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Electronic version

URL: <https://journals.openedition.org/etudes-benthamiennes/245>

DOI: 10.4000/etudes-benthamiennes.245

ISBN: 978-2-8218-0304-6

ISSN: 1760-7507

Publisher

Centre Bentham

Electronic reference

Michael Quinn, "Post-modern moments in the application of empirical principles", *Revue d'études benthamiennes* [Online], 8 | 2011, Online since 01 March 2011, connection on 20 May 2021. URL: <http://journals.openedition.org/etudes-benthamiennes/245> ; DOI: <https://doi.org/10.4000/etudes-benthamiennes.245>

This text was automatically generated on 20 May 2021.

Droits réservés

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Power, Knowledge and Discourse in the thought of Jeremy Bentham vs. Michel Foucault

Michael Quinn

- 1 For Anglophone Bentham scholars, Foucault's contribution to Bentham studies has always been something of a double-edged sword. On the one hand, if it be true that there is no such thing as bad publicity, the casting of Bentham in the role of evil genius behind disciplinary society did at least make his name familiar to a new generation of readers. On the other, the exclusive focus on the panopticon inevitably resulted in a relative lack of interest in, and analysis of, any other aspect of Bentham's thought. In terms of the substance of Foucault's argument, Janet Semple's magisterial discussion provides the best example of the response of Bentham scholars to Foucault's interpretation of the panopticon¹. In the first place, Semple acknowledges the power of the analysis, but criticizes Foucault for his lack of historical care and attention. In the second, Semple does detect common elements in the thought of both men, in a way which has informed the argument of this paper. Third (and the research for this paper occasioned a similar sensation), there emerges an evident frustration with Foucault's refusal to adopt a substantive moral position. 'According to him truth and justice are but the products of the discourses of power and knowledge. His rhetoric implies that power within the carceral city is wicked, yet the existence of evil surely presupposes good².'
- 2 On the face of it, there seems vanishingly small room for rapprochement between the thought of Jeremy Bentham, the English empirical theorist ('someone who constructs a general system, either deductive or analytical, and applies it to different fields in a uniform way'³), and that of Michel Foucault, the post-modern genealogist of the creation of 'power-knowledge' through discursive practices. However, following Semple's lead, this paper will argue that the two thinkers did share important commonalities which, if they do not serve to bridge the seeming chasm between them, at least offer the possibility of communication, and of mutual illumination, across it.

Thus, on the one hand, Bentham's much lampooned focus on 'Fact, fact, fact'⁴ sits alongside an acute sensitivity to the processes by which 'facts' are constructed. This sensitivity issues in a desire to provide people with the tools to identify and challenge the effects of power, of which Foucault would surely have approved. On the other hand, difficult though it is to extract from Foucault's writings any substantive moral judgements, let alone any concrete political programme or strategy of government, he does include, in discussion of 'tactics of refusal', of the rejection of a subjectivity produced by power-tainted games of truth, recommendations which Bentham in turn would have heartily endorsed.

I. Rapprochement the first: The 'post-modern' Bentham and the construction of meaning

- 3 In Foucault's terms, Bentham provides a typical example of the classical episteme, which recognized only two forms of comparison, that of measurement and that of order, and asserted the possibility of 'an exhaustive ordering of the world', and of the display of objective knowledge about the world in the form of a table 'on which knowledge is displayed in a system contemporary with itself'⁵. Bentham himself not only attempted to display the field of human knowledge in his Chrestomathic table⁶, but explicitly looked forward to the complete conquest of knowledge: 'The age we live in is a busy age; in which knowledge is rapidly advancing towards perfection⁷.' Bentham confidently identified the tools for the progressive unveiling of the truth of the world: 'Experience—Observation—Experiment—Reflection on the results of each and of all together: these are the means, these are the instruments, by which knowledge, such as is within the power of man, is collected⁸'.
- 4 For Foucault, this attitude reveals a dangerous naivety, since it is simply not the case that objective truth is discoverable by such means: 'Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its "general politics" of truth'⁹. And further, 'behind all knowledge, behind all attainment of knowledge, what is involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it¹⁰.' Whereas Bentham views discourse, that is, the use of language, as a means for the accurate communication of thought¹¹, Foucault views discourse as an operation that necessarily extends beyond language, and wants to investigate particular 'discourses', and especially scientific discourses, for instance that of psychiatric medicine, as both effects and causes of power. As effects, in the sense that the public and political legitimation of 'science' produces real and sometimes terrible consequences for those labelled 'mad'; as causes, in the sense that the role of medicine as a normalizing discourse, as a body of knowledge which offers the prospect of successful diagnosis and treatment of the 'the other', of those individuals who failed to comply in a docile manner with the prevailing discipline of the market place, is to some extent precisely responsible for the delegation to medicine of significant legal powers and resources¹². Indeed, the role of the genealogist is 'to fight the power-effects of any discourse that is regarded as scientific¹³'. Of course, for Bentham too, discourse is liable to be influenced by the effects of power. Language is perforce obliged to make use of fictitious entities in the effort to transmit meaning, but the promise of scientific

objectivity is maintained by explicitly connecting those fictitious entities with real ones, notably the sensations of pleasure and pain.

- 5 In analysis of human action, Bentham is quite explicit that no action can take place without a motive, that no motive exists without a corresponding interest, and that all interests are explicable solely with reference to pleasures and pains: 'no act of the will can take place but in consequence of a correspondent desire: in consequence of the action of a *desire* in the character of a *motive*. Also, no desire can have place unless the idea of pleasure or pain, in some shape or degree, has place¹⁴.' For Foucault, the invention by English empiricism of the subject of interest, characterized by the irreducible 'choice between painful and non-painful ... which does not refer to any judgement, reasoning, or calculation'¹⁵ was crucial in facilitating the emergence of technologies of security, or government of 'the phenomenal republic of interests'¹⁶. However, he insists that the usefulness of this imaginary being to a state faced with managing the centrifugal tendencies of a market economy is not to be confused with truth. From Foucault's perspective, Bentham appears as falling into the error of psychologizing everything, of making psychology into the universally applicable general science¹⁷.
- 6 If Foucault is concerned to expose the historicity of scientific discourse, and cast doubt upon its objectivity by 'taking account of the fact that it is itself a regulated and conditioned practice'¹⁸, Bentham not only has no doubts about the potential objectivity of the physical sciences—asserting that their empirical methods of veridiction generate knowledge—but believes that the same methods of veridiction are capable of rendering morality, properly understood, equally a science. Bentham views the binary opposition between pleasure and pain as *the* route to objective knowledge about human beings and the interactions between them. For him, it is only by relating moral and political discourse to the real entities of pleasure and pain that it is possible to exchange meaning instead of nonsense, and it is by this route that morality itself is reduced to a matter of fact, which is to say, becomes a science. For Bentham, a self-consciously 'naturalistic' philosopher, all knowledge (that of law and morality just as much as that of physics) is 'matter of fact'. Morality is comprehensible—can have truth value, which is to say is falsifiable—only insofar as it rests upon the factual foundation of the real entities of pleasure and pain. Statements are verifiable or falsifiable only to the extent that they make assertions explicable in terms of real entities. Just as a positive (i.e. limited to factual statements explicable in terms of those entities) description of law is the only route to a *true* description of law, a positive (i.e. limited to just such factual statements) description of value is the only route to a *true* description of morality.
- 7 The superiority of utilitarianism over other moral principles consists precisely in the reliance of its conclusions on matters of fact, that is, on the real entities constituted by the sensations of pleasure and pain: 'Now this matter of fact is no other than this: viz. the state of sensations, upon the commission of an act, of the persons within the circle of its influence: viz. of sensations, partly present, partly future in certainty, partly future in contingency, æstimated all together at their present value'¹⁹. Rules require reasons, while 'a maxim, to be intelligible, must openly refer to, and to be just must be founded on, or at least justifiable by, a balance of utilities, or in other words by a comparison of happiness and unhappiness²⁰.' Without reference to such a balance of pleasures and pains, morality and law are both indefensible and incomprehensible. When established on the basis of sensation, however, morality 'is as strictly and

