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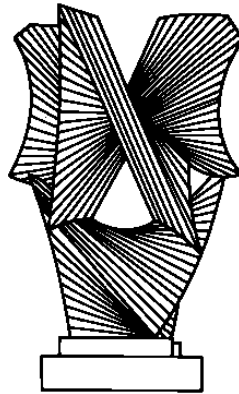
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RADICAL THOUGHT FROM MARX, NIETZSCHE, AND FREUD,  
THROUGH FOUCAULT, TO THE PRESENT:  
COMMENTS ON STEVEN LUKES' "IN DEFENSE OF FALSE CONSCIOUSNESS"

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## Radical Thought from Marx, Nietzsche, and Freud, through Foucault, to the Present: Comments on Steven Lukes' "In Defense of False Consciousness"

Bernard E. Harcourt<sup>1</sup>

Steven Lukes offers a precise, succinct, and forceful defense of the idea of false consciousness in his provocative essay by that name.<sup>2</sup> People can be systematically mistaken about their own best interest, Lukes contends—or, in his words, “they can have systematically distorted beliefs about the social order and their own place in it that work systematically against their interests.”<sup>3</sup> It is not just that sometimes people knowingly but regretfully make compromises, nor simply that they face no alternative choices, people are at times factually mistaken about what will promote their best interest. “There is a truth to be attained,” Lukes declares, a correct view about where their interests lie, a view that is not itself “imposed by power.”<sup>4</sup> This argument, Lukes suggests, is not vulnerable to the retort that there are multiple, socially constructed “regimes of truth” which are neither true nor false, because people are at times *wrong* about the *factual* premises of their beliefs. On these occasions, they “hold factual beliefs that are susceptible of truth and falsity (thus meeting the [“regimes of truth”] objection) and some of

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<sup>1</sup> Julius Kreeger Professor of Law and Professor and Chair, Department of Political Science, University of Chicago. I am deeply grateful to Steven Lukes, Robert Gooding-Williams, Andrew Dilts, Christopher Berk, Daniel Nichanian, Alexander de la Paz, Daniel Wyche, and Tuomo Tiisala for comments on an earlier draft, and to Fabienne Brion for many conversations and our work together on Michel Foucault’s Louvain lectures.

<sup>2</sup> The notion of false consciousness that Lukes develops in this essay is a particular instance of the “third dimension” of power that he sets forth in his book, *Power: A Radical View* (2<sup>nd</sup> edition 2005) (see especially pages 144-151) (hereafter *PAV*). The structure of his presentation in this essay mirrors the three dimensions of power that he lays out in *PAV*. The first answer he offers (positive and negative sanctions, offers and threats) corresponds to the first dimension of power, which addresses the question of who prevails in decision making situations involving conflicts of interest (the Robert Dahl pluralism perspective). The second answer he offers (lack of alternatives) corresponds to the second dimension of power, which addresses the question of who controls the decision making such that conflict is avoided (the Peter Bachrach agenda setting power). It is an aspect of the third dimension of power, namely “the supreme exercise of power [which is] to get another or others to have the desires you want them to have” (*PAV* at p. 27), that Lukes develops in this essay. It builds on the final section of the third essay (“‘Real interests’ and ‘False Consciousness’”), where Lukes had defended the notion of false consciousness in these terms: “False consciousness is an expression that carries a heavy weight of unwelcome historical baggage. But that weight can be removed if one understands it to refer, not to the arrogant assertion of a privileged access to *truths* presumed unavailable to others, but rather to a cognitive power of considerable significance and scope: namely, *the power to mislead*” (*PAV* p. 149).

<sup>3</sup> Steven Lukes, “In Defense of ‘False Consciousness,’” 2010 *University of Chicago Legal Forum*, p. \_\_\_.

<sup>4</sup> Lukes, p. \_\_\_, \_\_\_, and \_\_\_.

these key beliefs can be shown to be false.”<sup>5</sup> Lukes’ defense of false consciousness could not be articulated with greater precision or, for that matter, erudition and elegance.

I.

My first concern when I read Steven Lukes’ essay was that the relationship between the theory of false consciousness and the critique of “regimes of truth” is more complex and is not properly captured by the notion, essentially, of *mutual exclusion*.<sup>6</sup> There are important family resemblances between the theory of ideology in the Marxian tradition, especially as developed by the Frankfurt School, and the critique of truth regimes rooted in the Nietzschean tradition of genealogy, especially as it evolved in the writings of Michel Foucault.<sup>7</sup> These strong family resemblances make it counter-productive to argue that one theory is correct *at the expense of the other*—to argue, in effect, that one view would make us *reject* the other. And by “counter-productive,” I mean unproductive to the larger critical project that, I sense from the essay, Steven Lukes and I share. The task, as I see it, is not to defend one theory and discard the other, but to explore the overlap and intricate relationship between the two in order to sharpen our own contemporary critical interventions—in order to refine our own critique.

In an interview in *Telos* in 1983, Foucault remarked that “Nothing is better at hiding the common nature of a problem than two relatively close ways of approaching it.”<sup>8</sup> Foucault was referring, naturally, to the Frankfurt School. In a very similar vein, my concern is that Lukes’ resistance to Foucault’s work—his desire to reject, rather than to carefully embrace, or at least to selectively draw from—has the effect of retarding, rather than advancing the critical project that we share. Let me begin here, then, by reconnecting the two critiques. I am by no means, naturally, the first to venture down this path.<sup>9</sup>

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<sup>5</sup> Lukes, p. \_\_\_\_.

<sup>6</sup> In *Legal Forum* essay, Lukes does view the “regimes of truth” critique as mutually exclusive insofar as it would defeat, or lead us to reject his false consciousness argument. In this respect, it is interesting to note that, by contrast, Lukes does *not* view the three dimensions of power as mutually exclusive in *PAV*. See Lukes, *PAV* at p. 10 (“the other answers should not be seen as mutually exclusive”).

<sup>7</sup> Although Lukes does not explicitly attribute the “regimes of truth” critique to Foucault, but rather to “postmodernist thinking,” it is clear from the context, but even more from *PAV*, that Lukes has Foucault in mind. In *PAV*, Lukes specifically associates Foucault with the idea of “regime of truth.” See *PAV*, bottom of p. 91.

<sup>8</sup> Michel Foucault, *Dits et Écrits* IV, p. 439 (in the new Quarto II, it is page 1258) (“Rien ne cache plus une communauté de problème que deux façons assez voisines de l’aborder.”)

