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Foucault, Ethical Self-concern and the Other

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Abstract In his later writings on ethics Foucault argues that rapport à soi – the relationship to oneself – is what gives meaning to our commitment to 'moral behaviour'. In the absence of rapport à soi, Foucault believes, ethical adherence collapses into obedience to rules ('an authoritarian structure'). I make a case, in broadly Levinasian terms, for saying that the call of 'the other' is fundamental to ethics. This prompts the question whether rapport à soi fashions an ethical subject who is unduly self-concerned. Here we confront two apparently irreconcilable pictures of the source of moral demands. I describe one way of trying to reconcile them from a Foucaultian perspective, and I note the limitations in the attempt. I also try to clear away what I think to be a misunderstanding on Foucault's part about what is at stake in the choice between these pictures. To clarify my critique of Foucault, I also relate it to a similar recent critique of virtue ethics by Thomas Hurka.

Keywords Ethics · Foucault · Aristotle · Care for oneself · The 'other' · Remorse

Introduction

The ethical subject described in Foucault's later writings is too self-concerned: Foucault's ethics does not sufficiently acknowledge the authority of 'the other' in our ethical interaction. That is my theme. I shall relate my discussion of Foucault to an objection recently brought against 'virtue ethics' by Thomas Hurka. With respect at least to Aristotle's virtue ethics the situation is more complex than Hurka's criticism allows, and similarly perhaps Foucault's position is more subtle than my initial critical comments allow. Engaging with Hurka's line of argument enables me

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to refine my critique of Foucault. I then consider, and evaluate, an interesting response that Foucault could make to my critique. Finally, I try to bring out what is more broadly at stake in the question of whether Foucault's later ethics indeed do have the limitation I describe.

My discussion is focused on the role played in Foucault's ethics by rapport à soi, the relation to oneself. While the perspective of my critique of Foucault has some affinity with Levinas,[1] I do not rely on Levinas or develop my argument in specifically Levinasian terms. Foucault saw rapport à soi as taking up those aspects of ethics neglected by a preoccupation with right and wrong action. That ethics involves much more than a concern with right and wrong action has historically been a recurrent philosophical theme. In their different ways Aristotle and Kant, for example, gave expression to it. Aristotle thought character – what in Charles Taylor's words it is good and bad to *be* – was at least as important as what it is right and wrong to *do*. Kant highlighted the quality of a person's will as morally more fundamental than the rightness of her actions.[2] Even so, Foucault was arguably right that this theme was long overlooked – and until the renaissance of Kantian moral philosophy in the last two or three decades Kant himself was misunderstood by many as locating right and wrong action at the heart of morals. Foucault's use of the concept of rapport à soi shapes his own distinctive way of extending the scope of morals beyond a concern with right and wrong action.

Foucault distinguishes four aspects of rapport à soi.[3] The first of these is 'the determination of the ethical substance' – what it is of oneself or one's activity that is the 'material' of one's moral conduct. Is it (for example) one's pleasures, one's desires, one's feelings, one's intentions or one's specific acts with which one is to be most fundamentally ethically concerned? The second aspect is the 'mode of subjection' – the 'way in which people are invited or incited to recognize their moral obligations'. The mode of subjection is, roughly, the conception of what mediates one's 'relation to the rule' – one's relation, that is, to whatever acts one recognises to be obligatory or forbidden. The mode of ethical subjection gives a specific form to the *way* one recognizes oneself as subject to one's obligations. So they may present to one as, for example, divine law, or as a 'rational rule', or as part of the 'attempt to give (one's) existence the most beautiful form possible'. Thirdly, there are various possible forms of elaboration of 'ethical work' one can perform on oneself in order to 'transform oneself into the ethical subject of one's behaviour'. One can develop

[1] Barry Smart has critiqued Foucault from a Levinasian perspective. See B. Smart, 'Foucault, Levinas and the subject of responsibility', in J. Moss ed., The Later Foucault (London: Sage Publications, 1998), pp. 78–92.

[2] Aristotle, Nicomachean Ethics trans. T. Irwin (Hackett Publishing Company, 1985), Bk II, Chs 4–5, 1105a17–1105b28; C. Taylor, 'Iris Murdoch and moral philosophy', in M. Antonaccio & W. Schweiker, eds, Iris Murdoch and the Search for Human Goodness (Chicago: University of Chicago Press, 1996), pp. 1–3; I. Kant, Groundwork of the Metaphysic of Morals trans. H. Paton (New York: Harper Torchbooks, 1964), Ch.1, pp. 61–62 (Ak.393–394). (All quotations from the Nicomachean Ethics are from Irwin's translation.)

[3] M. Foucault, 'On the genealogy of ethics', in P. Rabinow ed., The Foucault Reader (New York: Pantheon Books, 1984), pp. 340–372; M. Foucault, The History of Sexuality, Vol 2 The Use of Pleasure trans R. Hurley (New York: Vintage Books, 1990), pp. 25–32. A useful summary of Foucault's account of rapport à soi is to be found in Arnold Davidson, 'Archaeology, genealogy, ethics', in D. Hoy ed., Foucault: A Critical Reader (Oxford: Blackwell, 1986), pp. 221–234.

techniques of self-control, one can pray, one can 'assimilate a systematic ensemble of precepts', one can rigorously monitor the movements of one's desires, and so on. Fourthly, there is the 'telos' of the ethical subject's behaviour – the 'mode of being' to which one aspires through one's moral behaviour. What is it that I aim to become *through* my adherence to the moral obligations I recognise? Do I aspire to immortality, or to purity, or to self-mastery, or to transcendence of the body, or to something else again?[4]

Each person's relation to herself is constituted by the specific pattern formed by the content each of these aspects has in her case.[5] Foucault notes that each aspect can vary more or less independently of the others – all sorts of combinations are possible and have found expression at different times and places.

