the Soul: The Shaping of the Private Self* (pp. 1-14 & 213-258). New York: Routledge.
- Rose, N. (1993). "Government, Authority and Expertise in Advanced Liberalism". *Economy and Society*, 22(3), 283-299.
- Rose, N. (1994). "Medicine, History and the Present". In C. Jones & R. Porter (Eds.), *Reassessing Foucault: Power, Medicine, and the Body* (pp. 48-75). New York: Routledge.
- Rose, N. (1998). "An Interview with Nikolas Rose". *Arena Journal*, 11, 83-96.
- Rose, N., & Miller, P. (1992). "Political Power Beyond the State: Problematics of Government". *British Journal of Sociology*, 43(2), 173-205.
- Roulier, S. (1997). "Excavating Foucauldian Identity". *Humanitas*, X(1), 1-13, [<http://www.nhumanities.org/roulier.htm>].
- Rousseau, J.-J. (1968 [1762]). *The Social Contract*. New York: J.M. Dent.
- Roy, P. (1989). *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914*. Vancouver: UBC Press.
- Russo, M. (1994). *The Female Grotesque: Risk, Excess and Modernity*. New York: Routledge.
- Sawicki, J. (1991). *Disciplining Foucault: Feminism, Power, and the Body*. New York: Routledge.
- Schmidt, J. (1996). "What is Enlightenment? A Question, Its Context, and Some Consequences". In J. Schmidt (Ed.), *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (pp. 1-44). Berkeley: University of California Press.
- Sedgwick, E. K. (1992). "Epidemics of the Will". In J. Crary, M. Feher, S. Kwinter, & R. Naddaff (Eds.), *Incorporations* (Vol. 6, pp. 582-595). New York: Zone Books.
- Seidman, S. (1994). *Contested Knowledge: Social Theory in the Postmodern Era*. Cambridge MA:

Blackwell.

- Simons, J. (1991). "From Resistance to PoLaesthetics: Politics after Foucault". *Philosophy and Social Criticism*, 17(1), 41-55.
- Simons, J. (1995). *Foucault and the Political*. New York: Routledge.
- Smart, B. (1991). "Theory and Analysis in Foucault". *Theory, Culture & Society*, 8(2), 145-155.
- Smart, B. (1995). "The Subject of Responsibility". *Philosophy and Social Criticism*, 21(4), 93-109.
- Smith, B. E. (1995). *M.C. Escher. Landscapes to Mindscapes*. Ottawa: National Gallery of Canada.
- Solomon, R., & Green, M. (1982). "The First Century: The History of Nonmedical Opiate Use and Control Policies in Canada, 1870-1970". *University of Western Ontario Law Review*, 20(2), 307-336.
- Stenson, K. (1998). "Beyond Histories of the Present". *Economy and Society*, 27(4), 333-352.
- Synnott, A. (1993). *The Body Social: Symbolism, Self and Society*. New York: Routledge.
- Szakolczai, A. (1998). "Part III: Foucault's Life-Work", *Max Weber and Michel Foucault: Parallel Life-Works* (pp. 193-263). New York: Routledge.
- Tadros, V. (1998). "Between Governance and Discipline: The Law and Michel Foucault". *Oxford Journal of Legal Studies*, 18(1), 75-105.
- Tagg, J. (1988). *The Burden of Representation: Essays on Photographies and Histories*. London: MacMillan.
- Thacker, A. (1993). "Foucault's Aesthetics of Existence". *Radical Philosophy*, 63(Spring), 13-21.
- Touey, D. (1998). "Foucault's Apology". *Journal for the Theory of Social Behaviour*, 28(1), 83-106.
- Trasov, G. E. (1962). "History of the Opium and Narcotic Drug Legislation in Canada". *The Criminal Law Quarterly*, 4, 274-282.
- Turner, B. (1984). "Disease and Disorder", *The Body and Society: Explorations in Social Theory* (pp. 227-252). New York: Basil Blackwell.

- Valverde, M. (1990). "The Rhetoric of Reform: Tropes and the Moral Subject". *International Journal of the Sociology of Law*, 18, 61-73.
- Valverde, M. (1996). "'Despotism' and Ethical Liberal Governance". *Economy and Society*, 25(3), 357-372.
- Venn, C. (1997). "Beyond Enlightenment? After the Subject of Foucault, Who Comes?". *Theory, Culture & Society*, 14(3), 1-28.
- Vigilante, M. (1987). *Bodies of Language and Languages of Power: Feminism and its Disjunctions*. Unpublished MA (Political Science), Carleton University, Ottawa.
- Visker, R. (1995). "Subjectivisation - a 'turn'?", *Michel Foucault: Genealogy as Critique* (pp. 87-106). New York: Verso.
- Ward, P. (1990). *White Canada Forever: Popular Attitudes and Public Policy Toward Orientals in British Columbia*. (second ed.). Montreal: McGill-Queen's UP.
- Weber, V. P. (1993). *Re-figuring the Body in Cultural Practice and Critical Thought: Encountering the Body as Limit and Transgression*. Unpublished MA (Methodologies for the Study of Western History and Culture), Trent University, Peterborough.
- Williams, R. A. (1990). *The American Indian in Western Legal Thought: The Discourses of Conquest*. New York: Oxford UP.