<sup>9</sup> Foucault himself explored this in a number of places in his work, including among others in “Qu’est-ce que la critique?,” *Bulletin de la Société française de philosophie*, t. LXXXIV, 1990, p. 42-46 (lecture delivered May 27, 1978); in his lectures “Il faut défendre la société” – *Cours au Collège de France, 1976*, Paris, Gallimard, 1997, p. 30, as well as in his lectures *Naissance de la biopolitique – Cours au Collège de France, 1978-1979*, Paris, Gallimard, 2004, p. 21-22; in “Adorno, Horkheimer, and Marcuse: Who is a ‘Negator of History’?” in *Remarks on Marx*:

## II.

The question that Steven Lukes asks in his essay and to which he offers the response of false consciousness—namely, the question “why do people accept governments and follow leaders and vote for politicians when doing so is against their interests?”<sup>10</sup>— is a loaded question. It rests on certain premises that challenge more traditional views about knowledge—premises that not everyone shares. It rests on the radical questioning—a radical view, as Lukes emphasized in the very title of his book, *Power: A Radical View*—of people’s given desires and beliefs.<sup>11</sup>

The more conventional understanding is that behavior is a reliable measure of a person’s interests—one of the few, in fact. Outward behavior is revealed preference: it is evidence of a rational choice that reflects, far better than what we tell ourselves or others, what we truly desire. Putting aside occasional inadvertent mistakes and minor heuristic biases, the conventional view takes at face value our actions as expressions of our real interests. This conventional understanding rests on a traditional view of knowledge, a view that embraces a correspondence theory of truth and set standards of justification. It is often referred to as the “justified true belief model of knowledge.”<sup>12</sup> On this view, an individual’s stated interests are to be considered accurate, in the sense that they correspond with reality, when the

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*conversations with Duccio Trombadori* (New York: Semiotext(e), 1991); as well as in “Structuralisme et poststructuralisme,” in *Dits et Écrits IV*, #330, p. 431-457. For a collection of the Foucault/Habermas debate with excellent contributions from Axel Honneth, Nancy Fraser, Thomas McCarthy and others, see *Critique and Power: Recasting the Foucault/Habermas Debate*, ed. Michael Kelly (MIT 1994); see also Thomas McCarthy, “The Critique of Impure Reason: Foucault and the Frankfurt School,” *Political Theory* 18, no. 3 (1990), 437-469; David Hoy, “Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School” in *Foucault: A Critical Reader* (Oxford: Blackwell, 1986), 123-148. This last article by David Hoy, in fact, explicitly brings Lukes to bear on Foucault and the Frankfurt School. For another important discussion of Lukes’ work, see John Gaventa, *Power and Powerlessness* (University of Illinois Press, 1980).

<sup>10</sup> Lukes, at p. \_\_\_.

<sup>11</sup> Lukes, at p. \_\_\_ (the first two dimensions of power “take[] people’s desires and beliefs as given”); Lukes, *PAV*, at p. 28 and 146.

<sup>12</sup> I attribute the idea of approaching this with reference to the “justified true belief” model of knowledge to Raymond Geuss and his lectures, at Princeton University, on “Marx, Nietzsche, Freud” in the Spring of 1984. In those lectures, Geuss specifically introduced the idea of “radical thought” as a challenge to the “justified true belief” model. Geuss’ approach, naturally, built on his earlier book, *The Idea of a Critical Theory: Habermas and the Frankfurt School*, which explicitly presented Marxian thought and the Frankfurt School as requiring “drastic revisions in traditional views about the nature of knowledge” (Cambridge University Press 1981, at p. 1). For a succinct definition of the “justified true belief” model, see Matthias Steup, “Knowledge as Justified True Belief,” in the entry on “Epistemology”, *The Stanford Encyclopedia of Philosophy* (Spring 2010 Edition), Edward N. Zalta (ed.) (available at <http://plato.stanford.edu/archives/spr2010/entries/epistemology/>); for an approach that also explores radical thought in relation to the justified true belief model, see Brian Leiter, “The Hermeneutics of Suspicion: Recovering Marx, Nietzsche, and Freud,” 74-105, in Brian Leiter, ed., *The Future of Philosophy* (Oxford University Press 2006), at p. 104. In an interesting way, as Steven Lukes points out to me, Arthur Danto’s discussion of “deep interpretation,” specifically with reference to Marx and Freud, bears a family resemblance here. See Arthur C. Danto, “Deep Interpretation,” *The Journal of Philosophy*, Vol. 78, No. 11, (Nov., 1981), pp. 691-706.

person has good reasons that can be clearly articulated and that represent the bases for their beliefs and actions. Or, more formally, an individual can be said to know that X is in his interest just in case 1) his belief that X is in his interest is true (where “true,” again, is understood in terms of a correspondence theory of truth) and 2) he has good reasons for his belief that X is in his interest, which belief he or she can clearly articulate, and which are the basis for his actions.

As Raymond Geuss argued in his 1984 lectures at Princeton University, and as Steven Lukes suggested in his original essay on power in 1974, radical thinkers challenge this conventional understanding and its underlying view of knowledge—not merely criticizing the reasons that people give for their beliefs, nor simply attacking the beliefs citing better reasons, but instead challenging the very way in which beliefs come to be held by people.<sup>13</sup> They level, in Lukes’ original words, “a *thoroughgoing critique of the behavioral focus*” of the traditional view.<sup>14</sup> Theirs is a radical view because it assumes “an external standpoint” and speaks of “interests imputed to and unrecognized by the actors.”<sup>15</sup> They challenge, in essence, the underlying standards of justification and the very idea that people hold beliefs because of their articulated reasons. Rather than questioning a mistaken reason or individual reasoning here or there, radical thinkers attack the larger relation between reasons and beliefs, as well as the view of knowledge upon which it rests. And they offer theories about how it is that people come to believe what they believe, despite their own best interest.<sup>16</sup>

The late nineteenth and early twentieth centuries saw the emergence of several important strands of radical thought associated with the classic triumvirate—Karl Marx, Friedrich Nietzsche, and Sigmund

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<sup>13</sup> Personal lectures notes from Raymond Geuss’ lectures on “Marx, Nietzsche, Freud” at Princeton University in the Spring of 1984; Lukes, *PAV*, at p. 28.

<sup>14</sup> Lukes, *PAV* at p. 28.

<sup>15</sup> Lukes, *PAV*, at p. 146.

<sup>16</sup> The distinctions are important and can be illustrated by means of Steven Lukes’ ingenious example of the Tea Party movement—which, for present purposes, will be reduced to the belief in limited government. To make the more radical claim that members of the Tea Party are deluding themselves, it is not sufficient to demonstrate that the reasons they offer for their belief in limited government are internally inconsistent: it is not enough to show, for instance, that 62 percent of Tea Party members “still think that Social Security and Medicare are worth the cost.” Elbert Ventura, “Teaism,” *The New Republic*, Oct. 7, 2010; Kate Zernike, *Boiling Mad*, pp. 135-138 & p. 203. Nor is it enough to show that the reasons they offer are pretextual: it is not enough to show, for example, that “Tea Partiers have always or usually voted Republican 66 percent of the time, compared to 28 percent for the general public.” Ventura; *see also* Zernike at pp. 150-153 & p. 206. Instead, one would have to argue that they hold their beliefs in limited government as a result of forces they are largely unaware of—say, hypothetically, their psychological need to dominate poorer African-Americans in a hierarchized racial-caste society—and that those beliefs are positively detrimental to their future well-being.

