

ANTIQUITY AS THE SPACE OF DIFFERENCE IN MICHEL FOUCAULT'S THOUGHT

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Abstract

In this text, I explore the space that Antiquity has in Michel Foucault's reflections. To achieve this, I examine the significance of the past in two of his works: *Discipline and Punish* and *The History of Sexuality, volume 2*. In *Discipline and Punish*, I emphasize his exploration of torture in the Old Regime. I argue that, in this case, Foucault employs the study of the past to critique the belief in progress and the thesis of the humanization of punishment with the advent of the prison system. In *The History of Sexuality, volume 2*, ancient philosophies take center stage. Through the aesthetics of existence, Foucault gives preference to modes of subjectivity production that differ from the disciplinary subject desired in modernity. In this sense, I perceive Antiquity as the space of difference in Foucault's thought, especially when he underscores that one of the purposes of ancient philosophies is to provide prescriptions guiding the relationships individuals establish with themselves and with others, aiming to radically transform existences.

Keywords

Michel Foucault; ancient philosophies; difference; history; past.

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Resumo

Discuto, neste texto, o espaço que a Antiguidade possui na reflexão de Michel Foucault. Para isso, reflito sobre a importância do passado em duas obras: *Vigiar e Punir* e *História da Sexualidade II*. Em *Vigiar e Punir*, destaco como ele estuda o suplício no Antigo Regime. Defendo que o estudo do passado, neste caso, serve para Foucault criticar a crença no progresso e a tese da humanização da punição com o advento da prisão. Já em *História da Sexualidade II*, as filosofias antigas ganham destaque principal. Por meio das estéticas da existência, Foucault privilegia modos de produção da subjetividade que se diferem do sujeito disciplinar almejado na modernidade. É, neste sentido, que encaro a Antiguidade como o espaço da diferença no pensamento de Foucault, principalmente quando ele destaca que um dos propósitos das filosofias antigas é elaborar prescrições para guiar as relações que o indivíduo estabelece consigo e com os outros, para transformar radicalmente as existências.

Palavras-chave

Michel Foucault; filosofias antigas; diferença; história; passado.

This text reflects on how Michel Foucault sees the past as a space of difference in his studies of ancient philosophy, especially in the 1980s. I was guided by the following questions: what difference does going back to Antiquity bring to Foucault's genealogical procedure and reading of the past? How are continuities and discontinuities thought of in relation to the present? To do so, I will focus on two of his works: *Discipline and Punish – The birth of the prison* (Foucault, 2005), from 1975; and *History of Sexuality II – The use of pleasure* (Foucault, 2006), from 1984. The conception of genealogical history, discussed by Foucault in the text "Nietzsche, Genealogy, History" (Foucault, 2003), in 1971, problematizes many of the concepts already discussed by historians, such as origin, event, neutrality, necessity, finality, and continuity. His observations therefore reveal a new way of approaching both history and the past itself, enabling a new way of thinking about the relationship between the past and the present.

Considering the nine years between *Discipline and Punish* and *The use of pleasure*, how has his method of genealogical history changed? I argue that, in 1975, genealogy served to criticize the history of progress brought about by modernity, especially when reading the transformations that undergone with torture and prison as means of punishment, and to criticize Humanism, problematizing the thesis that prison meant the humanization of punishment. In the second moment, in 1984, at the same time that Foucault laughs at the solemnities of the much-acclaimed origin of Western thought—ancient culture—it is not seen as a model to be followed, but it also serves as a field of possibilities for writing a history that thinks about difference, allowing him to undertake a genealogy of the subject of desire in the West and a critique of the mode of production of Christian subjectivity, characterized by a morality that is obsessively concerned with a universal code and a truth that would be revealed by the confessional method.

Discipline and Punish: the Old Regime and torture as a critique of progress and humanism

Foucault begins *Discipline and Punish* with historical documents to explain the difference between two penal styles. The ritual of torture is described in 18th-century periodicals. What is Foucault's aim in transcribing an "experience" of torture within its own historicity? For readers to be horrified by this "naturalness" of violence, then feel relieved by the condemnation present in prisons and think: fortunately, there has been an evolution and condemnation

has acquired “humane traits” and has become worthy of a modern Western civilization? Certainly not. Foucault wants to shift the gaze of his readers, destabilizing the established interpretation of this rupture by distrusting the evidence given, with the following method: Foucault begins the analysis of this change by presenting the discourse of the current interpretation – that of the “humanization of penalties.” Expressions used in Foucault’s writing, however, indicate that he is suspicious of any historical narrative that is well-organized and easily intelligible to everyone. Is not it this order that should cause us shock and surprise?