Rapport à soi is not the whole of morality. There is also the range of moral obligations and prohibitions – the 'prescriptive ensemble' – that a person recognises. Foucault calls this the 'moral code'.[6] Rapport à soi involves, for me as for each person, the integrating of the moral code into the living of my particular life in this particular historical and cultural setting. Morality as a whole thus includes both the moral code and rapport à soi which, says Foucault, 'I call ethics'.[7]

The accent on rapport à soi balances what may be an overly reductionist attitude to the self and value in Foucault's earlier writings. Everyone is enmeshed in networks of power, and Foucault sometimes came close to saying that each person is *wholly* constituted as a particular congeries of 'effects' of such networks.[8] In his later work Foucault highlighted the contingency of these determinations of 'who we are'. If we can become aware of the history of what we have been, we thereby open up spaces for the operation of what Foucault called 'the undefined work of freedom'[9] The various elements of rapport à soi provide a structure for the operation of this work of freedom. Recognising the contingency of what we have ethically been, we can appreciate the possibility of becoming different, in part through new conceptualisations of the ethical material, the mode of subjection, and the ethical telos. Rapport à soi is the way in which contingency and history are recapitulated into the free expression of who we are.

My concern in this paper, however, is with a slightly different role played by rapport à soi in Foucault's thinking. Obligations – not necessarily 'Kantian' obligations, but simply the acts a person finds binding in the 'moral code' – are so to speak the front line of ethics. They articulate the ethical behaviour required of

[4] All descriptions of the four aspects of rapport à soi quoted in the above paragraph are from The Use of Pleasure, pp. 25–26. The examples of ethical telos in the final sentence are taken from 'On the genealogy of ethics', p. 355.

[5] Christine Korsgaard has recently argued for a more robust conception of the ethical subject than is found in current ethical 'theories'. C. Korsgaard, The Sources of Normativity (Cambridge; New York: Cambridge University Press, 1996). It is an interesting question where the kinds of socio-cultural self-identifications Korsgaard discusses would fit in Foucault's picture. I suspect there is no single answer.

[6] The Use of Pleasure, p. 25.

[7] 'On the genealogy of ethics', p. 352.

[8] See especially M. Foucault, Discipline and Punish: The Birth of the Prison trans. A. Sheridan (New York: Pantheon, 1977).

[9] For this phrase, and its implications, see Foucault's 'What is Enlightenment?' in Rabinow ed., op.cit., pp. 32–50.

us. But what gives sense to our finding ourselves under any such obligations, and patterning out our lives in accordance with them? Either there is a good answer to that question or our adherence to such obligations will be no more than mindless obedience to a code – mere rule-worship. In the following passages Foucault moots one specific answer to the question:

> ...what (the Greeks) were worried about, their theme, was to constitute a kind of ethics which was an aesthetics of existence.
>
> Well, I wonder if our problem 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.[10]

And:

> The idea of the *bios* as a material for an aesthetic piece of art is something which fascinates me. The idea also that ethics can be a very strong structure of existence, without any relation with the juridical per se, with an authoritarian system, with a disciplinary structure. All that is very interesting.[11]

And:

> If I was interested in antiquity it was because…the idea of a morality as obedience to a code of rules is now disappearing, has already disappeared. And to this absence of morality corresponds, must correspond, the search for an aesthetics of existence.[12]

At least three suggestions are embedded in these passages. First, there is the suggestion that in the past the recognition of ethics as a 'strong structure of existence' assumed a background that was placed beyond question – whether in the form of 'religion' or 'the juridical per se' or 'an authoritarian system' or 'a disciplinary structure'. That assumed background was enough to give sense to people's obedience to a code. The second suggestion is that 'most of us no longer believe' in any such background. The question then arises: in the absence of such a background, what will now make obedience to a code meaningful for us? The third suggestion in these passages is that 'the search for an aesthetics of existence' provides the answer to this question. But, as Foucault himself acknowledged elsewhere,[13] such a search is in fact only one of indefinitely many possible forms that rapport à soi can take. The more important lesson is that once the assumption of an unquestioned background is no longer in place, rapport à soi is what has to fill the role of making sense of, giving meaning to, our ethical commitments.

[10] 'On the genealogy of ethics', p. 343.

[11] Op. cit., p. 348.

[12] L. Kritzman (ed.), Philosophy, Politics and Culture (London: Routledge, 1998), p. 49.

[13] For example, in the first two references cited in n. 3 above. On Foucault's picture, by the way, the assumption of the background is itself best thought of as a precipitation of rapport à soi, even though it could not clearly-sightedly be acknowledged as such by those who lived under it.

Foucault's view about this role of rapport à soi seems to trace back to Nietzsche.[14] Consider this passage from *Beyond Good and Evil*:

> There are moralities which are intended to justify their authors before others; other moralities are intended to calm him and make him content with himself; with others he wants to crucify and humiliate himself; with others he wants to wreak vengeance, with others hide himself, with others transfigure himself and set himself on high; this morality serves to make its author forget, that to make him or something about him forgotten; many moralists would like to exercise power and their creative moods on mankind...[15]

Rapport à soi can be seen as elaborating Nietzsche's view that moralities are projections of the human will-to-power. This does not mean that one's morality cannot make space for, and even thematise, one's relations with others. In Foucault's terms, rapport à soi may indeed involve various sorts of 'care for others'. But these come into play through the primacy of one's rapport à soi. *That* is what is fundamentally realised through one's ethical dispositions. As Foucault puts it, the care for self 'takes moral precedence' over care for others.[16]

His fourth aspect of rapport à soi, we saw, Foucault calls the telos of the ethical subject. Our moral conduct, says Foucault, 'is not only moral in itself, in its singularity'. A moral action 'tends towards its own accomplishment, but it also aims beyond the latter...to a certain mode of being, a mode of being characteristic of the ethical subject'.[17] That mode of being is the telos, which 'ascesis' – work upon the self – aims at realising.[18] While at different cultural moments the ethical telos varies in prominence in explicit ethical thinking, Foucault holds that it remains one of the fundamental organizing categories of ethics.[19] There is of course an indefinitely wide range of possible modes of being to which people can variously aspire through their ascetic practice.