Freud.<sup>17</sup> Marx's writings would inspire an approach that portrayed beliefs as ideologies necessary for the reproduction of social systems of oppression—an approach that influenced the idea of hegemony in Antonio Gramsci's *Prison Notebooks*, of false consciousness in Georg Lukacs' *History and Class Consciousness*, of ideology critique for the Frankfurt School, and of ideological apparatuses in Louis Althusser's writings. Nietzsche's writings would give birth to an approach intimately relating beliefs to the exercise of human will and power, a genealogical approach that would significantly influence later theories of "*savoir-pouvoir*"<sup>18</sup> [knowledge-power] in Michel Foucault's writings and the anti-Oedipus of Gilles Deleuze and Félix Guattari. Freud's writings would give rise to a psychoanalytic approach that would interpret beliefs through the lens of the unconscious and of repression, an approach that would strongly influence later thinkers such as, notably, Jacques Lacan, Julia Kristeva, Renata Salecl, and Slavoj Žižek.

These different strands of radical thought portrayed the *reasons* that people proffer for their beliefs as forms of mystification, not to be taken at face value, but to be exposed in order to reveal the larger adverse effects on the believers themselves. To be brutally concrete, the factory worker who buys into the dream of one day being a capitalist, the Catholic observant who embraces the imperative of turning the other cheek, the sister-in-law who represses her delight at the death of her sister out of revolt at the attraction she feels for her brother-in-law, in each of these cases the individual's beliefs are shown to be, not only disconnected from their explicit justification, but against their better interests in the sense of being deeply detrimental to the well-being of the individuals.<sup>19</sup>

In this sense, the different strands of radical thought sought to lift a veil from our eyes in order to emancipate us from domination, cowardice, or repression. They unmask in order to liberate. They are, in this sense, quintessential exemplars of a "critical theory:" they represent, as Raymond Geuss sets forth in *The Idea of a Critical Theory*, first, a form of knowledge that, second, produces enlightenment and emancipation, in a manner, third, that is reflective as opposed to objectifying. Or, to use Geuss' own

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<sup>17</sup> The pairing of this triumvirate is, naturally, classic. See Foucault, "Nietzsche, Freud, Marx," in *Dits et Écrits I*, #46 (Quarto I, #46, p. 592-607) (July 1964); Paul Ricoeur, "Interpretation as exercise of suspicion," in *Freud and Philosophy: An Essay on Interpretation* (Yale University Press 1965) (famously referring to Freud, Marx and Nietzsche as the "masters of suspicion" at p. 32); Geuss, *The Idea of a Critical Theory*, 1981, at p. 1 (Freud) and 43-44 (Nietzsche); Geuss Princeton lectures 1984; Leiter 2004; Alistair Kee, *The Masters of Suspicion: Feuerbach, Marx, Nietzsche, and Freud* (Fortress Press forthcoming).

<sup>18</sup> Michel Foucault, *Naissance de la biopolitique – Cours au Collège de France, 1978-1979*, Paris, Gallimard, 2004, p. 22.

<sup>19</sup> Karl Marx and Frederick Engels, *The German Ideology* (New York: Prometheus Books, 1998), p. 67 et seq.; Nietzsche, *On the Genealogy of Morals*, First Essay, Sections 7-10; Freud, *Five Lectures on Psycho-Analysis*, Second Lecture, p. 24-25.

words, they each represent “a reflective theory which gives agents a kind of knowledge inherently productive of enlightenment and emancipation.”<sup>20</sup> The radical interventions spawned by Marx, Nietzsche, and Freud do just that: they serve to displace received meanings and reveal deeper forces at play (whether political economic or related to will to power or psychological desires) that undermine apparent interests and free subjects from various forms of oppression.

### III.

In order to better grasp these family resemblances, let me offer illustrations from several critical interventions in the field of punishment and political economy—the field in which I toil. The first traces to Marx through the Frankfurt School. In 1939, Max Horkheimer published Georg Rusche and Otto Kirchheimer’s *Punishment and Social Structure*, a work that unearthed, beneath the more conventional set of beliefs about the sovereign’s legitimate right to punish and the centuries-old debate over the rationales for punishment—deterrence, retribution, correction, etc.—a deeper political economy of punishment. Rusche and Kirchheimer documented, for instance, how the ministers of Louis XIV demanded that magistrates sentence convicts to the galleys, not because of the heinousness of their crimes, nor to deter them, but because the King needed more oarsmen for his ships—citing this chilling letter dated February 21, 1676, directed to the public prosecutors of the Paris *Parlement*:

... since His Majesty urgently needs more men to strengthen His rowing crews . . . .  
to be delivered at the end of the following month, His Majesty commands me to tell  
you that He wishes you to take the necessary steps in His name in order to have the  
criminals judged quickly.<sup>21</sup>

Rusche and Kirchheimer revealed how those same ministers directed magistrates to *not* commute sentences of death to galley labor when the convict was over 55 or infirm and missing an arm or leg, given that infirms were of no use on the King’s ships.<sup>22</sup> They demonstrated how, in later periods, to increase productivity, convict labor at the *Hôpital Général* in Paris would be incentivized to work harder

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<sup>20</sup> Raymond Geuss, *The Idea of a Critical Theory*, p. 2. Geuss explicitly developed the idea of a critical theory in relation to the Frankfurt School, but added in the margin that it would apply equally well to Freud (*see* p. 1), and bears important family resemblances with Nietzsche (*see* p. 43-44).

<sup>21</sup> Rusche and Kirchheimer at p. 55.

<sup>22</sup> *Id.* at p. 57 (Letter dated September 11, 1677: “His Majesty has instructed me to inform you that in the cases of prisoners who are over fifty-five years of age or who have lost an arm or a leg or are disabled or incurably sick, His Majesty does not wish His judges to invoke this order in order to exempt prisoners from sentences which they really merit [i.e. death]”).



by given them a share of the profits, or how, still later, prison labor conditions of solitary confinement would be gradually abandoned as the free labor supply became more abundant.<sup>23</sup>

Rusche and Kirchheimer revealed that our conventional ways of justifying punishment—the discourse of deterrence or correction—were in fact veils that hid the true political economy of punishment, an economy driven by the need for labor and shaped by modes of production and social relations. People may well have believed, at the time, that galley or solitary confinement was the justified or proportional punishment for wrongdoing because it was appropriately harsh or cured the soul, but in fact the “wrongdoing” itself may simply have been an excuse to get able-bodied men to grow an empire at little cost to the sovereign. In a similar way today, we might be tempted to explore how the mass incarceration of young black men in a post-industrial age where real unemployment hovers around 20 percent relates to the even high rates of unemployment in the inner city and to the political needs of adjacent counties whose economies depend entirely on guard labor and prison-related industries.