properly a science founded upon experiment, as any branch of Natural Philosophy'²¹. A scientific morality depends upon the discovery of a common metric for the quantification of pleasures and pains, and thereby upon what Foucault identified as another aspect of the classical episteme, the belief in objective measurement: 'The comparison of two sizes or multiplicities requires, in any case, that they be analysed according to a common unit; so that comparison effected according to measurement is reducible, in every case, to the arithmetical relations of equality and inequality'²². Bentham discovers his metric in the measurement of sensation, the value of which is either negative (pain) or positive (pleasure), and is the product of its intensity, duration, and extent²³.

- 8 Having asserted the scientific nature of morality, Bentham immediately qualifies it by the concession that 'in Natural Philosophy the phænomena on which the maxims are founded ... are at any time submitted to the inspection of the enquirers, and of those at any number at once, at the pleasure, and as it were by the creation of the professor'²⁴. The same cannot be said of morality. The conclusions of any science are only as valid as the data, or with Bentham the facts, from which they are derived. Does moral reasoning permit certainty? '[T]he answer is plain, the same that those facts are in each case susceptible of, and none other'²⁵.
- 9 What, then, are the caveats to be entered concerning the facts adduced in moral reasoning as opposed to reasoning about the physical world? While pleasure and pain are real entities, real sensations, and 'sensation is the highest evidence'²⁶, there are a series of pitfalls in the effort to calculate the sensations at stake in moral reasoning. The first difficulty concerns the unreliable nature of human judgment, and the difference between perception by simple introspection in pursuit of an answer to the question 'What do I feel?', and perception by the formation of hypotheses providing an explanation for the presence of particular sensations.
- 10 'A judgment-involving perception is the perception of a relation: i.e. of the existence of a relation between some two objects'²⁷. If you ask yourself how you're feeling now, there is a chance approaching to certainty that you be able to produce an accurate answer, but as soon as you attempt to do more than attest to the existence of a sensation, as soon as, for instance, in order to adduce its causes, you endeavour to assert a relation between the sensation and some other object—as soon, that is, as you engage in a process of hypothetical reasoning—the probability of error increases, because causation is not demonstrable by simple introspection. 'In respect of the actual state of my sensations, meaning the sensations themselves, I am scarcely liable to be deceived or in error. But beyond that point, no sooner do I advance but a single step, if in relation to any one of those sensations I undertake to pronounce an opinion relative to the cause of any of those sensations, from that moment I am liable to fail'²⁸. Bentham's point here is that since the attribution of causation is always hypothetical, it remains open to falsification. Natural philosophy advances by the falsification of hypothesis, and the consequent requirement to develop a new hypothesis which accords with the new data. The attribution of a relation of cause and effect is further stymied by the multiplicity of circumstances which attend any particular effect. Typically, human beings omit some significant circumstances from the enumeration of circumstances contributing to that effect, or from that of circumstances hindering it. In relation to the physical world, the inferential search for causes benefits from the ability to manipulate that world; but whereas the natural scientist can hold all circumstances

constant except the single allegedly causative influence which is the focus of his enquiry, the moralist cannot.

- 11 If I need to beware of the provisional nature of the inferences I draw from the data provided by my own sensations, the caveat applies much more strongly to the inferences I draw from what I assume to be the sensations of others: 'Speaking of the state of my own body am I thus much exposed to error? much more am I in speaking of the state of any other²⁹.' This brings the moralist face to face with his second difficulty, which is that in moral reasoning, the relevant sensations which require to be taken into account are not discoverable by straightforward introspection on the part of the reasoner, for the simple reason that they are not *his* sensations, but those of other people:

But this sensation is not of him who announces the proposition concerning it, it is not of the Professor, nor can it be (but by accident) of the audience; it is in them no more than a presumption of what would be the sensations, in a case which is not present, of other men, formed upon recollection, observation and analogy—recollection of one's own sensations upon past occasions—observation of the conduct of others—analogy according to which such conduct or discourse is presumed to originate from the like sensation as those which give birth to the same conduct in ourselves³⁰.

- 12 Since all legal and moral reasoning beyond the purely self-regarding, that is the exclusively prudential, concerns precisely the sensations of others, to which I have no introspective access, it behoves me to display caution in the attribution of sensations to others. Since 'the elements of the calculation, being in so large a proportion of the psychical class—such as intentions, affections and motives—are in a proportional degree situated out of the reach of direct observation'³¹, my caution requires further enhancement: attributing intentions to others involves adducing causes for their actions, and is thus fraught with possibilities for error.
- 13 Here enters a third difficulty, which is that the problem is exacerbated by the recognition that in any project of rule-making, the sensations in question do not simply exist outside the direct introspective experience of the rule-maker, but do not exist at all: 'this sensation is not of him who announces the proposition concerning it, it is in them *no more than a presumption of what would be the sensations, in a case which is not present, of other men*'. In devising rules, in coming to moral decisions, human beings operate not in the indicative but in the conditional mood. Rule making is a forward-looking activity: the pains and pleasures which form the basis of calculation are putative, constituted by the rule-maker's prediction of the consequences of the rule on potential, that is as yet unrealized, sensations. Indeed, all conscious decisions share this prospective characteristic. In any such, the pains and pleasures which form the basis of my judgement may include real entities, that is actual sensations present to me as I ponder the decision, but many will be the probable future sensations of pain and pleasure likely to be experienced by myself and others, which sensations do not yet exist, and are not present to me, but are expectations, inferences about the probable future, and thus literally figments of my imagination.
- 14 On what does the moral decision-maker base his predictions of pains and pleasures? 'upon recollection, observation and analogy—recollection of one's own sensations upon past occasions—observation of the conduct of others—analogy according to which such conduct or discourse is presumed to originate from the like sensation as those which give birth to the same conduct in ourselves³².' To aid him in his efforts then, he has first

the totality of his lived experience, as mediated by the faculty of memory. Second, the observed behaviour of others, as mediated either by his memory of conduct which he has witnessed directly, or by the second-hand accounts of others. And third, the pattern-matching, or similarity-detecting capacity of analogy, based as related by Hartley and Locke on the association of ideas, which identifies his attention to the relevant elements of historical, that is past, experience.