All of this interestingly embeds our moral commitments in a network of processes by which we elicit meaning in what we do and are. More than that, as a philosophical or perhaps anthropological framework on which to locate a wide range of ethical orientations across history and to map the differences and similarities between them, Foucault's account of rapport à soi is a powerful tool. But even so, I

[14] It is a commonplace that Nietzsche is a huge influence on Foucault, but this does not mean that we should assume Nietzsche's direct influence every time a view of Foucault's resembles one of Nietzsche's.

[15] F. Nietzsche, Beyond Good and Evil (Penguin: 1990) Part V: On the Natural History of Morals, Sect 187, p. 110.

[16] M. Foucault, 'the ethic of care for the self as a practice of freedom', in J. Bernauer & D. Rasmussen eds., The Final Foucault (Cambridge, Mass: MIT Press, 1998), p. 7. It is true that Foucault is here expressing the view of 'the Greeks' rather than his own view. But the tenor of the discussion that follows the sentence quoted makes it evident, I think, that Foucault shares the priority of care for self over care for others that he ascribes to the Greeks.

[17] The Use of Pleasure, pp. 27–28.

[18] The other three aspects of rapport à soi constitute the other formal elements of ascesis: the different 'material' of conduct on which ascesis can work; the various ways in which one can conceive of oneself as the subject of one's ascetic practice; and the various forms of actual practice – prayer, techniques of self-control, monitoring of one's desires, etc – that one's ascesis can take.

[19] The Use of Pleasure, pp. 29–30.

have a serious reservation. In particular, I shall query the role played in that account by Foucault's ethical telos. Let me explain why.

In Dostoevsky's novel *Crime and Punishment*, Sonia prostitutes herself to save her family from starvation. That is something she finds she (morally) has to do. She also finds it degrading and humiliating to have to do it. Suppose she had been asked what she was aiming to become through what she did, and that she had responded with *any* of the examples Foucault gives of an ethical telos. Suppose, for instance, she had said that her aim was to become pure. How might we respond? Well, if I were to try to express my sense of Sonia, I would say that her deeds strike me as the expression of an extraordinary purity of heart. I don't believe, however, that what she did would strike me in that way if I learned that her aim in doing it was to achieve such purity. Why is that? Because her purity of heart shows precisely in her spontaneous, whole-hearted, direct and unwavering responsiveness to *those others* in their need. It is them in their need by whom she is directly and wholly moved to respond as she does. If we came to believe that an aspiration to becoming pure through what she did was what gave sense to her doing it, this could only muddy our sense of her actual purity of heart, precisely because it would show a falling away from direct and full responsiveness to those others. Such an aspiration on her part would of course not destroy all value in her deed, but it would no longer strike us as marvellous, just because what was really moving her would turn out to be not *those particular others in their plight*, but something about herself.

This point is generalisable. It does not apply only to an aspiration specifically to becoming pure. It applies equally to an aspiration to become immortal, or to fashion a beautiful soul, or to transcend one's body, or to achieve self-mastery.... The presence of *any* such governing aspiration would make a similar difference.

The point is not that Foucault's conception of the ethical telos entails selfishness. While it is not easy to see that care for self as Foucault understands it *requires* care for others, it certainly *can* involve such care. About the classical context Foucault puts the point more strongly: 'in Greek and Roman thought the care for self cannot itself tend to... [an] exaggerated love of self which would...come to neglect others or worse still, abuse the power that one can have over them'.[20] Let that be granted. Still it does not engage with my point, which concerns not *what* is done, but rather the spirit in which it is done, which can include the motive for doing it. What I said two paragraphs back still holds. Even if someone's concern with (say) self-mastery does require some care for others, so far as what guides her care for them is her aiming at self-mastery, such care for them is surely very different in spirit – very different *ethically* – from Sonia's care for her family or from (say) the Good Samaritan's care for the man who fell among thieves. Part of what makes those so poignant and moving as examples of care for others is precisely their freedom from any governing aim of care for self.

In moral philosophy a contrast is sometimes drawn between doing what is right 'for its own sake' and doing it for any other reason; and some have supposed that we act in a morally good way only when we do what is right for its own sake. Kant's view, in the *Groundwork*, that morally good action is action done 'from duty' alone

[20] 'the ethic of care for the self as a practice of freedom', p. 8.

may be thought to encourage this idea.[21] It might then be asked whether, in saying that our admiration for Sonia depends on our taking her to have acted with no Foucaultian telos in view, I am supposing her to have 'done what is right for its own sake'. I do not suppose this. I think the phrases 'for its own sake' and 'for the sake of' in philosophy tend to raise questions rather than resolve them (though the latter phrase does recur in my discussion of Aristotle below). But if we do ask whether Sonia did (what she believed to be) the right thing 'for its own sake' or whether she acted instead 'for the sake of her family', surely the latter phrase rings truer. It certainly does so to me. Of course it is also true that her 'care' for her family is an ethically informed care, and that we would not admire what she did as Dostoevsky's novel leads us to do if we thought that what she did in acting for the sake of her family was morally wrong. But it does not follow from this that if our admiration is not misdirected it must be occasioned by Sonia's having done what was right for its own sake. The purity of her love, as I said earlier, is much closer to what elicits our admiration.