A second illustration traces to Nietzsche, who described in *The Genealogy of Morals* how our ideas about the “purposes” of punishment serve only to mask the relations of power that have imposed meaning on punishment practices, and how we fool ourselves constantly into believing that we punish people in order to improve, to deter, or to retribute, etc. “Today it is impossible to say for certain *why* people are really punished,” Nietzsche declared; “purposes and utilities are only *signs* that a will to power has become master of something less powerful and imposed upon it the character of a function.”<sup>24</sup> The discourse of “just punishment” is a veneer that distracts attention from what really determines punitive practices.

More than a hundred years later, Michel Foucault’s *Discipline and Punish* would draw on Nietzsche’s genealogical approach (as well as the political economic approach of Rusche and Kirchheimer<sup>25</sup>) to expose, beneath the modern progress narrative of increasingly enlightened punishments, disciplinary forms of punishment that more effectively render the human body docile. The modern progress narrative—reflected so vividly in Emile Durkheim’s discovery of “the two laws of punishment’s

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<sup>23</sup> Rusche and Kirchheimer, p. 45 and 102. See also Hoy, “Power, Repression, Progress,” at p. 130-132.

<sup>24</sup> Nietzsche, *On the Genealogy of Morals*, Second Essay, Section 12, p. 80 and 77 respectively (the first passage on p. 80 continues: “all concepts in which an entire process is semiotically concentrated elude definition; only that which has no history is definable”).

<sup>25</sup> See Michel Foucault, *Surveiller et punir* (Gallimard 1975), p. 29-30 (where Foucault specifically develops the idea of a political economy of the body).

evolution” that purportedly push civilization toward greater leniency<sup>26</sup>--was precisely a type of signification imposed on our punitive practices as a result of complex relations of power in society, including, importantly, systems of knowledge that privileged the psy professions.<sup>27</sup> By tracing the birth of the disciplinary techniques of the strict control of time and space, the ranking of individuals and activities, the forced repetition of exercises, the examination and accompanying comparisons, measures, hierarchies, and classifications, and the internalization of control through panoptic mechanisms of surveillance, *Discipline and Punish* revealed how these disciplinary forms replaced brutal corporal punishments as more effective means of shaping modern men and women—giving way to a political economy of the body. The rehabilitative prison project of the mid-twentieth century, it turns out, had less to do with the debate over the “right to punish” than with the production of docile students, workers, soldiers, mothers, and citizens. The birth of the idea of the “delinquent” and the “criminal”—the modern human subject whose soul needs to be straightened out in an orthopedic way—reflects larger shifts in the relations of power in society, including new professions and systems of knowledge, rather than a valid “reason” for our belief in the necessity of the prison.

A third illustration traces to Freud, who proposed, in *Civilization and Its Discontents*, that punishment is best understood as a collective act of repression that serves to reinforce feelings of guilt in order to control our desires and to tame human subjects. The sense of guilt, born of the tension between desire and restraint, Freud wrote, “expresses itself as a need for punishment. Civilization, therefore,” Freud continued, “obtains mastery over the individual’s dangerous desire for aggression by weakening and disarming it and by setting up an agency within him to watch over it, like a garrison in a conquered city.”<sup>28</sup> Recall that the front piece of *Civilization and Its Discontents* represented “The Prisoner’s Dream”—the docile image of a dreaming prisoner whose passions had been tamed. For Freud, beneath the surface, beneath the dominant talk of wrongdoing and culpability, desires and drives to life and death, to pleasure and destruction, shaped our punitive practices.

Contemporary theorists, such as Jack Katz in *The Seductions of Crime* and Donald Black in “Crime as Social Control,” draw on these Freudian insights to explore the deeper psychological attractions to deviant behavior: the sexual thrill of shoplifting, the self-righteous indignation of domestic murder, the

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<sup>26</sup> Emile Durkheim, « Deux lois de l’évolution pénale, » *L’Année Sociologique* 1899-1900 (1901), translated and included in Chapter 4 of Steven Lukes and Andrew Scull, *Durkheim and the Law* (St. Martin’s Press 1983).

<sup>27</sup> See Foucault, *Surveiller et punir*, at p. 137-229; see also, Nikolas Rose, *Inventing our Selves: Psychology, Power, and Personhood* (Cambridge University Press 1998).

<sup>28</sup> Sigmund Freud, *Civilization and Its Discontents*, trans. James Strachey (Norton 1961), p. 70-71.

hard manliness of the stick-up.<sup>29</sup> William Connolly, in “The Desire to Punish,” draws on similar insights (as well as on the writings of Nietzsche and Foucault), to expose the vengeful desire that permeates our contemporary punitive excess—“desire,” by which Connolly intends to capture “something closer to an organization of energy, beyond [simple] needs, to possess, caress, love, emulate, help, befriend, defeat, stymie, boss, fuck, kill, or injure other human beings, both as individuals and as types.”<sup>30</sup> These subliminal drives, Connolly maintains, do far more to shape contemporary punishment techniques than all the explicit reasons that the magistrates and prosecutors articulate at sentencing.

Notice the strong family resemblances between these different traditions of radical thought (even as they undergo important shifts throughout the twentieth century). Notice the shared idea that our dominant ways of talking about “just punishment” somehow mask the true forces at play—or, to put it in another way, that our beliefs about just punishment (not matter how strongly we believe them to be true) are produced in unanticipated ways by forces that are unrelated to the *reasons* we give (for instance, by labor supply, modes of production, and capital accumulation; will to power, relations of force, and systems of knowledge; or unconscious drives, repression, and desires). The explicit reasons on which we ground our judgments about punitive practices (such as, for instance, that the death penalty is or is not a deterrent to homicide, that rehabilitation does or does not work, that individuals are or are not responsible for their behavior, or that poverty and difficult social conditions do or do not “cause” crime), are not really, in the end, the driving force behind those punitive practices. Something else is driving them.

#### IV.

At this first stage, then, there seem to be far too many family resemblances to view the relationship through the lens, essentially, of mutual exclusion, of an “either or” decision—to suggest that what Lukes refers to as the “regimes of truth” critique would pose an objection or make us reject a Frankfurt School approach. To the contrary, it would seem that critical theorists could borrow from various strands from each tradition to enrich their analyses. So, for instance, in the area of punishment and modern society, a critical theorist could draw inspiration from these different variations of radical thought to discern a role for traditional political economy or perhaps a notion of a political economy of the body, to give room to

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<sup>29</sup> Jack Katz, *Seductions of Crime* (New York: Basic Books 1988); Donald Black, “Crime as Social Control,” 48:1 *American Sociological Review* 34–45 (1983).

<sup>30</sup> William Connolly, “The Desire to Punish,” 41–74, in *The Ethos of Pluralization* (University of Minnesota Press 1995), p. 49.

relations of power and resistance, to find a place for human desire, all the while trying to articulate interpretations that push the critical intervention even further.