- 15 Although the available tools of recollection, observation and analogy ‘are the very grounds (and the only ones we have) of conduct which are universally received as sufficient for the most as well as the least important concerns of common life’³³, it must be remembered that when we undertake the process of estimating the value of ‘sensations, partly present, partly future in certainty, partly future in contingency’, we are all too likely to get it wrong:

These observations of experience may be erroneous, [they] may be incomplete, though just: the analogy binding together the experiences and observations, according to which the sensations of others are presumed to be what we remember our own to have been in cases similar, though true as to the kind of those sensations, may be erroneous as to their degree³⁴.

- 16 First then, we rely on our own memories and on second hand data, both of which may be inaccurate. Second we are prone to leave out of the account either pains or pleasures, or people liable to experience them, without which our calculation is incomplete. Third, we become confused in making analogies and attributing causes, so that we take account of ‘uninfluencing *circumstances* and even *obstacles* ... in the character of principally or even exclusively operating causes’³⁵. Fourth, we get our analogy right in selecting similar cases, but we err in estimating ‘degree’, that is, we assess the intensity of the relevant sensations incorrectly. While the connection to real entities offers the possibility of accuracy in moral judgements, those judgements are all too likely to be inaccurate.
- 17 Concern about the accuracy of such judgements is strengthened by Bentham’s recognition that morality has a fourth serious disadvantage as against natural philosophy, which is that in this field fundamental and conflicting interests are at stake: ‘in the making of the calculation, the judgment is in a peculiar degree liable to be disturbed and led astray by the several sources of illusion:—by original intellectual weakness—by sinister interest—by interest-begotten prejudice—by adoptive prejudice³⁶.’ Bentham might have referred instead to the corruptive influences of power on the one hand, and to the necessary ambiguities of discourse (which are exploited by power) on the other. In exchanging meaning through discourse, what we actually exchange is information about the state of our opinions, our judgements, and, centrally, the degree of persuasion or confidence with which we assert those opinions and judgements: ‘when *information* is professed to be given, *judgment*, vis. the judgment existing or declared to exist concerning the matter in question in the mind of the alleged informant, is the utmost that in truth is communicated³⁷.’ Language may indeed be ‘an instrument for the communication of thought from one mind to another’³⁸, but language, because of the unavoidable resort to the employment of names of fictitious entities as if they were real entities, deceives: ‘Pure from all moral turpitude, deception, though so frequently ... not being, unless by accident, the object of it, this falshood ... notwithstanding all of those inconveniences of which in respect of clearness of conception it is so apt to be productive, is interwoven with the very essence of language³⁹.’ Now our judgements are all too liable to be influenced by what

we perceive to be our interest, while language offers us a means to conceal this influence, either from others (as in the case of sinister interest), or indeed from ourselves (as in the case of interest begotten prejudice). Bentham gives as an example the difficulties which arise in employing the idea of 'quality' in general, and that of a set of qualities including 'necessity' and 'impossibility' in particular. Now all qualities are fictitious entities, but these particular examples are 'fictitious qualities ... mere chæmeras, mere creatures of the imagination—mere non-entities', which has not prevented 'the mischief which some of them—and in particular the word *necessity*—has been productive: antipathy, strife, persecution, murder, upon a national, upon an international scale'⁴⁰.

- 18 The investigation of the role of sinister interest, interest-begotten prejudice and adoptive prejudice constitutes Bentham's analysis of the effects of power on knowledge. Bentham's subjects, like Foucault's, develop their notions of themselves and of the world within a network of power relations which limit choices and ground thought. Foucault spends an inordinate amount of effort delineating the way in which power relations influence, indeed create, the human subject, while desiring to retain the notion of autonomy, of free choice. For his part, Bentham repeatedly stresses the abject dependence of the developing human being on the formative influence of particular others in the first place⁴¹, and on the unreflective repetition of habitual behaviours and thoughts in the second, and is simply not interested in talking about freedom, since the undetermined will is an incoherent notion: a non-existent effect without a cause. Real human beings are historically and concretely situated in particular positions within overlapping networks of authority, influence and power. They are empiricists—experiencing sensations, developing hypotheses of cause and effect, and modifying them once falsified—but they do much of the work of interpreting the world with the tools made available to them by their particular language, and by the habitual ways in which they put that language together, in an arena where the accurate construction of meaning through the assertion of causal connections is vitiated by the weight of dominant discourses, which assert the salience of some connections, and the non-existence or irrelevance of others. Bentham was thus all too aware of what Foucault terms 'the perilous aid of a language woven wholly of habits and imagination'⁴².
- 19 In any community, the nature of human decision making is informed by the three elements which Bentham identifies: recollection, observation, and analogy. In any individual exercise in decision making, social norms, unavoidably absorbed through the process of individual development in a particular social milieu, enforced by the moral or popular sanction, and reinforced by repeated deployment in decision-making, direct the decision-maker's attention to preferred and dispreferred sources of pleasure, to real and imaginary sources of pain. Like Foucault, Bentham is interested in the limits of the thinkable and the sayable, and the curious manner in which certain lines of thought are shut off before they occur, by adoptive prejudice, that is, by our habit-engrained, presumptive construction of the world. He asks rhetorically whether men are wont to lose sight of well-being as the end of action, and responds:

Oh, yes, with the exception of the inventive few—who are few indeed—every man. The end—yes—of the end he is not altogether unregardful: but as to *means*, the *means* which he sees pursued by others—by all those from whose discourse and practice his notions on the subject have been derived—these are the means which from first to last he has been in the habit of regarding not only as conducive to the

end, but if not the only ones that are so in any degree, at any rate those which are so in a higher degree than any others which the nature of the case admits of⁴³.