The documents presented by Foucault concern the ritual of torture (Foucault, 2005: 9–10) and the use of time (Foucault, 2005: 10–11). For the philosopher, these documents do not sanction the same crimes or punish the same type of delinquents. Rather, they do define a certain penal style. The two crimes are spaced by less than a century. Foucault describes how this epoch is interpreted: as the time of the redistribution of the entire economy of punishment, of the great “scandals” for traditional justice, of the countless reform projects, of producing a new theory of law and crime and a new moral or political justification of the right to punish, and of writing “modern” codes, as if a new era for criminal justice had been inaugurated. Faced with such changes, how should we interpret them? Will Foucault choose the most visible and talked-about change, the vanishing of public torture, to write a history of Western progress? Will he narrate the emergence of modernity in opposition to the barbarism of the Old Regime? Quite opposite, we can perceive the genealogical procedure by contrasting it with the usual teleological, ideal interpretation, similar to the linear geneses so criticized by Nietzsche (2009) in *The genealogy of morals*, from 1887. The beginning of *Discipline and Punish*, then, makes explicit the clash of genealogy in the face of a traditional history that boasts the progress of Western modernity. For the genealogist, in this sense, we must move away from what Nietzsche called the “history of historians” (the linked to Historicism and Positivism), which sees changes based on a procedure that seeks to “trace the gradual curve of their evolution” (Foucault, 2003: 15). The opening of *Discipline and Punish* makes it clear that: “Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity” (Foucault, 2003: 25).

Foucault shows that, at the time he was writing the book, there was a tendency to naturalize the justification that was used in the very period in which this historical change took place: exaggerated emphasis on the “humane” aspect. Foucault asks himself: what is the importance of the disappearance of torture,

comparing it to the great institutional transformations? By major institutional transformations, he means the explicit and general codes, the unified rules of procedure, the jury, the definition of the corrective character of the penalty and the tendency, which has been increasingly accentuated since the 19th century, to modulate punishments according to the offender. He also asks another question: would the presence of punishments, at first less directly physical, with an arrangement of more subtle, veiled, and unostentatious sufferings, be merely the effect of “humanization”? Foucault, using his genealogical method, calls into question a historical certainty: the body of the tortured disappears as the main target of penal repression.

In the first place, Foucault stresses that, although punitive mechanisms had adopted a new type of functioning, the process was far from over. Torture in punitive rituals was diminished around 1780 to 1840, but it did not disappear. Torture was still very present in the French penal system. The guillotine marked a new ethic in legal death, but the Revolution associated it with a grandiose theatrical rite. Penal death remains, Foucault emphasizes, even at the moment when he writes *Discipline and Punish*, a scene that must be forbidden.

Power over the body also did not cease to exist completely until the mid-19th century. Although punishment was no longer centered on torture as a technique to inflict suffering and took as its object the loss of a good or a right, punishments such as forced labor or imprisonment never functioned without certain punitive components relating to the body. Prison has always applied certain measures of physical suffering. The criticism of the prison system in the early 19th century, which we see repeated in a similar way both in Foucault’s time and in our own, that prison was not punitive enough, that offenders have fewer deprivations than many poor people or workers, raised a question that had never been considered before: is it fair that the inmate suffer more than other people? Would this completely dissociate punishment from physical suffering? Did modernity really inaugurate an incorporeal punishment with prisons? For Foucault, the answer is no, as he sees that the modern mechanisms of criminal justice still hold a torturing background.

The supposed loosening of penal severity over the years is a well-known phenomenon among legal historians. Foucault points, however, that it was generally comprehended as a quantitative phenomenon: less suffering, more kindness, more respect, and “humanity.” For Foucault, these changes are concomitant with a shift in the object of punitive action. More than a reduction

in intensity, there was certainly a change in objective. Here, Foucault makes explicit his criticism of the “humanization” thesis, in other words, he confronts the supposed evolution and conquest of humane traits associated to milder punishment, as is the notion that modern punishment does not affect the body, especially when he distrusts the contrast constructed between physical and incorporeal punishment.

Foucault is suspicious of the justification put forward by the defenders of prison at the time of its was conceived in the late 18th and early 19th centuries: if punishment is no longer directed at the body, what is it directed at? If we follow the rationale of theorists of the 1780s, such as Malby, for example, it would be simple answer. Punishment would no longer befall the body, but rather the soul. It would be a punishment that would strike the heart, the intellect, the will, the conviction. Once again, Foucault, in his ironic and provocative tone, is suspicious of this explanation.