The different strands of radical thought push in a similar direction: they make us ask how it is, exactly, that people begin to believe things that may ultimately undermine their own interests, how they come to embrace desires and beliefs that may be detrimental to them, how they participate actively in that process. It is important to remember that both Marx, in his discussion of the fetishism of commodities, and later Lukacs in his discussion of false consciousness, were precisely concerned with giving an account of how the reproduction of capitalist social relations gave rise to the false belief that certain *socially generated* attributes of things and patterns of behavior (for Marx, for example, the attribute of exchange value, which constitutes the commodity form) are “naturally given;” that is, given independently of the reproduction of the very social relations. Marx and Lukacs were deeply concerned with giving an account of how those beliefs were born and came to be seen as true.

Their endeavor is close cousin to Foucault’s study of veridiction, of how beliefs come to be perceived as true—to what Lukes refers to as the “regimes of truth” critique. The relationship, naturally, is complex, and Foucault himself, in a number of significant passages, addressed the intricate overlap and important distinctions between the notion of ideology and his work on truth and veridiction.<sup>31</sup> Foucault maintained that the idea of falsity (what he referred to “error” or “illusion”) was misleading because the beliefs held are, he suggested, “a set of practices and real practices that establish them and mark them imperiously in the domain of the real;”<sup>32</sup> in other passages, Foucault historically contextualized the Frankfurt School writings and suggested that the shifting political situation in France might bring them in closer intellectual proximity to his critical enterprise.<sup>33</sup> Without doubt, though, there remain significant differences to the truth claims that these social theorists asserted.

The Marxist tradition, as we all know, is informed by a historical narrative and theory of class conflict that infuses the notion of ideology with a far more robust notion of truth or falsity.<sup>34</sup> This is reflected well, for instance, in Max Horkheimer’s claim that: “The facts of science and science itself are but

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<sup>31</sup> In his 1976 lectures, *Society Must be Defended*, for instance, Foucault specifically explained how his work on power/knowledge intersected but differed from the Marxist idea of ideology. See Michel Foucault, “*Il faut défendre la société*” – *Cours au Collège de France, 1976*, Paris, Gallimard, 1997, p. 30 ; see also Foucault, *Naissance de la biopolitique*, p. 21-22 ; Foucault, « Qu’est-ce que la critique ? », p. 42-46.

<sup>32</sup> Foucault, *Naissance de la biopolitique*, p. 22.

<sup>33</sup> Foucault, « Qu’est-ce que la critique ? », p. 43-44.

<sup>34</sup> While this is undoubtedly true of the Marxist tradition and of the reading that Steven Lukes proposes in defense of false consciousness, there are other readings of Marx that differ on this point.

segments of the life process of society, and in order to understand the significance of facts or of science generally one must possess the key to the historical situation, *the right social theory*.”<sup>35</sup> By the “right” social theory, Horkheimer had in mind a proper understanding of oppression and conflict in society: only when the social theorist was able to distinguish distorted impressions would she be able to properly understand the world and conduct social research. Similarly, the Freudian strand, at least at its origin, contained a robust notion of defect, of psychosis—of an end state, or state of being, that evidently worked *against* one’s best interest. And Nietzsche’s writings incorporated a notion of will to power that often referenced victors and losers, thereby signaling what he believed to be true and false, or at least normatively valuable. The “slave revolt in morality,” the revolt that inverted aristocratic values, Nietzsche lamented, “we no longer see because it—has been victorious.”<sup>36</sup> Nietzsche explicitly wrote that values have been flipped on their head: “the wretched alone are the good; the poor, impotent, lowly alone are the good; the suffering, deprived, sick, ugly alone are pious, alone are blessed by God, blessedness is for them alone—and you, the powerful and noble, are on the contrary the evil, the cruel, the lustful, the insatiable, the godless to all eternity...”<sup>37</sup> We knew where Nietzsche stood. We knew what he believed to be morally superior.

By contrast, in certain contemporary radical strands, the objective truth of what people come to believe plays less central stage, but that in no way detracts from our ability to explore the consequences of those belief systems. In Foucault’s writings, for instance, it is clear by the end of *Discipline and Punish* that the Enlightenment story is not entirely accurate (despite the fact that practically everyone believes it, still today) given that the disciplinary techniques serve a similar function, only more effective, of rendering human subjects docile. Many readers will doubt that modern society has become more lenient, and see instead how it has become better at punishing—or, as Foucault provocatively wrote, how it began “not to punish less, but to punish better; to punish with a severity perhaps attenuated, but to punish with greater universality and necessity; to insert the power to punish more deeply into the social body.”<sup>38</sup> There may be no claim of error, but nevertheless, the implications are clear. The consequences of the belief system are apparent. They are visible. Once again, there is nothing in the text or argument that claims that this is “a correct view that is not itself imposed by power.”<sup>39</sup> As Foucault

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<sup>35</sup> Max Horkheimer, “The Latest Attack on Metaphysics,” 132-187, in *Critical Theory: selected essays* (New York: The Continuum Publishing Co., 2002), at p. 159 (emphasis added).

<sup>36</sup> Nietzsche, *On the Genealogy of Morals*, First Essay, Section 7, (Vintage 1969) p. 34.

<sup>37</sup> *Id.*

<sup>38</sup> Foucault, *Surveiller et Punir*, p. 84.

<sup>39</sup> Lukes, p. \_\_ (paragraph 1).

remarked in the English *Preface to The Order of Things*, “It would hardly behoove me, of all people, to claim that my discourse is independent of conditions and rules of which I am very largely unaware...”<sup>40</sup> Nor is there anything in the text or argument that makes an explicit normative evaluation of how, for instance, disciplinary practices compare to brutal corporal punishment. But we can explore at what price people came to believe the progress narrative of history.

There are, indeed, significant differences in the quality of the truth claims. Steven Lukes, in his defense of the idea of false consciousness, emphasizes that there is “truth to be attained,” a more purified form of truth, a “correct view that is not itself imposed by power.”<sup>41</sup> However, this merely points to the problem of infinite regress, the question whether it is “turtles all the way down,” and that, I imagine we can all agree, is not exactly a constructive direction to orient the debate. It is a bit of a distraction. Lukes maintains that on Foucault’s view, there can be no normative judgment because it is power all the way down. Lukes writes that for Foucault “there can be no liberation from power, either within a given context or across contexts; and there is no way of judging between ways of life, since each imposes its own ‘regime of truth’...”<sup>42</sup> For Foucault, apparently, it is turtles all way down. But that charge, I take it, is neither very constructive, nor entirely accurate: Foucault’s genealogies denaturalize in a manner that allows the reader to see, quite well, the consequences of belief systems. Showing how the idea of the delinquent or of the criminal is born and emerges—how this truth is produced—denaturalizes the turn to actuarial criminology and the theory of social defense. It creates the condition of possibility for critique. It makes possible our own critical interventions.