- 20 Evidence of Bentham's recognition of our unreflective reliance on inherited valuations, and of the way in which eulogistic or dyslogistic evaluations become embedded in names which claim to be purely descriptive, is widespread⁴⁴. To mention a single example, most of the work in the condemnation of lending money at high interest was done simply by the attachment of the pejorative label 'usury' to the activity:

Usury is a bad thing, and as such ought to be prevented: usurers are a bad sort of men ... and as such ought to be punished and suppressed. These are ... propositions which every man finds handed down to him from his progenitors: which most men are disposed to accede to without examination, and indeed not unnaturally nor even unreasonably disposed, for it is impossible the bulk of mankind should find leisure, had they the ability, to examine into the grounds of an hundredth part of the rules and maxims which they find themselves obliged to act upon⁴⁵.

- 21 In revealing the manner in which dominant discourses channel the course of our intellectual construction of our world, and in the realization of the role of sinister interest in that process, Bentham's thought is open to interpretation, and has been interpreted to some extent by Stephen Engelmann, and more radically by Oren Ben Dor⁴⁶, as a plea for the continual re-examination of the reality and robustness of all the causal connections which have become second nature to us, a plea for competing discourses to be heard and evaluated on the basis of the adequacy or otherwise of their predictions about the probable consequences of competing actions. In this light, all individual discourses, all contributions utilizing recollection, observation and analogy in an effort to inform cultural debate on relevant connections between actions and pleasures and pains, are exercises in indirect legislation, which, instead of operating in juridical fashion by simple prohibition, are concerned rather with 'directing the inclinations, by weakening the seductive motives which excite to evil, and by fortifying the tutelary motives which excite to good'⁴⁷.
- 22 Whether this interpretation be adopted or not, two conclusions might be drawn. First, it seems clear that Bentham's desire to bring clarity to moral discourse by taking nothing for granted is wholly compatible with Foucault's often-stated aim of developing 'a given into a question'⁴⁸, of 'shaking this false self-evidence'⁴⁹. As Paul Rabinow puts it, 'The challenge is not to replace one certainty with another, but to cultivate an attention to the conditions under which things become "evident", ceasing to be objects of our attention, and therefore seemingly fixed, necessary and unchangeable'⁵⁰. Nevertheless, there remains a fundamental disagreement between the two thinkers concerning the status of knowledge⁵¹. Thus whilst Bentham is a (cautious) realist, who wants to reduce the incidence of error, and thereby to approach more nearly to objective knowledge, Foucault, for the most part, endorses a thorough-going constructivism, which asserts that objective knowledge of human affairs is a chimera⁵².
- 23 Second, Bentham and Foucault share a desire to uncover the unseen effects of power. Bentham wants to reduce the incidence of 'false consciousness', that is, the condition a person is in 'when he believes or imagines certain circumstances to subsist, which in truth do not subsist'⁵³. He wants to expose fallacious political reasoning and expose the discursive tactics, or in short the lies, on which the power of the few depends for its continuation. Foucault too wanted to expose the workings of power, and asked philosophy to begin 'analysing, elucidating, making visible, and thereby intensifying the struggles that take place around power'⁵⁴. For both thinkers, as Christian Laval

notes, power is revealed in action, depends on a variety of mechanisms, legal, moral and linguistic or discursive, and is a ubiquitous feature of social relations⁵⁵. In Foucault's words, 'I do not think that society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others⁵⁶.' For Bentham, human beings simply *are* the type of creatures which will seek to control the conduct of others, whenever there is the prospect of a pay-off in terms of pleasure or exemption from pain. In Semple's words: 'For him, it was a fundamental of human nature that a man will sacrifice the common interest to his own particular interest⁵⁷.' Both men believe that the analysis of practices can reveal the effects of power. Bentham may be more sanguine concerning the ameliorative possibilities of the conditions of transparency and the constant demand for the provision of rationale for the exercise of power, but both are absolutely united in the desire to reveal its workings, both to its human instruments—to those who occupy the cogs in the networks through which power is exercised—and to its targets, those whose behaviour is to be modified to accord with particular norms.

- 24 Given that power will be exercised, Bentham is anxious to identify a critical moral principle to apply in the evaluation of its exercise, and believes that that principle is discovered in the principle of utility. Because human judgement is both fallible and influenced by prevailing social assumptions, we need to take care in rushing to prescription:

Discourse, nothing but a persuasion: — practical inference, moderation: i.e. habitually declared recognition of the above truth.

Fallibility of human persuasion — more or less probable falsity of all declarations, by which the existence of a persuasion to any effect is asserted — falsity, whether accompanied or not with *self-consciousness*, in the former of which cases it is termed *mendacity* — these are among the truth[s] which, whether it be for the exclusion of obstinate error, or for the exclusion of arrogance, overbearingness, obstinacy, and violence, ought never to be out of mind⁵⁸.

- 25 Despite this warning, it remains the case that for Bentham, the only rational end of action is well-being, while the point of rules, of practices, and of knowledge is to produce action that contributes to well-being: 'except in so far as in some shape or other it leads to and is productive of well-being — a balance on the side of happiness—what is the value of all the knowledge in the world? — Just nothing⁵⁹.' Notwithstanding the catalogue of caveats concerning the fallibility of human judgements, Bentham maintains that morality must be founded on an objective criterion of value, and that only utilitarianism among moral theories even attempts to develop and apply such a criterion. The application of the principle is indeed far from straightforward, but if moral principles are to be applied at all, there is simply no alternative:

All this it may be said is but guess-work. Difficult it is to make these calculations: nor is there any certainty in them when made. Is it so? indeed it cannot be denied: but this may be boldly affirmed, that bad as the chance may be which this method gives us of judging right, no other method is there that affords so good an one: and that any other mode of judging is right or wrong in proportion as it approaches to or deviates from this⁶⁰.