I now want to press my criticism of Foucault's concept of rapport à soi further, and from a slightly different direction. As Foucault points out, one and the same moral prohibition (or requirement) can be framed by different practices of rapport à soi. And different frames make different 'sense' of the prohibition, as of the whole prescriptive ensemble of which it is part. Different practices of rapport à soi inform different understandings, for example, of the significance of violating a particular prohibition one recognises. Consider the significance, to someone oriented to a telos of self-mastery, say, of his bullying a subordinate, or letting down or humiliating a friend, if he comes to acknowledge that what he did was wrong. For such a person, what would chiefly matter in his bullying, for example, would then seem to be not *his abuse or violation of this human being*, but his having shown himself not to be master of his own desires – or, to take two of Foucault's other examples of an ethical telos, his having failed in his pursuit of immortality or perfection. So, writing of self-mastery in Greco-Roman antiquity, Foucault says:

> The accent was placed on the relationship with the self that enabled a person to keep from being carried away by the appetites and pleasures, to maintain a mastery and superiority over them, to keep his senses in a state of tranquility, to remain free from interior bondage to the passions, and to achieve a mode of being that could be defined by the full enjoyment of oneself, or the perfect supremacy of oneself over oneself.[22]

Consider the person who comes to acknowledge the wrong he has done in persistently bullying a subordinate. Suppose we ask the question: about what, exactly, might he then feel remorseful? The answer, according to the telos implicit in

[21] I think it is a misreading of Kant. Part of what has encouraged it is a mistranslation – for example by Paton. Paton speaks variously of actions done 'for the sake of duty', 'from duty', and 'from the motive of duty', where Kant's single phrase is '*aus Plifcht'*, best translated 'from duty' or perhaps 'out of duty'. I. Kant, Groundwork of the Metaphysic of Morals trans. H.J. Paton (Harper Torchbooks 1964). It can seem a small step from morally right action done 'for the sake of duty' to such action done 'for its own sake'. For further discussion of how better to understand Kant on action done from duty, see my Ethical Encounter (Palgrave: London and New York, 2002), Chapter 5, 'Duty and Ethical Motivation', pp. 86–103.

[22] Op. cit., p. 31.

the Greco-Roman outlook Foucault describes, will be: his being carried away by his appetites, his not keeping his senses in a state of tranquility, his failing to achieve a perfect supremacy over himself, etc. Well, a contrite bully might indeed be ashamed of these failures.[23] But if that were his only, or even his main, sense of transgression, surely that would show a serious failure of moral understanding. The *other* whom he has wronged is simply too remote from his response, indeed has fallen out of the picture altogether.

The bully's *remorse*, however, will focus precisely on the victim of his deed. Remorse is of course an 'affection' – something that we 'feel'. But it is not *just* a feeling. In Raimond Gaita's words, remorse is also 'a recognition of the reality of another through the shock of wronging them'.[24] In her remorse, a person is acutely aware not most fundamentally of the 'wrong action' he performed but of another as wronged by him. As well as being an affection, remorse is thus a *mode of attention* to this other. The role Foucault gives to the telos seems to allow no conceptual space for the experience of remorse so understood – because the concern of such remorse is not with any failure of rapport à soi. If a capacity for remorse for one's wrongdoing is central to appreciating the ethical significance of one's deed, a fundamental dimension of ethical sensibility seems to lie outside Foucault's ethical picture.

It is clear that with the role Foucault ascribes to rapport à soi, care for oneself does indeed 'take moral precedence' over care for others. But our ethical sensibility is shot through with attitudes and dispositions that resist this precedence. In Sonia, care for the self does not take moral precedence over care for others. In my other example, Foucault's picture misrepresents the direction of attention – to the *other* – that must inform the bully's genuinely remorseful sense of his wrong-doing. And if his sense of transgression does not reflect that fundamental orientation it lacks something basic to an understanding of the ethical dimensions of what he did.

I have spoken about remorse in trying to crystallize what is ethically missed by Foucault's highlighting of rapport à soi. But perhaps we can find the significance of remorse reflected elsewhere in Foucault's picture of morality – in a person's sense of having transgressed the moral 'code'. About the 'code of behaviour' element Foucault says:

> The important thing is to focus on the instances of authority that enforce the code, that require it to be learned and observed, that penalize infractions...the ethical subject refers his conduct to a law, or set of laws, to which he must submit at the risk of committing offences that may make him liable to punishment.[25]

[23] Bernard Williams has clarified and elaborated a picture of shame as reflecting a sense of one's own ethically 'diminished' selfhood, in Shame and Necessity (Berkeley: University of California Press, 1993), especially pp. 92–93 & 220–223.

[24] R. Gaita, Good and Evil (London: Macmillan, 1991), p. 52. Here and below I am indebted to Gaita's discussion of remorse, op. cit., pp. 43–65.

[25] The Use of Pleasure, pp. 29–30.

But this does not take us at all near the bully's remorse at his deed. The focus of his remorse is not his infraction of an 'authority' that enforces the code, nor is he remorseful for having acted contrary to 'a law or set of laws', or because he is now 'liable to punishment'.[26] In his remorse the bully's attention is on his violation of this individual other. Or better: it is *the other*, as having been wronged by him, with whom he is preoccupied in his remorse. And until such remorse is in play, the offender has no appreciation of the wrong he has done. A total psychopath, after all, can recognise that in not submitting to a certain set of laws he will be liable to punishment. That recognition by itself does not even begin to get him close to appreciating the wrong in what he did.

Of course this point about remorse is not only about a *bully's* remorse. Remorse at having murdered someone in a rage, or at having betrayed or lied to him, or at having been unfair or unkind to him or at having let him down, likewise has at its heart a realization of *the other* as the victim of one's deed. In none of these contexts is remorse directed to one's infraction of an authority enforcing a code or a set of laws, or to one's liability to punishment.

Both aspects of Foucault's moral picture – rapport à soi and the moral code – thus misrepresent the direction of attention characteristic of remorse.[27] If that is not reflected in shame at the failure of one's aspiration to a certain kind of ethical being, neither is it reflected in one's awareness of having transgressed the requirements of a code. This matters because only if remorse for a serious transgression is a possibility for a person can she genuinely appreciate it as wrong. Someone for whom shame alone – or even shame plus guilt for having transgressed 'the law' – expresses her sense of the terribleness of her deed lacks something basic to an appreciation of its ethical character. Only remorse occasions in us a vivid sense of the reality of the victim of our wrong-doing, and unless *that* can be occasioned in us, we remain at

[26] These formulations might capture what occasions (a certain sense of) guilt. But if they do, that shows the distance of such guilt from remorse, a point touched on earlier. (I thus resist Gaita's equation of remorse with 'guilt feeling', op. cit., p. 50.) For further helpful discussion of remorse and its difference from guilt, see S. Tudor, Compassion and Remorse (Leuven, Belgium: Peeters, 2001) Ch. 6, 'The Other and the self as disclosed in remorse', pp. 127–148. Nietzsche of course has a lot to say about guilt in The Genealogy of Morals (see especially Second Essay, Parts IV–VI). He represents guilt as a matter of 'being indebted'. It belongs to the 'contractual relation' between creditor and debtor. Nietzsche is scathing about our psychological internalising of guilt as a feeling or emotion. No doubt the 'psychological' experience of guilt can be destructive, but Nietzsche does not, in my view, show that it *must* be. But that aside, nothing he says engages with the distinctive concept of remorse as I have characterised it. Nietzsche's thought shares, I believe, the limitation I have described in Foucault's – though here my critical discussion is confined to Foucault.