This is an important moment, since, according to advocates of imprisonment, the body and blood, the major components of punitive action, are replaced. A new character enters the scene, masked. Once a tragedy is over, the comedy begins. Justice now has to deal with this new reality, which is incorporeal. Here the genealogical method becomes explicit again, if we remember the following passage from 1971 about the genealogist and the carnival:

The new historian, the genealogist (...) will push the masquerade to its limit and prepare the great carnival of time where masks are constantly reappearing. No longer the identification of our faint individuality with the solid identities of the past, but our “unrealization” through the excessive choice of identities (Foucault, 2003: 33-34).

For Foucault, above all, as opposed to taking as evidence the explanation of the theorists who defend imprisonment, it should be emphasized that, in our societies, punitive systems must be placed in a certain “political economy” of the body, as he taught with the genealogical method:

The body is the inscribed surface of events (traced by language and dissolved by ideas), the locus of a dissociated Self (adopting the illusion of a substantial unity), and a volume in perpetual disintegration. Genealogy, as an analysis of descent, is thus situated within the articulation of the body and history. Its task is to expose a body totally imprinted by history and the process of history’s destruction of the body (Foucault, 2003: 22).

For Foucault, even if they do not resort to violent or bloody punishments, even when they use the “soft” methods of locking or correcting, it is always

about the body: it and its strength, its usefulness and docility, its distribution and submission. For this reason, he reflects, if it is legitimate to make a history of punishments based on moral ideas or legal structures, “can one write such a history against the background of a history of bodies, when such systems of punishment claim to have only the secret souls of criminals as their objective?” (Foucault, 2005: 25). He will thus pay attention to the element that many said had disappeared from punishment. But his history of the body also differs from other studies.

Foucault recalls that historians have approached the history of the body for a long time: in the field of historical demography or pathology; as the seat for needs and appetites; as the site of physiological processes and metabolisms, etc. But for him, the body is also directly immersed in a political field, since power relations hold an immediate impact over it. This political investment of the body is linked to its economic use, but its constitution as a labor force is only possible if it is trapped in a system of subjection. The body only becomes a useful force if it is both productive and submissive. This submission is not only achieved by the instruments of violence or ideology. It can be physical, use force against force, act on material elements without, however, being violent. This is where we see Foucault’s critique of the way Marxism conceives of domination.

Foucault then proposes the study of a “knowledge” of the body that is not exactly the science of its functioning. It is about studying the control that constitutes the political technology of the body. The main characteristics of this technology are: it is diffuse, rarely formulated in systematic or continuous discourses, it is made up of parts and pieces. It is nothing more than a multiform instrumentation. Furthermore, it is impossible to locate it either in a defined type of institution or in a State apparatus. It is a microphysics of power. The history of this microphysics of power would then be a genealogy or a piece for a genealogy of the modern “soul.” Before seeing in this soul the remains of an ideology, Foucault recognizes in it the correlative of a certain technology of power over the body. Thus, the soul is not an illusion or an ideological effect, but it does exist, it has a reality that is produced within the body by the operation of a power that is exercised over those who are punished. Foucault highlights the historical reality of this soul which, unlike the soul represented by Christian theology, is not born guilty and deserving of punishment, but rather dependent on the procedures of punishment, vigilance, and coercion. It was from this soul that the moral claims of humanism were valorized. But the soul, the illusion of the theologians, was

not replaced by a real man. Hence Foucault's great critique of humanism, because: "The man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself" (Foucault, 2005: 29). The soul, then, is understood by him as one more piece in the domination exercised by power over the body, as the effect and instrument of a political anatomy and, finally, as the prison of the body. The critique of Christian and modern notions of the soul will reappear in his history of sexuality.

Foucault's genealogy and *The use of pleasure*: ancient philosophies as the space of difference

How does Michel Foucault see the past as the space of difference in his studies of ancient philosophies, especially in the 1980s? To answer this question, I turn to Foucault's initial reflections in his *History of Sexuality II. The use of pleasure* (Foucault, 2006).

Foucault's return to Antiquity continues his 1970s critique of the notion of power seen exclusively in its repressive sphere. This is because he wants to escape from a scheme of thought that makes sexuality an invariant and assumes that the historically unique forms it takes are the result of the various mechanisms of repression to which it is exposed throughout society. This movement, for Foucault, would be equivalent to placing desire and the subject of desire outside the historical field, and making the interdiction account for what is historical in sexuality. Foucault (2006: 15) thus continues his project of carrying out a genealogy of morality, as he indicated in 1971:

From these elements, however, genealogy retrieves an indispensable restraint: it must record the singularity of events outside of any monotonous finality; it must seek them in the most unpromising places, in what we tend to feel is without history – in sentiments, love, conscience, instincts (Foucault, 2003: 15).