II. Rapprochement the second: constructing the self in games of truth, and the consequentialist Foucault

- 26 In effect, Foucault views utilitarianism as the ethical discourse which underpins modern liberalism, and gives rise to the issue of 'governmentality'. Historically, the technology of government which is utilitarianism emerges as a product of 'governmental reason', of reflection on how to manage the centrifugal tendencies operative in what is taken to be the natural sphere of market exchange, where individual competition in satisfying desire benefits all: 'The fundamental objective of governmentality will be mechanisms of security, or ... state intervention with the essential function of ensuring the security of the natural phenomena of economic processes'⁶¹. Cost benefit analysis applied to government action is an answer to the question of how to facilitate the individual pursuit of self-interest while maintaining some notion of collective interest⁶². Centrally, the legitimacy or otherwise of government action ceases to be viewed as a question of right, and is transformed into a question of consequences: 'Government's limit of competence will be bounded by the utility of governmental intervention'⁶³.
- 27 In so far as government learns from the science of political economy that it must allow the market to create value, it learns that the freedom to exchange must be not only guaranteed but assisted, and hence significant liberties are entailed in the very construction of the art of governing 'populations': 'Liberalism formulates simply the following: I am going to produce what you need to be free. I am going to see to it that you are free to be free'⁶⁴. Setting aside his probably distinct irritation with the obscurity of the word 'free', and his desire to add a clause undertaking not to leave anyone free to starve, Bentham might be happy to adopt this as his Legislator's motto. Since, for Foucault, the model of sovereignty derives from the social contract, wherein free men renounce liberty in exchange for protection⁶⁵, he finds it seemingly perplexing that seeing to it that you are free to be free should require restrictions on freedom: 'Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats etcetera'⁶⁶.
- 28 However, since Bentham's model of sovereignty, although still emphatically based on will, does not rely on an incoherent notion of civil liberty as the portion of natural liberty not ceded to sovereignty but retained by the subject, he would see no contradiction. For Foucault, the governmental reason of the eighteenth century was not equipped to rule over subjects of interest because its logic related rather to subjects of right, while 'the subject of interest continually overflows the subject of right'⁶⁷. For Bentham, the subject of interest and the subject of right are one and the same, and the requirement to maintain security through the threat of punishment simply derives from the empirical reality of the multiplicity of individual interests which share the social space inhabited by human beings. Liberty—that is the absence of coercion—and government—that is coercion—are mutually exclusive concepts. This is exactly why Bentham rejects all political theory which begins with a false premise of freedom, and develops the concept of security—precisely the product of coercive law—in preference. Security relates to the ability to project oneself and one's interest into the future on the basis of expectations buttressed and defended by legal sanctions. Security is thus the product of law, of prohibitions, while, in the absence of an incoherent notion of the free

natural man who renounces a portion of his liberty to create a second self, a transcendent subject of right, there is no heterogeneity of reason, and no problematic tension, between the subject of interest and the subject of right⁶⁸.

- 29 The core question for a moral theory founded on interest, like Bentham's, concerns the necessary conditions for the formation and pursuit of interest, which is to say the necessary conditions for making a life. Bentham identifies these conditions, and thereby these foundational human interests, as, in the first place subsistence and security, supported in the second place by abundance and, in the third place equality⁶⁹.
- 30 For Foucault, the apparatuses of security and the question of governmentality first enter as features of one more discourse practice, one more example of power-knowledge constructing the world in its own image, and therefore one more target for exposure by the methods of intellectual archaeology. For Bentham, to say that security and governmentality are the products of governmental reason is either simply facile (in the sense that they emerge, unsurprisingly enough, from the application of reason to questions of government), or a blind refusal to recognize the real. It is certainly true that any rational art of government will recognize and accommodate itself to reality, which is simply to say that the art of government involves the application of reason to the practice of government.
- 31 In fact, the meaning of governmentality for Foucault expands over time, as Sellenart notes, until it encompasses the whole field of experience⁷⁰. For Foucault, there are 'three fundamental elements to any experience', namely 'a game of truth, relations of power, and forms of relation to oneself and to others'⁷¹, or, in three words, knowledge, power, and ethics. Ultimately, the concept of governmentality is implicated in analysis of each of these elements, and of the relations between them: 'I intend this concept of "governmentality" to cover the whole range of practices that constitute, define, organize and instrumentalize the strategies that individuals in their freedom can use in dealing with each other⁷².' Since government is now to be understood not as a particular regime of power but 'in the broad sense of techniques and procedures for directing human behaviour'⁷³, that is in terms of efforts to modify the behaviour of others in accordance with the will of the would-be governor, it turns out that we are all would-be governors, in that that we all wish to modify the behaviour of others in accordance with our own will: 'the freer people are with respect to each other, the more they want to control each other's conduct'⁷⁴. Whether this description of human beings as subjects largely created in accordance with the prevailing regimes of veridiction and networks of power is a description of human nature (Bentham), or of the human beings who inhabit a specific historical particularity (Foucault), might be thought a question less worthy of enquiry than the forward-looking, programmatic question, 'What should we do about it?'
- 32 Let us return to Bentham's utilitarian insistence that everything should be judged on its contribution to overall well-being, and that the point of knowledge is to inform action—which is to say that the point of *science* is *art*, the point of *savoir* is *connaissance*. In the light of Foucault's identification of the question 'Is it useful?' as 'the question of English radicalism'⁷⁵, a specifically English irritation at the seemingly fatalistic, indeed nihilistic underpinnings of Foucault's analysis emerges here. Since in the absence of any standard of value, any criteria of better or worse, there can be no assessment, no

evaluation, no criticism, the temptation is to demand of Foucault, 'What is it that you would have us do?'

- 33 In interview, Foucault protested that 'Everything I do is done with the conviction that it may be of use'⁷⁶, while he provided several different responses to enquiry concerning moral judgement, sometimes quite directly, sometimes rather more tangentially. In the first place, his insistence that he absolutely did not assert that things could not change for the better should be noted: 'I firmly believe in human freedom. ... I am flabbergasted that people see in my historical studies the affirmation of a determinism from which one cannot escape'⁷⁷. Whilst maintaining that 'for modern thought no morality is possible'⁷⁸, since morality depends upon an unproblematic ordering of the world which is undermined by man's dual role as both an object of knowledge and a subject that knows, Foucault consistently rejected the notion that the ubiquity of power relations implied that humanity was hopelessly trapped, since the exercise of power entailed freedom, in that it is impossible to manipulate the behaviour of subjects who cannot modify their behaviour in response to changing stimuli: 'It means that we always have possibilities, there are always possibilities of changing the situation'⁷⁹.
- 34 In the second place, Foucault often simply refused to advance substantive moral judgements or evaluations on the basis that it was not his responsibility: 'I'm not saying at all that we delude ourselves on the faults or merits of the state when we say "this is very bad" or "this is very good"; that is not my problem'⁸⁰. And again, 'As an intellectual, I don't wish to prophesy or play the moralist, to announce that the Western countries are better than the Eastern ones, and so on. People have reached political and moral adulthood. It's up to them to choose, individually and collectively'⁸¹. Frustrating though these statements are, there are indeed grounds in Foucault's own approach for such a self-denying ordinance. In so far as human subjectivity is the product of myriad particular exercises of power, the best mode of opposition to, subversion of, or negotiation with power depends upon the particular circumstances in which it is exercised: 'the dimension of what is to be done can only appear within a field of real forces'⁸². Hence the insistence that 'the historical ontology of ourselves must turn away from all projects that claim to be global or radical'⁸³. Resistance must, like power, be local, that is tied to actually existing practices. Further, since there is no such thing as human nature, no theoretical effort to capture it can provide a general ground of moral decision making. Indeed, since altering the dynamics of power relations will necessarily impact of the construction of subjectivity, to ask Foucault to expound what the 'new man' or the new morality will look like is to ask him to describe effects before the conditions which will determine the shapes in which they will manifest themselves have begun to exist: 'we need to produce something that doesn't exist yet, without being able to know what it will be'⁸⁴.
- 35 In his last works, Foucault did change the focus of his analysis of the field of experience, moving from systems of power and rules to investigate the creation of the subject. In accordance with his perception western thought had erred disastrously in allowing the imperative 'know thyself' to overshadow completely the ancient imperative of 'care for the self', he sought 'to study power relations starting from techniques of the self'⁸⁵. In answer to a question as to whether exclusive concern with care of the self might issue in the domination of others, Foucault, in an echo of the classical Greek moral premise that no-one does wrong willingly, even appeared to

venture successful *ascēsis*, successful training of one's own subjectivity, as a guarantor against the abuse of power:

No, because the risk of dominating others and exercising a tyrannical power over them arises precisely only when one has not taken care of the self and has become the slave of one's desires. But if you take proper care of yourself, that is, if you know ontologically what you are, if you know what you are capable of, if you know what it means for you to be a citizen of a city, to be the master of a household in an *oikos*, if you know what things you should and should not fear, if you know what you can reasonably hope for and, on the other hand, what things should not matter to you ... if you know all this, you cannot abuse your power over others⁸⁶.

36 Now for someone with a deep suspicion of knowledge, and a desire to elevate care over knowledge, this response seems to demand a great deal of knowledge as the price for the avoidance of abuse. Indeed, the first necessity to ancient *ascēsis* is listed as “discourses”: *logoi*, understood as true discourses and rational discourses⁸⁷. Bentham might readily have agreed, though with a great deal more faith in the truth and rationality of discourses. The possibility of liberation from the effects of power-knowledge through a focus on the self-creation of the subject appears stymied by the manner in which power-knowledge informs the creative process. For what is to be the source of the necessary knowledge for practices of the self? It is to come from the simultaneously liberating-and-enslaving discourses which constitute the modern episteme: ‘If I am now interested in how the subject constitutes himself in an active fashion through practices of the self, these practices are nonetheless not something invented by the individual himself. They are models that he finds in his culture, and are proposed, suggested, imposed upon him by his culture, his society, and his social group⁸⁸.’

37 If a positive way out of the knowledge-power grip appears blocked, there are certainly moments when the reader could be forgiven for construing Foucault's prescription in purely negative terms. At one stage, his focus is on what he calls ‘essays in refusal’, with the particular goals of paralysing particular agents, and thereby particular mechanisms, of power⁸⁹. As he expresses the more general goal: ‘Probably the principal object today is not to discover but to refuse what we are ... we have to promote new forms of subjectivity while refusing the type of individuality that has been imposed on us for several centuries⁹⁰.’ However, when it came to giving tactical advice in these battles towards the end of his life, there is evidence of a development which appears not only quite strange, but essentially Benthamic. Foucault advises those interested in resistance to take up the game of truth proffered by the human sciences, and to turn it into a vehicle of resistance: ‘It is within the field of the obligation to truth that it is possible to move about in one way or another, sometimes against effects of domination which may be linked to structures of truth or institutions entrusted with truth⁹¹.’ To an English reader, this just doesn't sound like Foucault, and the unexpected tack continues:

one can criticize on the basis, for instance, of *the consequences* of the state of domination caused by an unjustified political situation, but one can only do so by playing a certain game of truth, by *showing its consequences*, by *pointing out that there*

*are other reasonable options, by teaching people what they don't know about their own situation, their working conditions, and their exploitation*⁹².

- 38 In other words, one can be effective by adopting a consequentialist method, and arguing that a policy or a rule is bad because its effects are bad, that the benefits arising from it are distributed according to relations of power which are in themselves malleable. If Bentham's awareness of the historicity of discourses offers one route of rapprochement between his view and that of Foucault, this belated and isolated but utterly striking Foucauldian prescription about the best way to do politics offers another.
- 39 When it comes to a positive overall object of policy, the resonance continues. Foucault's goal is 'to acquire the rules of law, the management techniques, and also the morality, the *ethos*, the practices of the self, that will allow us to play the games of power with as little domination as possible'⁹³. This sounds very like an egalitarian demand, made in full awareness that power will remain inherent in relations between human beings, for a range of measures (legal, administrative, and moral) for the limitation of its effects⁹⁴. Bentham's mature constitutional theory provides a developed model for the achievement of precisely such a goal⁹⁵. It is true that that theory derives from psychological generalizations regarding human nature which Foucault would reject: namely that while all individuals are motivated to sacrifice the interests of others to their own, those in control of significant quantities of the matter of reward and of punishment, and those in control of the political sanction most obviously, possess not only the motive but the means to make such a sinister sacrifice. Yet it is the case that, notwithstanding his suspicion of the mechanisms of security, Foucault concedes that the concept involves a demand which he would endorse, 'a demand for security that opens the way to a richer, more numerous, more diverse, and more flexible relationships with ourselves and others, all the while assuring each of us of real autonomy'⁹⁶. Take away the aspiration to real autonomy—which Bentham would regard as incoherent, particularly coming from a thinker so sensitive to the construction of the self in the light of prevailing apparatuses of power and knowledge—and we come close to Bentham's enumeration of the most fundamental interests of human beings in their efforts to make a life that is good (that is, characterized by a significant net balance of pleasure over pain), by employing the determinate circumstances and resources (internal and external) available to them. For Bentham, and perhaps for Foucault, in a good society those circumstances and resources would include internal capacities and sensitivities on the one hand, and external legal protections for person and property, for freedom of expression, and for actions which do not impose significant harm on others, all supported by a legal guarantee that all will be secured subsistence, and allied to an intellectual culture which engrains a sceptical attitude to received wisdom, on the other.

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NOTES

1. Semple, J.E., 'Foucault and Bentham: A Defence of Panopticism', *Utilitas* iv. (1992), 105-20.
2. 'Foucault and Bentham', 118.
3. *Essential Works of Foucault, 1954-84*, vol. iii. *Power* (henceforth *Power*), ed. J.D. Faubion, New York, New Press, 2000, p. 240.
4. The words of Thomas Gradgrind, in Dickens, C., *Hard Times*, London, Penguin, 1995 (first published in *Household Words*, nos. 210-18, 1 April-5 August, 1854).
5. Foucault, M., *The Order of Things: An Archaeology of the Human Sciences*, London and New York, Routledge, 2002, p. 82.
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8. 'Logic', UCL collection of Bentham Manuscripts (Henceforth UC) ci. 183, in *The Works of Jeremy Bentham, now first collected; under the superintendence of his Executor, John Bowring*, 11 vols., Edinburgh, Tait, 1838-43, (henceforth Bowring) viii. 238.
9. 'Truth and Power' in *Power*, p. 131
10. 'Truth and Juridical Forms' in *Power*, p. 32.
11. 'Logic', UC cii. 349 (Bowring, viii. 309)
12. See Foucault, M., *Madness and Civilization: A History of Madness in the Age of Reason*, New York, Random House, 2001.
13. 'Society Must be Defended': *Lectures at the Collège de France, 1975-76*, eds. M. Bertani and A. Fontana, London, Penguin, 2003, p. 9.
14. 'Universal Grammar, Appendix', UC ci. 412 (Bowring, viii. 280). For the definition of interest, see 'Of Ontology', UC cii. 42, published in *De l'ontologie et autres textes sur les fictions*, ed. P. Schofield, trans. J-P. Clero and C. Laval, Paris, Seuil, 1997, p. 98 (Bowring, viii. 203): 'Desire of pleasure and of exemption from pain, in one word *interest*, being in some shape or other the source of every thought as well as the cause of every action'.

15. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*, ed. M. Senellart, London & New York, Palgrave Macmillan, 2008, p. 272.
16. *The Birth of Biopolitics*, p. 46.
17. See *The Order of Things*, p. 363.
18. Foucault, M., 'Politics and the Study of Discourse', in *The Foucault Effect: Studies in Governmentality*, eds. G. Burchell, C. Gordon, and P. Miller, Chicago, University of Chicago Press, 1991, p. 69.
19. « Elements of Critical Jurisprudence », UC lxx. 22
20. Ibid.
21. Ibid.
22. *The Order of Things*, p. 59; and compare Bentham, 'Logic', BL Add. MS. 33,550, fol. 8: 'a principle by which the precision, clearness and incontestableness of mathematical calculation is introduced for the first time into the field of morals—a field to which, in its own nature, it is applicable with a propriety no less incontestable ... than to that of physics, including its most elevated quarter, the field of mathematics.'
23. *An Introduction to the Principles of Morals and Legislation*, eds. J.H. Burns and H.L.A. Hart, Oxford, Clarendon Press, 1996 (CW), (henceforth IPML), pp. 38-41.
24. 'Elements of Critical Jurisprudence', UC lxx 22-3.
25. Ibid, UC lxx 23.
26. Ibid..
27. 'Universal Grammar', UC ci. 407 (Bowring, viii. 279).
28. 'Universal Grammar', UC cii. 460 (Bowring, viii. 330).
29. Ibid.
30. 'Elements of Critical Jurisprudence', UC lxx. 23.
31. 'Of Ontology', UC cii. 71, *De l'ontologie*, p. 146 (Bowring viii. 210).
32. 'Elements of Critical Jurisprudence', UC lxx. 23.
33. Ibid.
34. Ibid.
35. 'Of Ontology', UC cii. 71, *De l'ontologie*, p. 146 (Bowring viii. 209).
36. 'Of Ontology', UC cii. 71, *De l'ontologie*, p. 146 (Bowring viii. 210).
37. 'Logic', UC cii. 203.
38. 'Universal Grammar', UC cii. 456 (Bowring viii. 329).
39. 'Universal Grammar', UC cii. 463.
40. 'Of Ontology', UC cii. 75, *De l'ontologie*, p. 154 (Bowring viii. 211).
41. See, for instance, *Writings on the Poor Laws II*, ed. M. Quinn, Oxford, 2010 (CW), 186 n.: 'Subjection, subjection not liberty, let it be remembered, is the natural, and for year on year, the universal state of man.' For a very helpful general discussion, see Burns, J.H., 'Nature and Natural Authority in Bentham', *Utilitas* v (1993), 209-20.
42. *The Order of Things*, p. 344.
43. 'Logic', UC ci. 390 (Bowring viii. 277).
44. See in general, 'A Table of the Springs of Action', in *Deontology Together with A Table of the Springs of Action, and the Article on Utilitarianism*, ed. A. Goldworth, Oxford, Clarendon Press, 1983 (CW), pp. 79-115.
45. *Defence of Usury; shewing the impolicy of the present legal restraints on the terms of pecuniary bargains*, London, Payne, 1786, p. 7 (Bowring, iii. 3). See also Bentham's discussion of the stigmatization of homosexual sex with the epithet 'unnatural' in *The Theory of Legislation*, ed. C.K. Ogden, London, 1931, pp. 478-9.
46. See respectively S. Engelmann, *Imagining Interest in Political Thought: Origins of Economic Rationality*, Durham and London, Duke University Press, 2003, and O. Ben Dor, *Constitutional Limits and the Public Sphere: A Critical Study of Bentham's Constitutionalism*, Oxford, Hart, 2000.

47. 'Of Indirect Means of Preventing Crimes', in 'Principles of Penal Law', Bowring, i. 534.
48. 'Polemics, Politics and Problematizations', in *Essential Works of Foucault 1954-1984, vol i. Ethics*, ed. P. Rabinow, London, 2000 (henceforth *Ethics*), p. 118.
49. 'Questions of Method', in *Power*, p. 225.
50. 'Introduction', in *Ethics*, p. xix.
51. I am grateful to Gianfranco Pellegrino for his insightful comments on this issue.
52. This interpretation of Foucault is widespread in the English speaking literature, amongst both critics and admirers, at least in regard to the knowledge contained in the human sciences: see, for instance, Danaher, G., Schirato, T. and Webb, J., *Understanding Foucault*, London, Sage, 2000, p. 131: 'We cannot know the truth about ourselves, because there is no truth to know, simply a series of processes that make up the self.' However, as Jean Pierre Cléro notes in his article in this journal, Foucault himself came as near as makes no difference to denying it explicitly: see, for instance, 'The Ethics of the Concern for the Self as a Practice of Freedom', in *Ethics*, p.296: 'But when I talk about power relations and games of truth, I am absolutely not saying that games of truth are just concealed power relations—that would be a horrible exaggeration.'
53. *IPML*, p. 75.
54. 'La philosophie analytique de pouvoir', in *Dits et écrits*, iii. p. 540 (cited in Sellenart, M., 'Course Context', in *Security, Territory, Population, Lectures at the Collège de France, 1977-78*, ed. M. Senellart, London and New York, Palgrave Macmillan, 2009, p. 374).
55. Laval, C., 'From Discipline and Punish to The Birth of Biopolitics', in *Beyond Foucault: New Perspectives on Bentham's Panopticon*, ed. A. Brunon-Ernst, London, Ashgate (forthcoming).
56. 'The Ethics of the Concern for Self as a Practice of Freedom', *Ethics*, p. 298. See also 'The Risks of Security', in *Power*, p. 372; 'The Subject and Power', in *ibid.* pp. 326-47.
57. 'Foucault and Bentham', 119.
58. 'Logic', *UC* cii. 204 (Bowring viii. 300-1 n.). See also 'Universal Grammar', *UC* cii. 460 (Bowring viii. 330 n.): 'From these speculative observations, practical inferences of no small importance might be deduced. 1. Avoid dogmatism. 2. Still more avoid intolerance. In both cases never cease to bear in mind how slippery and hollow the ground on which your opinion, and consequently the utmost value of any expression which you can give to it, rests.'
59. 'Logic', *UC* ci. 153 (Bowring, viii. 233).
60. 'Preparatory Principles Inerenda', *UC* lxix. 69.
61. *Security, Territory, Population*, p. 353.
62. See *Security, Territory, Population*, pp. 72-3.
63. *The Birth of Biopolitics*, p. 40. In relation to this development, Foucault refers explicitly to Bentham's distinction between *sponte acta*, non-agenda and agenda at *ibid.* p. 24 n.
64. *The Birth of Biopolitics*, p. 63.
65. See *The Birth of Biopolitics*, pp. 39-43.
66. *The Birth of Biopolitics*, p. 64.
67. *The Birth of Biopolitics*, p. 273.
68. Despite his anti-essentialism, there is a sense in which 'interest' is a fundamental concept for Foucault himself, and for the original genealogist of morals, Nietzsche. Thus, in rejecting the idea that there is any straightforward reproduction of sensation in the knowledge to which it gives rise, both argue that interest, in the shape of 'an interplay of instincts, impulses, desires, fear, will to appropriation', compromises all claims to objectivity: 'Interest is thus posited radically prior to the knowledge that it subordinates as a mere instrument' (Foucault, 'The Will to Knowledge', in *Ethics*, p. 14).
69. See 'First Lines of a proposed Code of Law for any Nation Compleat and Rationalized', in *Legislator of the World*, eds. P. Schofield and J. Harris, Oxford, Clarendon Press, 1998, pp. 194-208.
70. 'Course Context', in *Security, Territory, Population*, pp. 387-8.