[27] Foucault is far from alone in this respect. A great deal of moral philosophy misses this. For ways in which accounts of guilt mistakenly focus on 'infraction of a code', see Jeffrie G Murphy, 'Shame creeps through guilt and feels like retribution', Law and Philosophy 18: pp. 327–344, 1999; and my 'Guilt, remorse and victims', Philosophical Investigations 30 (4): pp. 337–362.

least partly blind to the ethical significance of what we did. Nothing in Foucault's picture of morality reflects this import of remorse.[28]

But these observations about remorse, in relation to Foucault, make up only half the picture I am painting. They partner the point I made earlier by reference to the focus of Sonia's attention in what she does for her family. It is those others in their need who shape and govern her ethical response. Remorse involves a similar kind of attention to another, but mediated by the sense of one's wrongdoing. In remorse, that is to say, another is vividly disclosed *through* one's sense of having wronged her. The reality of another is disclosed in *one* way in remorse, and in a different way in the kind of attentiveness to her family in their need that characterized Sonia's response. And these two modes of disclosure partner one another. To put that another way: were Sonia to have failed her family in their need, remorse as I have described it, and not simply shame, would be central to her sense of what she had done. The possibility of such remorse is a correlate of the kind of purity of response that is displayed by Sonia.[29]

Earlier I noted the 'either/or' that seems to shape Foucault's conception of ethics: morals have a source either in an unquestioned background of 'religion', 'the juridical per se' or an 'authoritarian system'; or in a broadly Nietzschean 'will-to-power'. Foucault in effect says that we must embrace the latter since we can no longer believe the former. I've tried to give substance to an option that lies outside this either/or – one that discovers ethics in the authoritative claim of the other upon us. Another human being as immediately claiming me in response – *there* is the source or moment of ethical authority.[30]

This is close, I think, to Levinas's vision of ethics.[31] Of course Levinas allows that all sorts of 'juridical structures' may come into play in the train of ethics. But he insists that we get things exactly the wrong way around if we suppose that the authority of ethics is to be explained in terms of those or any other 'structures' of a religious, legal or political kind. (On *that* point Levinas is in agreement with Foucault.) Rather, the structures that help give effective expression to (for example)

[28] One site in Foucault's work might be thought at least to come close to acknowledging this theme. In his Maurice Blanchot: the thought from outside, in the section entitled 'Where is the Law, and what does it do?' Foucault writes: 'How could one know the law and truly experience it, how could one force it to come into view, to exercise its powers clearly, to speak, without provoking it, without pursuing it into its recesses, without resolutely going ever farther into the outside into which it is always receding? How can one see its invisibility unless it has been turned into its opposite, punishment, which, after all, is only ever the law overstepped, irritated, beside itself?' Maurice Blanchot: the thought from outside trans. B. Massumi (New York: Zone Books, 1987) pp. 34–35. But this theme is not (in my view) integrated into the later writings on ethics that are the topic of this essay. Furthermore, a concern with 'the outside' need not by itself lead to the other as characterised in my text above, and in that essay of Foucault's does not do so. (Its thrust remains much closer to Nietzsche than to Levinas.) For these reasons, this early essay of Foucault's, while tantalising, offers little to deflect the criticisms advanced in this paper.

[29] For more on this issue see the discussion of The Elder Zossima, from Dostoevsky's The Brothers Karamazov, in my Ethical Encounter, pp. 82–83.

[30] This should make it clear that I have not been criticising Foucault's ethical telos in the name of a 'deontological' account of ethics – in accordance with a time-honoured but tired classification that is mistakenly supposed to capture all the live possibilities.

[31] E. Levinas, Totality and Infinity trans. A. Lingis (Pittsburgh: Duquesne University Press, 1969; and Otherwise than Being (Hague; Boston: M. Nijhoff, 1991).

justice arise when, to the encounter with the Other, is added the presence of 'the third'. The requirements of justice, according to Levinas, flow from a need to orient myself to a world in which there are many 'Others'.[32] But the claim upon me of justice comes, says Levinas, *after* the ethical summons of the Other. In that summons lies the root origin of ethical authority. My line of argument has been consonant with this double theme of Levinas's.

It is important to realise that the criticism I am mooting of Foucault has wide application to other philosophical accounts of ethics. My criticism of Foucault resembles a general objection to virtue ethics recently proposed by Thomas Hurka. Hurka says that virtue ethical theories appear to endorse 'moral self-indulgence'. 'A flourishing-based theory...says a person has reason to act rightly only...because doing so will contribute to her own flourishing'. An 'aretaic' [virtue] theory, by contrast, replaces the reference to 'her own flourishing' with a reference to 'her own virtue'. In both cases, 'someone motivated by the theory's claim about reasons will therefore be motivated not virtuously but in an unattractively self-indulgent way'.[33] What Hurka calls the 'self-indulgence' of such motivation seems strikingly similar to the kind of motivation provided by Foucault's ethical telos – the agent's being motivated, in her ethical actions, by an aspiration to 'a certain kind of being' for herself.