## V.

Rather than rehash the problem of infinite regress, it is more productive for social theory to see how the subtle differences within these family resemblances push us to ask slightly different sets of questions. In Steven Lukes’ essay, for instance, the focus on the question of “falsity” has effects: it centers the inquiry on identifying false reasons and reasoning, on revealing the incompatibility of beliefs with true interests, in order ultimately to identify what the true interests of the ordinary citizen are and how they are best promoted. By contrast, focusing in on the production of truth or truth regimes may have a different emphasis and pose a slightly different set of questions: how it is, exactly, that people come to believe what they believe, how belief systems relate to shifting relations of power, how certitude is born and

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<sup>40</sup> Michel Foucault, *The Order of Things* (Vintage 1970), p. xiv.

<sup>41</sup> Lukes at p. \_\_ (last paragraph) and \_\_ (first paragraph).

<sup>42</sup> Lukes, *PAV*, at p. 91-92 (citing Foucault 1980a: 38).

evolves, how subjects participate in the very processes that turn them into subjects, how beliefs naturalize and hide from view problematic practices, what are the distributional consequences with regard to resources, social status, stigma, relations of power, etc.

The shift in focus, I would argue, is productive for contemporary critical theory. This is especially so because the truth of ideologies, beliefs, or knowledge—however one wishes to describe the cognitive set of beliefs held by persons—is actually far more complex than the simple notion of “falsity” would seem to convey. Let me explain using the helpful illustration that Steven Lukes discusses: the case of the repeal of the estate tax.<sup>43</sup>

As Lukes and others have shown, the repeal of the estate tax benefitted only a very small fraction of Americans, approximately two percent of the wealthiest taxpayers. Yet there was a groundswell of support for repeal, especially among conservative thinkers and those on the Right. The best evidence, as Lukes recounts, suggests three possible explanations for this puzzle: optimism bias, factual ignorance, or symbolism. The first, optimism bias, is the exaggerated or unrealistic hope of enrichment. The second is the inaccurate belief that a majority of Americans pay estate tax. The third is the negative associations that emerged with what became known as the “death tax.”

In his essay, Lukes characterizes ordinary, middle-class citizens who favored the repeal of the estate tax as suffering from false consciousness. It is precisely with regard to these citizens that Lukes writes: they “are mistaken about what their interests are, what harms them, what would best serve them, and who can be trusted to look after them.”<sup>44</sup> Moreover, it is precisely here that Lukes rebuts the “regimes of truth” objection: “[They] hold factual beliefs that are susceptible to truth and falsity (thus meeting the [regimes of truth] objection) and some of these key beliefs can be shown to be false.”<sup>45</sup>

The difficulty here is that the *specific* reasons these citizens may have articulated for supporting repeal (for instance, the fact that a majority of Americans are burdened by this estate tax) can easily be shown to be false, but this does not necessarily undermine their *larger* belief system (for instance, the belief in more limited government). To put it another way, there are different kinds of truth at play, and these important differences are elided by using the single or simple concept of “falsity.” In the same way that

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<sup>43</sup> The example is also discussed in Leiter, “The Hermeneutics of Suspicion,” at p. 86-87, with a useful reference to Paul Krugman’s “The Tax-Cut Con,” *New York Times Magazine*, Sept. 14, 2003, p. 59.

<sup>44</sup> Lukes, at p. \_\_\_.

<sup>45</sup> Lukes, at p. \_\_\_.

Ian Hacking discerns different “kinds of making up people,” there are here different kinds of truths that we need to pull apart.<sup>46</sup>

One truth claim involves the factual question of what ordinary Americans believed regarding how many of their fellow citizens paid estate taxes. For present purposes, let us assume, with Michael Graetz and Ian Shapiro, that a majority of Americans believed that the majority of their fellow citizens would have had to pay an estate tax. This first truth claim is subject to easy empirical counter-demonstration: it would have been easy in the 1990s to take a poll of what Americans believed and to compare that to a reliable assessment of the number of Americans who did in fact pay estate tax. And we could thus empirically demonstrate that the majority of ordinary Americans were “factually wrong” about how many Americans paid estate tax.

But the truth of that claim differs markedly from the truth of the belief that repealing the estate tax would benefit them. This second truth claim rests on a larger set of beliefs about liberty and governance—on a larger belief that smaller government is going to better for Americans, that individual responsibility and a limited state is better for everyone in the long run. This latter claim is not subject to the same type of empirical falsification as the first.

To put this perhaps more precisely: the political belief in the advantages of limited government has different truth value than the assertion that a majority of Americans pay estate tax. It is relatively easy to demonstrate that the latter assertion is false and that its opposite is true: a tiny fraction of Americans paid estate tax. The latter assertion calls for a binary “true or false” judgment. But the former claim is not of that type. It is not possible to say, “the belief in limited government is false and its opposite, the belief in a welfare state, is true.” To be sure, some people might disagree and argue that the welfare state actually does, truly, promote the interests of the ordinary American better; but here, I would have to disagree.<sup>47</sup>

Faith in big government is just as manufactured as faith in limited government. In this regard, Lukes generously points to the argument in *The Illusion of Free Markets: Punishment and the Myth of Natural*

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<sup>46</sup> Ian Hacking, “Making up People,” 99-114, in *Historical Ontology* (Harvard 2002), at p. 113.

<sup>47</sup> I should note here that I am not entirely sure from his essay whether Lukes would agree or disagree with me on this specific point. His generous discussion of *The Illusion of Free Markets* does not resolve whether he believes that (a) the belief in limited government is an illusion and that the welfare state promotes people’s real interests, or (b) all economic spaces are essentially regulated and that it makes no sense to even speak of a welfare state. Lukes’ reference to a “truth to be attained” militates in favor of the first reading (a), but the discussion of the illusion of deregulation would tend to support the second reading (b).



*Order* (Harvard 2011). There, I argue precisely that the idea of small versus large government is itself an illusion. There is regulation in both “deregulated” and “hyper-regulated” contexts; the government, in effect, is always present. It may be more visible when it nationalizes Bank of America or Citibank, as it did in 2008; but it was equally present and regulating before that as well—and after. We tend to think of the Chicago Board of Trade as a quasi-private self-regulatory institution, but as I show in *The Illusion of Free Markets*, it is regulated through-and-through and owes its very existence to pervasive state intervention in, among other things, forcibly closing competing bucket-shops and regulating everything from corners to modified-closing calls. We delude ourselves when we characterize different economic forms of organization as “more” or “less” regulated, “more” or “less” free. The notion of freedom is orthogonal to the organization of economic exchange and markets.