71. 'Polemics, Politics and Problematizations', in *Ethics*, p. 117. Similar enumerations appear in 'Preface to the History of Sexuality, Volume Two', and 'On the Genealogy of Ethics', in *Ethics*, pp. 204, 262 respectively.
72. 'The Ethics of concern for the self as a practice of freedom', in *Ethics*, p. 300.
73. 'On the Government of the Living', in *Ethics*, p. 81.
74. 'The Ethics of concern for the self as a practice of freedom', in *Ethics*, p. 300.
75. *The Birth of Biopolitics*, p. 40.
76. 'Interview with Michel Foucault', in *Power*, p. 295.
77. 'Interview with Actes', in *Power*, p. 399.
78. *The Order of Things*, p. 358.
79. 'Sex, Power, and the Politics of Identity', in *Ethics*, p. 167.
80. *The Birth of Biopolitics*, p. 192.
81. 'Interview with Michel Foucault', in *Power*, p. 294.
82. *Security, Territory, Population*, p. 3.
83. 'What is Enlightenment?' in *Ethics*, p. 316.
84. 'Interview with Michel Foucault', in *Power*, p. 275.
85. 'Sexuality and Solitude' in *Ethics*, p. 177.
86. 'The Ethics of concern for the self as a practice of freedom', in *Ethics*, p. 288.
87. 'The Hermeneutics of the Subject', in *Ethics*, p. 99.
88. 'The Ethics of the Concern for Self as a Practice of Freedom', in *Ethics*, p. 291.
89. 'Questions of Method', in *Power*, pp. 235-6.
90. 'Le sujet et le pouvoir' in *Dits et écrits II 1976-1988*, Paris, 2001, p. 1051 (cited by A.I. Davidson in 'Introduction' to *Security, Territory, Population*, p. xxx).
91. 'The Ethics of the Concern for Self as a Practice of Freedom', in *Ethics*, p. 295.
92. Ibid. p. 295-6 (emphasis added).
93. Ibid. p. 298.
94. There is one occasion on which Foucault appears to adopt an advocacy of fundamental rights which is very much out of keeping with his usual approach: 'The rules that exist to limit it [i.e. power] can never be stringent enough; the universal principles for dispossessing it of all the occasions it seizes are never sufficiently rigorous. Against power one must always set inviolable laws and unrestricted rights.' ('Useless to Revolt?', in *Power*, p. 453). However, no other appeals of a similarly universalist and essentialist nature have been discovered in Foucault.
95. *Constitutional Code*, vol. I, ed. F. Rosen and J.H. Burns, Oxford, Clarendon Press, 1983 (CW).
96. 'The Risks of Security', in *Power*, p. 366.

ABSTRACTS

This paper explores commonalities between the thought of Jeremy Bentham and that of Michel Foucault. § I. presents the basic opposition between Foucault's constructivism, with its concern to expose the historicity of scientific discourse, and challenge its objectivity, and Bentham's assertion that all knowledge (of morality just as much as physics) is potentially objective. It argues that Bentham's focus on seemingly unproblematic 'facts' sits alongside an acute sensitivity to the processes by which 'facts' are constructed, which issues in a desire, which Foucault would endorse, to provide people with the tools to identify and challenge the effects of

power. § II. discusses Foucault's development of the concept of governmentality, and the way in which it develops into a premise —human agents typically desire to exercise power over others— which Bentham shared; before examining his responses to the charge of relativistic fatalism, his employment, as 'tactics of refusal', of consequentialist reasoning, and his hints of the legitimate goals of political action, which Bentham in turn might heartily endorse.

Cet article explore les points communs entre la pensée de Jeremy Bentham et celle de Michel Foucault. L'article oppose tout d'abord le constructivisme de Foucault (qui cherche à montrer l'historicité du discours scientifique et met en cause son objectivité) à l'affirmation de Bentham selon laquelle toute connaissance, qu'elle porte sur la morale ou sur le monde physique, peut être objective. S'il semble s'attacher à des faits objectifs, Bentham est pourtant tout à fait sensible à la façon dont ces 'faits' sont construits et cherche à donner aux individus les outils pour identifier et critiquer les effets de pouvoir. Ensuite, l'article s'attache à la « gouvernementalité » foucauldienne et montre que cette notion selon laquelle les rapports entre les agents sont avant tout des rapports de pouvoir est également présente chez Bentham. Il présente enfin d'autres points de convergence entre les deux auteurs: leur réponse aux accusations de fatalisme relativiste, l'appel à des raisonnements conséquentialistes comme « stratégies de refus », et la définition des buts légitimes de l'action politique.

INDEX

Keywords: Bentham, Foucault, knowledge, power, discourse, governmentality, constructivism, objectivity

Mots-clés: Bentham, Foucault, savoir, pouvoir, discours, gouvernementalité, constructivisme, objectivité

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