But I think 'self-indulgent' is too strong a description of the motivation Hurka is considering. Let me briefly explain why; and because I want to link Aristotle's ethics with Foucault's account of rapport à soi, I shall focus on the applicability of Hurka's objection specifically to Aristotle's ethics. Hurka himself writes that much of what Aristotle says 'strongly suggest(s) that Aristotle's virtuous person is motivated solely or primarily by concern that he himself act virtuously, that is, in a self-indulgent way'. While Hurka's objection has some force against Aristotle, his formulation of it is a little misleading. We need to remember that Aristotle says the virtuous person does what is virtuous 'for the sake of what is fine or noble (*to kalon*)'. This is in some tension with Hurka's view that on Aristotle's picture the virtuous person does what is virtuous solely or primarily for the sake of his own virtue. We could resolve this tension by saying that Hurka has misread Aristotle or that Aristotle has misunderstood his own ethics, or instead by discovering a sense in which the virtuous person, who does indeed act 'for the sake of the noble', also acts in part out of a concern for their own virtue. I take the last option.

On Aristotle's picture, a certain kind of concern for one's own ethical status is itself a requirement of the highest virtue. The megalopsychos – described by Aristotle as 'the best person'[34] – is aptly thought of as a moral 'hero'; and the (classical) hero is one who sees himself as a hero and acknowledges requirements

[32] See, for example, E. Levinas, 'The Other, utopia and justice', in Entre-Nous: On Thinking-of-the-Other (New York: Columbia University Press, 1988); and E. Levinas, 'Peace and proximity', in E. Levinas: Basic Philosophical Writings eds., A. Peperzak, S. Critchley and R. Bernasconi (Indiana University Press, 1996) pp. 161–172. (Levinas uses upper case 'A' for 'Autrui' ('Other') and I use upper case 'O' for 'Other' henceforth.)

[33] This and the preceding quotations in this paragraph are from T. Hurka, Virtue, Vice, and Value (New York: Oxford University Press, 2003), p. 246.

[34] Nicomachean Ethics, 1123b27.

upon him to comport himself in an appropriately heroic way in his relations with others. As Aristotle says:

> ...the [external good] above all that is the aim of people with a reputation for worth, the prize for the finest [achievements]...is...honour...Hence the magnanimous person [*megalopsychos*] has the right concern with honours and dishonours.[35]

A proper regard for honour, and for the esteem of one's peers, along with the desire to avoid shame, and a proud valuing of oneself as virtuous, are all themselves requirements of (Aristotelian) virtue. That means that being virtuous for the sake of the noble *includes* acknowledging those requirements. This complex ethical motivation is integral to what is involved in acting for the sake of the noble. Aristotle's concept of the noble differs from our concept of 'the morally right' in part because *this* kind of self-concern – the concern, as we might summarise it, to appear before others as an admirable exemplar of virtue – is built into an aspiration to the noble. (Perhaps this link of *to kalon* with the aspiration to *appear* in an impressive way to others is clearer when the phrase is translated as 'what is fine', since we are familiar with the aesthetic use of 'fine' – a fine view, a fine building, a fine wine.) From *Aristotle's* perspective, then, it is misleading to describe the concern of the virtuous person as 'divided' – Hurka's term[36] – between a commitment to doing what virtue requires and a commitment to fostering her own virtue. From Aristotle's perspective there is no division between acting for the sake of the noble and acting from a certain sort of concern with one's own virtue, since the latter concern is in fact an integral element of the former orientation. One simply does not have a fully ethical motivation in the absence of that kind of concern.[37]

Appreciation of this point at least unsettles the description of Aristotle's ethics as 'self-indulgent'. Of course it does not afford a straightforward defence of Aristotle against Hurka's basic charge, since Hurka can say that 'we' find ourselves wedded to a different conception of ethical motivation according to which the distinction Aristotle does not recognise is an important one. I don't wish to challenge that suggestion here, although I do come back below to the question of what gives substance – or perhaps I should say 'gives sense' – to this non-Aristotelian conception of ethical motivation.

Let me return to linking these observations about Aristotle to my discussion of Foucault. The aspiration of Aristotle's virtuous person to what is noble or fine could

[35] Op. cit., 1123b18–22.

[36] Hurka op. cit., pp. 138–139: '(W)hat is best for [the teacher] is to care about her virtue less than about the knowledge [it produces]. If she cares more about her virtue, she divides her love disproportionately, which is at least a shortfall in virtue and in extreme cases a vice.' (I note that while the suggestion here seems to be that only 'disproportionate' such division of love or concern is a problem, elsewhere Hurka implies that *any* motivating concern for one's own virtue is a 'shortfall' in virtue. See for example p. 246.)

[37] This reading of Aristotle's ethics admittedly runs athwart the main tradition of Aristotelian interpretation. Two commentators of recent times who similarly resist the tradition, in illuminating ways, are John Casey in his Pagan Virtue (Oxford: Clarendon Press, 1990), and Raimond Gaita, op. cit. 'Aristotelian virtue and its limitations', Chapter One of my own Ethical Encounter (op. cit.), which develops the above reading, is greatly indebted to both these thinkers. Bernard Williams' Shame and Necessity (op. cit.) also lends support to this reading.

be understood, in Foucault's picture, as pointing to a specific ethical telos. What the virtuous person thus aims to become, through adherence to the requirements of moral virtue, is the 'moral hero' who is the megalopsychos. It is that aspiration which gives sense to his adherence to his ethical obligations. Of course with his account of rapport à soi Foucault aims to provide a broad framework for thinking about ethics. What Aristotle represents as *the* way to think about it comes out on Foucault's picture as exemplifying just one possible ethical telos, albeit a historically seminal one. Like Nietzsche – and inspired by him – Foucault wants to remind us of the indefinite range of seriously livable ethical possibilities there are here. (Interestingly, the examples Foucault himself gives of the ethical telos tend towards more individualistic spiritual discipline – someone aspiring to 'immortality, purity, self-mastery, transcendence of the body'. In this too he echoes Nietzsche: 'what is essential and inestimable in every morality is that is constitutes a long compulsion'.[38])