In this sense, the idea of limited government in the economic sphere—as opposed to the political sphere—is no more than a story we tell ourselves. It could possibly even be characterized, loosely, as “false,” but *not* because its opposite is “true.” Rather, both the category of “limited” and that of “overregulated” states are tropes that have had significant consequences for American politics and punitive policies. The key questions to ask are how such ideas are born, how they become natural, how they come to be seen as true, and with what consequences.<sup>48</sup> In the process, it starts to become clear how someone who believes the ideal of limited government might also be predisposed to believe that the estate tax affects more Americans. In other words, we begin to see how even the factual errors can be a product of certain belief systems—or how facts can be selectively interpreted.<sup>49</sup> The power of truth, I take it, is that it can lead individuals to interpret known facts—and guess at unknown facts—in systematically distorted ways. Falsely-held facts may at times be less a proof of false consciousness, than the product of a set of beliefs.

## VI.

The shift in emphasis away from “falsity” is productive for critical theory for other reasons as well. In particular, it facilitates implicating the subject—implicating *ourselves*—in the production of truth. I should emphasize, of course, that all three strands of radical thought focus attention on the subject and

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<sup>48</sup> See *The Illusion of Free Markets*, at p. 49.

<sup>49</sup> In this regard, Dan Kahan and his colleagues in the Cultural Cognition Project at Yale University are conducting interesting ongoing research. See, e.g., Dan M. Kahan, Donald Braman, Geoffrey L. Cohen, John Gastil and Paul Slovic, “Who Fears the HPV Vaccine, Who Doesn’t, and Why? An Experimental Study of the Mechanisms of Cultural Cognition,” *Law and Human Behavior*, Volume 34, Number 6, 501-516 (2010).

the question of subjectivity—on the way in which individuals implicate themselves in their own subjection and at times defeat their own self-interests, whether by embracing a particular set of ideological beliefs, by experiencing a form of *ressentiment* that turns against the nobler instincts, or by repressing drives and desires. In his essay as well, Lukes underscores the subjective dimension at several points, observing for instance that “we can be fully engaged in bamboozling ourselves.”<sup>50</sup> Nevertheless, this subjective dimension is an element of critique that comes into flower when we move away from accusations of “falsity.”

Foucault’s explorations of subjectivity—a theme which traversed his entire corpus of writings and lectures—is an excellent place to begin.<sup>51</sup> In a series of lectures delivered at Louvain-la-Neuve in 1981, titled *Mal faire, dire vrai. Fonction de l’aveu en justice* [Wrong-doing, Truth-telling: The Function of Avowal in Justice], Foucault focused attention on how the subject, through the avowal, participates in his own subjectivation and governance.<sup>52</sup> As my colleague and co-editor, Fabienne Brion, and I articulate in our preface to his Louvain lectures, Foucault developed there the third piece to his critical apparatus: beyond power and knowledge, he focused our attention on the subject—something which, he maintained, was essential to properly engage in critique. Several years later, in *Le Courage de la vérité*, Foucault would make the point even more clearly, emphasizing that it is a “pure and simple caricature” to present what is referred to as the power/knowledge critique (or what has been referred to earlier as “the regimes of truth critique”) through an account “in which the subject does not have a role.”<sup>53</sup>

In our preface to *Mal faire, dire vrai*, Fabienne Brion and I underscore the importance of the subject’s implication in his own subjectivation through Foucault’s discussion of the Homeric chapter on Antilochus and Menelaus, the famous episode of the chariot race. Through the Homeric episode, a certain social hierarchy—one in which gods take precedence over humans, and senior heroic figures over the younger—is reproduced through Antilochus’ own act of deferring to Menelaus, who he admits is older and wiser than he. What Foucault emphasizes in the episode is that the order of truth, the specific social hierarchy, is not simply imposed on Antilochus by means of a traditional conception of power—namely,

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<sup>50</sup> Lukes, p. \_\_; see also p. \_\_ (“the third answer allows that they, in turn, can be subject to power—of others and of themselves”).

<sup>51</sup> Foucault’s emphasis on the subject and subjectivity is evident from his earliest work, as is clear from a reading of his supplemental doctoral project, his “Introduction to Kant’s *Anthropology*.”

<sup>52</sup> Michel Foucault, *Mal faire, dire vrai. Fonction de l’aveu en justice*, eds. Fabienne Brion and Bernard Harcourt (forthcoming 2011 in French with Presses Universitaires de Louvain and in English with the University of Chicago Press).

<sup>53</sup> Michel Foucault, *Le Courage de la vérité* (Paris: Gallimard/Le Seuil 2009), p. 10.

by someone “more” powerful imposing a regime of truth on another who would be “subject” to that power. Nor is it merely maintained or produced through knowledge; it is no mere product of a *savoir*. Rather, Antilochus implicates himself in the production of the social order through a quasi-avowal that functions to establish that very social order in a new way—one, in fact, that may extend even greater legitimacy to the social order. For, had Menelaus imposed his victory over Antilochus by means of a jury composed of more senior heroic figures, the victory itself would not have been received in the same way. By offering Antilochus the opportunity to take an oath, Menelaus allows Antilochus to blame his own youth and exuberance and, in effect, to embrace and restore an order of truth governs him and subjects him in his relation to Menelaus.

In the same way, contemporary subjects are deeply implicated in the orders of truth in which they are inscribed and inscribe themselves. *The Illusion of Free Markets* offers a helpful illustration again. One potential criticism of the thesis of the book—especially in Europe where a more robust acceptance of the welfare state still (precariously) survives—is that the real culprits responsible for mass incarceration are neoconservative law-and-order public policies involving “three-strikes,” mandatory minimums, preventative detention, harsh sentencing guidelines, and the War on Drugs. Why then focus on neoliberalism? The answer turns on the question of subjectivity. It is far too easy to point fingers at neoconservative policies and thereby absolve everyone else. The critical intervention in *The Illusion of Free Markets* is precisely to explore how it is that we allowed hyper-incarceration to happen. One important aspect, I contend, is the widely shared belief—shared, that is, by a vast majority of the American people<sup>54</sup>—in the incompetence of government in economic regulation, coupled with the belief in the legitimacy of government when it comes to policing and punishing. This mind set has facilitated the growth of the penal sphere. The idea of natural order in economics emerged in the 18th century hand-in-hand with an ideal of punishment despotism, or in other words with the idea that the quasi-exclusive competence of the state was in the area of security. It is this paradoxical juxtaposition that has facilitated the growth of the penal sphere—not just during the period of neoliberalism during the past 40 years, but also at the beginning of the 19th century with the birth of the penitentiary. Periods of strong belief in free market ideals have gone together with the birth and expansion of the carceral domain. It is important not to lose sight of our own implication in these outcomes—and to do so may require a lighter touch on the accusation of “falsity.”

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<sup>54</sup> The polling data support this empirical claim. See Harcourt, *The Illusion of Free Markets* at 11-12.

## VII.

This brings us back to Steven Lukes' essay, more specifically to the issue of whether one strand of radical thought could possibly present an obstacle to another. If, as I have argued, the family resemblances are indeed such that the different radical strands build on each other on the first go-round, could it be that, in later iterations, Lukes' conviction that we can "attain a truth" that is "not itself imposed by power" might hinder further critical interventions? Could it possibly be that Lukes' emphasis on hard notions of truth and falsity presents an obstacle to critical theory the next time that we need it?