The notion of desire or the desiring subject was a generally accepted theoretical theme. It therefore seemed difficult for Foucault to analyze the formation and development of the experience of sexuality from the 18th century onwards without carrying out a historical and critical work on desire and the desiring subject, in other words, without undertaking a "genealogy." This story would talk about the analysis of the practices by which individuals were led to pay attention to themselves, to decipher themselves, to recognize themselves, and to confess themselves as subjects of desire, establishing a

relationship between themselves that allows them to discover, in desire, the truth of their being, whether natural or fallen. He says:

In short, it was a matter of seeing how an “experience” came to be constituted in modern Western societies, an experience that caused individuals to recognize themselves as subjects of a “sexuality” (Foucault, 2006: 11).

It was therefore necessary to reorganize all his work around the slow formation, during Antiquity, of a hermeneutic of the self. He approaches his studies with the following philosophical exercise: to what extent can the work of thinking about his history free thought from what he thinks silently, allow him to think differently?

For Foucault, in this sense, the image that we created and which points to the differences between Christianity and paganism must be problematized, in the same way that he distrusted the humanization of penalties with the advent of prison and the disappearance of tortures. Christianity would have associated the sexual act with evil, sin, the fall, and death, whereas Antiquity would have endowed it with positive connotations. Christianity would only have accepted monogamous marriage and only for the purpose of procreation, unlike Greek and Roman societies. Regarding same-sex relations, Christianity would have excluded them, whereas Greece would have exalted them. Christianity would also have placed a high moral value on sexual abstinence, chastity, and virginity. It seems that the ancients were indifferent to the nature of the sexual act, monogamous fidelity, homosexual relations, and chastity, and that these problems did not constitute very acute problems for them.

Foucault shows that these perceptions are not accurate, since it is clearly possible to perceive the continuity between the first Christian doctrines and the moral philosophy of Antiquity. We can follow the permanence of certain concerns, certain themes, and certain demands that have marked Christian ethics and the morals of modern European societies, but which were already present in the ancient world. To understand the themes present in ancient culture, in Christianity, and in modern times, Foucault points to four issues: the association between evil and masturbation or sexual expenditure, since the Greeks always insisted on advice of prudence in the use of sexual pleasures; the sexual “fidelity” of the husband towards his legitimate wife, since, even though it was not demanded by either the laws or customs in ancient culture, it was nevertheless a relevant matter; love for boys was not condemned, however, it is necessary to recognize the effect of strongly negative appraisals of aspects of relations between men, as well as a criticism

of anything that departed from the prestige of the manly role; and, finally, the theme of a relationship between sexual abstinence and access to truth was already strongly marked in ancient philosophy.

But, even making these similarities explicit, Foucault does not claim that the sexual morality of Christianity and that of paganism conform a continuity, because although we can find various common themes, they do not hold the same place or the same value in both. The church and the Christian ministry had a morality whose precepts were universal. On the other hand, in ancient thought, the demands for austerity were not organized in a unified, coherent, authoritarian morality imposed on everyone in the same way. They were prescriptions, suggestions. Foucault explains that from the approximations that can be made between the Christian morality of sex and ancient thought, we should not conclude that Christian morality was already “pre-formed” in ancient culture. Hence ancient culture emerges as the space of difference in relation to the mode of production of modern subjectivity, which is in continuity with Christian morality.

These themes of sexual austerity do not coincide with the boundaries that the great social, civil, and religious prohibitions could draw. It is still, as Foucault stresses, a morality of men and addressed to men (in which women are defined as objects). It is not a morality that tries to define a field of conduct and a domain of rules valid for both sexes. Foucault points out: “it was an elaboration of masculine conduct carried out from the point of view of men in order to give form to their behavior” (Foucault, 2006: 24). Nor does this mean that Foucault praises the exclusion of women. He criticized these precepts of Greek ethics in an interview given in 1983, saying:

The Greek ethics was linked to a purely virile society with slaves, in which the women were underdogs whose pleasure had no importance, whose sexual life had to be only oriented toward, determined by their status as wives, and so on. (Foucault, 1995: 256).

Foucault’s studies are therefore completely refocused, since he does not start from the interdictions that are hidden or manifested in the demands of sexual austerity, but researches which regions of experience, and in what forms, sexual behavior has been problematized, becoming an object of care, an element for reflection, a subject for stylization. And he asks: Why were these four domains of relationships, which seemed to have been able to be developed by the free man in ancient society without major prohibitions, the object of an intense problematization of sexual practice?