If this way of linking Foucault's picture of rapport à soi with Aristotle is plausible, we can also read Foucault in light of the point I just made about Aristotle. The orientation which structures one's ethical deeds as at the same time a mode of realising one's own being as an ethical subject – for example, a mode of spiritual self-realisation as immortal or pure or self-mastering – scarcely need be self-indulgent. Again, this is not to withdraw my earlier critique of Foucault, but only to endorse the more moderate terms in which I framed it, by contrast with the terms of Hurka's similar critique of Aristotle. It is less a matter of the ethics of Aristotle or Foucault being self-indulgent than of their lacking the capacity to reflect a kind of purity of ethical response that has been crucial to one strand in the complex weave of our ethical inheritance. (I stress that this strand of our ethical inheritance is only one strand, that it has waxed and waned in historical strength and influence, and has often been either neglected or set aside as 'unrealistic'.) But here I want to pause. Have I been too quick to conclude that Foucault's account of rapport à soi cannot reflect what is distinctively compelling in Sonia's ethical responsiveness?

A marvellous moment in *Crime and Punishment* reveals how, even given the purity of her love, rapport à soi apparently still plays a role in Sonia's ethical orientation. When Raskolnikov confesses to Sonia his murder of the old money lender and her daughter, Sonia's spontaneous response is 'What have you done to yourself!' Not: 'What have you done to *them*!', but 'What have you done to *yourself*!' There is no suggestion in Sonia's exclamation that what he has done to *them* does not matter, nor that it matters only because of what it means for what he has done to himself. Neither does she imply that Raskolnikov should have had, as a sufficient motive not to murder the money-lender and her daughter, an appreciation of what he would be doing to himself if he did murder them. Her exclamation is not concerned with the content of practical deliberation. What it expresses is wholly recessive (so we might put it) in relation to her engagement with her family. Certainly no engagement with others could manifest the purity of attentiveness

[38] Beyond Good and Evil, Section 188, p. 110.

evident in Sonia's response to her family if it were mediated by a thought about the need to avoid harming oneself. But her exclamation is not idle. It echoes the conviction Socrates expresses in Plato's *Gorgias* that nothing worse – no greater harm – can befall someone than that he should do evil. Nothing more fundamental could be at stake in one's relation to oneself, that is to say, than that one not do evil. Sonia's exclamation thus expresses a fundamental sense of the rapport à soi that she takes to be at stake in anyone's answering to the claim of the other upon her. Yet the orientation to which she gives expression in what she does for her family is one whose purity, I argued earlier, would be muddied by an aspiration to any of the conditions Foucault cites as examples of his ethical telos.

Sonia's exclamation can arguably be understood as expressive of commitment to what in Foucault's terms is a limit case of a telos of the ethical subject. Behind Foucault's account of rapport à soi, remember, was the aim of filling a conceptual and motivational gap left by a reduction of ethics to 'obedience to a code' or subjection to 'an authoritarian system' or a 'disciplinary structure'. It is tempting to see Foucault's enterprise here as related to Alasdair MacIntyre's in *After Virtue*.[39] MacIntyre there says that in the contemporary absence of an agreed cultural and religious background, which once gave sense to people's adherence to the peremptory demands of morality, we are now the inheritors of what commonly strikes us as senseless and arbitrary injunctions. (For various reasons we are not clear-sighted in our recognition of this as our situation.) MacIntyre has his own story to tell about what is needed at this cultural juncture. Foucault's response to his own similar diagnosis lies in his account of rapport à soi. This is not a recuperative or rescuing manoeuvre – as if 'we should look at it this way so we can tell ourselves there is indeed a "point" to our ethical adherence' – but a framework for representing the rich variety of forms of ethical life across history, *including* even those forms of ethical life in which morality is treated as 'obedience to a code of rules' or as held in place by 'the juridical' or by 'an authoritarian system' or a 'disciplinary structure'. For even in those forms of life there will be a telos at work – it might for example be an aspiration to becoming someone who 'knows how to obey', to use Nietzsche's phrase.[40] It is just that in those forms of life awareness of the operation of the telos has, for various reasons, been suppressed or dislodged.

The example of Sonia is not quite of that kind, since her exclamation does seem to express something like an orientation to an ethical telos. But if so, it is as I said a kind of limit case of such a telos. In the first place, the 'aspiration' is only negative, a matter of fearing to do evil, recognising that to do evil is to suffer the worst possible deformation of oneself. There is no corresponding 'positive' thought, that in doing what one morally must one is *thereby* fulfilling a positive aspiration to 'becoming a good person'. Indeed it sounds odd to describe what lies behind Sonia's exclamation as an aspiration at all, just because that seems to imply a 'positive' goal. Secondly, while there is a mode of being at stake here for Sonia, its content is simply a direct

[39] Alasdair MacIntyre, After Virtue, 2nd edn (Notre Dame University Press, 1984).

[40] Beyond Good and Evil, Section 187, p. 110

reflection of the ethical character of a deed. The mode of being Sonia shrinks from is simply 'being a murderer': its content is given simply by its subject being the author of a murderous deed. By contrast, Foucault's examples of an ethical telos – aiming to become pure, or to master oneself, for example – all betoken modes of being with a content reaching beyond the ethical content of the deeds done by their subjects. If Sonia's exclamation reflects her commitment to a telos, then, it is at best a limit case of the phenomenon.

There is a further reason, however, for querying whether what I called the distinctive purity of Sonia's ethical response is indeed adequately acknowledged in the Foucaultian terms I have just used. Earlier I described the ethical orientation given expression in Sonia's behaviour as Levinasian. It's true that Levinas never gives expression to the broadly Platonic conviction embodied in Sonia's exclamation. But I don't think there is anything inconsistent with Levinas's outlook in that exclamation. Sonia simply finds herself confronted by another (or others) in need, and finds herself authoritatively and inescapably compelled in response to that need. (By that formulation I do not mean to compromise my earlier description of her response as one of an especially pure love. To find oneself thus compelled is not at odds with responding willingly and whole-heartedly. Sonia's finding herself thus inescapably compelled in response is itself an expression of her love.) For Levinas, a response of this kind lies at the very heart of the ethical, and therefore could not be adequately understood as merely a limit case of an ethical responsiveness characteristically mediated by the self-concern expressed in a Foucaultian telos.