I suspect that the answer is yes. As I have explored elsewhere, it often happens that useful categories—perhaps I could even say useful and *truthful* categories, categories that serve to reveal illusions at one point in time—get in the way of addressing new problems at later points. The notion of *discipline*, for instance, may have been extremely useful at a certain historical moment to question the progress narrative of punishment and destabilize a certain modern self-righteous complacency; but once that task has been accomplished, the idea itself may become a hindrance to further critical interventions in the larger effort to destabilize punishment *per se*.<sup>55</sup> In a similar vein, the category of *repression*—or, for that matter, of *the repressive hypothesis*—may serve a useful purpose in one historical context, but later may begin to mask troubling forms of governance. The notion of "beheading the King" may be a productive political intervention in the study of power at one time, but may stymie critical thought at a later date.

To return one final time to *The Illusion of Free Markets*: in his lectures in 1978 at the Collège de France on *Sécurité, Territoire, Population*, Foucault used the Parisian policing of grain markets as a leading illustration of the concept of *discipline* in order to help identify another form of governance—what he called *sécurité*—and to destabilize the notion of liberty at the heart of liberalism.<sup>56</sup> Foucault went so far, in fact, as to create the neologism of the "*police disciplinaire des grains*"—inscribing discipline into the

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<sup>55</sup> See Harcourt, « *Supposons que la discipline et la sécurité n'existent pas – Rereading Foucault's Collège de France Lectures (with Paul Veyne)* » in CARCERAL NOTEBOOKS - VOLUME 4, 2008 (Bernard E. Harcourt, ed.) (2008) (where I argue that the categories of *discipline* and *securité* may shield us from having to ask harder questions about the need for punishment); Harcourt, *Illusion of Free Markets*, p. 47-48 (where I suggest that the category of *discipline* may reify, rather than undermine, the notion of free markets).

<sup>56</sup> In *Sécurité, territoire, population*, 2004, p. 46-47, Foucault uses the police des grains as an example of disciplinary mechanisms in contrast to the security approach of the Physiocrats. Foucault refers to these forms of policing as being "in the world of discipline" (*id.* at 348; see also *id.* at 351, 354-55, 361). Foucault offers the same reading in his recap of those lectures at the beginning of his next annual lectures, *Naissance de la biopolitique* 2004, at p. 9.

practices of the period.<sup>57</sup> What I suggest in the book is that, at a later time, that useful category of *discipline* can turn into a hindrance that solidifies the differences between “free” markets and “overly-regulated” markets in the current American neoliberal context, in such a way as to mask an illusion—that there could even be such a thing as an unregulated space. It also hides the fact that much of the policing of grain markets in 18<sup>th</sup> century Paris was trivial, to say the least.<sup>58</sup> In effect, it reifies the discipline of the over-regulated space.

In this sense, it is equally important to *resist truth*. A genuinely nominalist approach demands the recurrent abandonment of the very categories that identify illusions and emancipate at earlier times. By this, I certainly do not mean to embrace a kind of relativism that I sense, from the essay, troubles Steven Lukes most. Rather, I mean to suggest that the critical path does not rest on *truer* knowledge—a deeper *kind* of truth to attain—but on constantly destabilizing what we come to believe. Knowledge, I would suggest with Foucault, is “murderous.”<sup>59</sup> It is only when we know who the accused really is, that we can sentence him to death. It is only when we know how to rehabilitate, that we institutionalize people *en masse* in asylums and mental hospitals. It is only when we know that incapacitation works, that we systematize mass incarceration. In the field of crime and punishment, the moments of punitive excess are inextricably linked with moments of certitude. The critical task ahead is not simply to reveal “falsity” or even illusions in order to establish the truth, but to constantly challenge the crystallization and solidification of our own truth-telling.

#### VIII.

Steven Lukes traces the notion of false consciousness to Étienne de la Boétie’s tract, *De la servitude volontaire*. As Fabienne Brion and I underscore in our preface to Foucault’s Louvain lectures, it is important to recall that Foucault himself defined the critical impulse by inverting the very title of de la Boétie’s short book. What Foucault called for was “inservitude volontaire”—in English, *voluntary inservitude* (using the negative or privative force of the Latin prefix *in*) or *voluntary unservitude* (using

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<sup>57</sup> Foucault, *Sécurité, Territoire, Population* (Gallimard/Le Seuil 2004), p. 46.

<sup>58</sup> Harcourt, *The Illusion of Free Markets*, at 153-171.

<sup>59</sup> Foucault made this precise point in his essay in 1971 titled *Nietzsche, la généalogie, l’histoire* where he wrote: “L’analyse historique de ce grand vouloir-savoir qui parcourt l’humanité fait donc apparaître à la fois qu’il n’y a pas de connaissance qui ne repose sur l’injustice (qu’il n’y a donc pas, dans la connaissance même, un droit à la vérité ou un fondement du vrai) et que l’instinct de connaissance est mauvais (qu’il y a en lui quelque chose de meurtrier, et qu’il ne peut, qu’il ne veut rien pour le bonheur des hommes) ». *Dits et Écrits* II, #84 (Quarto I, #84, p. 1023).

the negative force of the Old English prefix *un*).<sup>60</sup> By this, Foucault had in mind the idea of resistance to being governed—or, more precisely, to being governed *in this or that way*.<sup>61</sup>

I would go further and call for resistance, not simply to this or that way of being governed, but resistance *to truth*. Not in the sense, again, that truth is merely socially constructed—not the sense in which Lukes criticizes the “regimes of truth” critique. But, rather, in the sense that all of our own useful categories—*truthful* categories that help pierce illusions—themselves need to be constantly reexamined, questioned, and ultimately abandoned. New categories of thought that expose misleading forms of rationalization, that unveil entrenched and debilitating categories of thought, are only useful at a moment in time, and become a hindrance when they too become crystallized or entrenched.

The task, as I see it, is to unmask and enlighten, but then to shed the tools we have used, before those very beliefs become oppressive themselves. As a historical matter, I suspect, our 20<sup>th</sup> century experience with certain forms of communism confirms this instinct.<sup>62</sup> At a theoretical level, I believe, resisting truth is intimately related to the crucial nominalist dimension of critical theory.<sup>63</sup> Knowledge makes us master of our universe, but mastery is a most dangerous aptitude.

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<sup>60</sup> Foucault, “Qu’est ce que la critique?” *Bulletin*, 1990, p. 39.

<sup>61</sup> *Bulletin*, 1990, p. 38.

<sup>62</sup> This is the central problem with calling the emancipatory impulse that has animated political revolutions since the French Revolution the “communist hypothesis,” as Alain Badiou does in *L’hypothèse communiste* (Éditions Lignes 2009).

<sup>63</sup> See Harcourt, *The Illusion of Free Markets*, at p. 44-46.

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