In view of this, he also expresses his opinion on the type of history he is writing, establishing differences in relation, firstly, to the history of “moralities” – the one that studies the extent to which the actions of such individuals or groups conform or not to the rules and values proposed by different instances; secondly, he is also not interested in a history of “codes” – which analyzes the different systems of rules and values that prevail in a given society or in a given group, the instances and apparatuses of coercion that enforce them; instead, he proposes to write a history of “ethics” and “asceticism:” a history of the way in which individuals are called upon to constitute themselves as subjects of moral conduct by developing relationships from self to self, to reflection on self, to the deciphering of self by self, in other words, the transformations that one seeks to effect on oneself.

Going back to ancient Greco-Roman philosophy, he understands that morality comprises two aspects: codes of behavior and forms of subjectivation. They cannot be dissociated, but in certain morals the importance is given above all to the code. Under these conditions, subjectivation takes place in a quasi-juridical way, in which the moral subject refers to laws to which they must submit under penalty of incurring faults that expose them to punishment. It would be inaccurate to reduce Christian morality to such a model, but the prison system provoked a very strong “codification” of moral experience, which produced a strong reaction from the ascetic movements before the Reformation.

But there are morals that rely more heavily on forms of subjectivation and practices of the self. In this case, the system of codes and rules of behavior is very rudimentary. The emphasis is on forms of relationships with oneself. These ethics-oriented morals were very important in Christianity alongside the code-oriented morals: there was juxtapositions, rivalry, and conflict between them. Moral reflections in Greek or Greco-Roman Antiquity, on the other hand, were much more oriented towards practices of the self. The emphasis is on the relationship with oneself that allows one not to be carried away by appetites and pleasures in order to achieve a way of being defined by one’s sovereignty over oneself. Foucault thus transformed the question so often asked about the continuity or rupture between the philosophical morals of Greco-Roman Antiquity and Christian morality: he did not ask which elements of the code Christianity borrowed from ancient culture, but how, in the continuity, transference, or modification of codes, the forms of relation to oneself were defined, reworked, and diversified.

The space that Antiquity occupies in Foucault's thought, therefore, is very different from the space that the Old Regime occupied in his critique of the humanization thesis brought about by modernity. In this case, the past is used by Foucault to criticize progress and the image that bourgeois society itself created of itself in the 18th and 19th centuries, but at no point does he praise court society or find similar problems in its present day. The mode of production of subjectivity in the Old Regime, thus aligned with relations of sovereign and Christian morality, is not valued by Foucault. This is because, in a different way, when he analyzed another historical period, Antiquity, he saw similarities between the Greeks' concern to create a type of ethics that was an aesthetics of existence and the problem faced by Western society in the 1980s, as we can see below:

Well, I wonder if our problem nowadays is not, in a way, similar to this one, since most of us no longer believe that ethics is founded in religion, nor do we want a legal system to intervene in our moral, personal, private life. Recent liberation movements suffer from the fact that they cannot find any principle on which to base the elaboration of a new ethics. They need an ethics, but they cannot find any other ethics than an ethics founded on so-called scientific knowledge of what the self is, what desire is, what the unconscious is, and so on. I am struck by this similarity of problems. (Foucault, 1995: 255).

I emphasize, however, Foucault's critical view of the Greeks, when he says: "the Greek ethics of pleasure is linked to a virile society, to dissymmetry, exclusion of the other, an obsession with penetration, and a kind of threat of being dispossessed of your own energy" (Foucault, 1995: 258). He insists: "All that is quite disgusting!" (Foucault, 1995: 258). Foucault's return to Antiquity, in this way, is not a return to our true origins and an idyllic past, since, as he wrote in the 1970s about history:

History also teaches us to laugh at the solemnities of the origin. The lofty origin is no more than "a metaphysical extension which arises from the belief that things are most precious and essential at the moment of birth." We tend to think that this is the moment of their greatest perfection (Foucault, 2003: 18).

In other words, for Foucault, it is not a question of finding a return to the Greeks as an attractive alternative for us. He takes a stand against the reading that sees a return to the past as a solution to the problems of its contemporaneity but, at the same time, he highlights the field that opens up for constructing the present in a different way, with a genealogically careful reading of the past:

I am not looking for an alternative; you can't find the solution of a problem in the solution of another problem raised at another moment by other people. (...) My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. (Foucault, 1995: 256).

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