But I don't want to trade on Levinasian capital here. My examples, including my remarks about remorse, have to stand on their own – or rather, the force of the ethical orientation to which they point has to be felt for what it is. The examples testify to the conviction that what lies at the very heart of ethics is *the other* as inviolably precious. The peremptory and compelling authority of the ethical is the authority of the other as wholly claiming us in inescapable response. If *that* is how one sees it then one will agree, so to speak, with Levinas. While Foucault's account of rapport à soi may formally and technically be able to accommodate Sonia's orientation as a limit case of its own basic terms, that accommodation will not be persuasive to one for whom Sonia's mode of ethical response is not simply one possible mode among many – let alone a peripheral or limit mode of ethical response – but a mode of response in which what is fundamental to ethics is brought home to us.

As I said, whether one takes that view will depend on the kind of force, or perhaps depth, one finds the example of Sonia, and indefinitely many others like it, to have. While I leave that to each reader to judge, I end by reiterating two points that need to be borne in mind if one's judgment on this is not to be distorted by irrelevancies. The first point I touched on earlier: even if one finds the purity of Sonia's response compelling, it is nevertheless true that such responses have a precarious standing in our cultural history. They have been condescended to by ethical orientations of a more robustly 'worldly' kind, and often regarded with suspicion or even scorn. One can recognise all this, however, and still think that something of absolutely fundamental importance to the very possibility of ethics is enshrined in Sonia-like responses.

The second point is that one should resist the powerful temptation to think that Foucault's implicit locating of Sonia's mode of response *must* be right. The

temptation reflects a deep assumption about the range of possibilities before us. A passage from Thomas Ogletree will help clarify this assumption:

> Virtually all ethical perspectives of note in Western thought have sought to take the 'other' into account. Rarely, however, is the other's call or appeal taken as the privileged instance which opens up the original meaning of morality itself. Characteristically, even when this phenomenon is given considerable weight, it is assimilated into other frames of reference – a principle of rationality, enlightened self-interest, the dynamics of self-constitution, a general theory of values, 'causes' to which the self is loyal.[41]

Ogletree is right that there is here an absolutely fundamental divide in moral philosophy. It is clear on which side Foucault stands. In his ethics the other's 'call or appeal' is assimilated to what Ogletree calls 'the dynamics of self-constitution'. On the other side of Ogletree's divide stand Levinas, possibly Kant, and also the orientation I have been highlighting.[42] Foucault's picture of the possibilities, however, characteristically obscures this other side of the divide. He supposes that either one thinks morality is grounded in what Ogletree calls 'the dynamics of self-constitution', or one thinks that it reduces to nothing more than 'obedience to rules', or some other mindless – or simply culturally induced – adherence to 'an authoritarian system' or 'a disciplinary structure'. But this just omits what Ogletree describes as the rare acknowledgment that it is 'the other's call or appeal taken as the privileged instance which opens up the original meaning of morality itself'. My examples – of Sonia and of the remorseful bully – are meant as examples of compelling ethical responses reflecting just this acknowledgment. We do not have to think of Sonia or of the bully as just obedient to rules or to 'a disciplinary structure', *simply because* we cannot trace their moral responses to a commitment to a telos independently defining for them a 'way of being' to which they aspire through those responses. Foucault's either/or elides what is arguably central to ethics.

In saying this, I repeat that Sonia and the bully can indeed be represented in those Foucaultian terms, but only by being shoe-horned into them. On Foucault's account they turn out to be limit cases of ethical living, when what they show to us arguably goes to the very heart of ethical responsiveness. For Sonia, what is terrible in what Raskolnikov did to himself is that he murderously violated another human being. The sense that doing *that* is doing something terrible to *oneself* is given directly and compellingly to one who experiences remorse for his deed – remorse being, as I described earlier, an experience in which the other as violated-by-him is devastatingly present to the wrongdoer. So, yes, there *is* a 'mode of being of the ethical subject' at stake for Sonia in her outlook, but the key point is that the content of this mode of being is wholly given through the ethical perspective in which 'the other's call or appeal' is at the very heart of all ethical claim upon her. That mode of being matters to her only because of the way the *other* matters.

[41] T. Ogletree, Hospitality to the Stranger: dimensions of moral understanding (Philadelphia: Fortress Press, 1971), p. 35.

[42] It is a remarkable fact that the list of those philosophers who have located the other human being and his directly experienced value at the heart of the authority we can discover moral claims to have upon us is so short. Raimond Gaita (op. cit.) is a more recent name to add to the list.

There is therefore no reason for supposing that one can stand on the non-Foucaultian side of the divide Ogletree describes only by being party to rule-worship or to mindless or slavish obedience to authoritarian structures. This conception of the possibilities obscures the most powerful alternative to Foucault's outlook. That fact of course does not by itself show that one *must* stand on the Levinasian side of Ogletree's divide. It reminds us only that we should beware of endorsing the Foucaultian stance just because we have misconceived the alternatives.

I have not relied directly on Levinas in pressing my case, partly because doing so would carry other commitments I could not hope to defend in this paper. But I have made a case for a conception of the ethical that falls on the Levinasian side of Ogletree's divide. In doing this I've sketched how Foucault might try to accommodate that conception within his own very different terms, and argued that the accommodation is seriously limited. Beyond that, I've tried to clear away a mistaken conception of what one is committed to if one resists Foucault's basic approach[43], so that the power and attraction of the different outlook I've been pointing to may be more evident.

[43] A mistaken conception shared, I think, by Nietzsche, though that claim would need much further argument. The line of argument would be, briefly, that there are forms of moral adherence wholly free of the marks of slave morality that at the same time are seriously distorted if represented as expressions of the will to power.