What is a "history of the present"? On Foucault's genealogies and their critical preconditions

David Garland
New York University, USA

Abstract

In this article Michel Foucault's method of writing a "history of the present" is explained, together with its critical objectives and its difference from conventional historiography. Foucault's shift from a style of historical research and analysis conceived as "archaeology" to one understood as "genealogy" is also discussed, showing how the history of the present deploys genealogical inquiry and the uncovering of hidden conflicts and contexts as a means of re-valuing the value of contemporary phenomena. The article highlights the critical observations of present-day phenomena from which a history of the present begins, paying particular attention to Foucault's concept of "*dispositif*" and his method of problematization. Foucault's analyses of Bentham's Panopticon, of the disciplinary sources of the modern prison, and of the technology of confession are discussed by way of illustration.

Keywords

archaeology, *dispositif*, Foucault, genealogy, history of the present, problematization

Michel Foucault once remarked that he preferred to avoid the elaborate citation, acknowledgement, and discussion of authors whose ideas had influenced his work. Instead of citing the works of Marx, Kant, Nietzsche, or Althusser, and explaining how their ideas corresponded to, or differed from, his own, he simply *used* the conceptual tools these writers provided, usually transforming them in the process:[1] "For myself, I prefer to utilise the writers I like. The only valid tribute to thought

Corresponding author:
David Garland, NYU, 40 Washington Square South, 340 Vanderbilt Hall, New York, NY 10012, USA.
Email: David.Garland@nyu.edu

such as Nietzsche's is precisely to use it, to deform it, to make it groan and protest'' (Foucault, 1980: 53–54).

Measured against the usual academic norms of scholarly citation and attribution, this, like much else in Foucault's *oeuvre*, might be viewed as mildly scandalous. But it is more illuminating to think of it as an aspect of Foucault's decidedly *pragmatic* approach to the development of theory and the use of concepts. This approach led him to regard ''theory'' as a toolbox of more or less useful instruments, each conceptual tool designed as a means of working on specific problems and furthering certain inquiries, rather than as an intellectual end in itself or as a building-block for a grand theoretical edifice. One consequence of this pragmatic attitude is that there is no ''Foucauldian theory'' that emerges from Foucault's *oeuvre*: no ready-made theoretical system that can be ''applied'' by others. Instead, what Foucault provides to us is a series of quite specific, precisely theorized analyses, each one mobilizing a customized methodology designed to address a theoretically defined problem from a strategic angle of inquiry. This same problem-solving approach – together with the remarkable fertility of Foucault's thinking – is what led him to develop new (or extensively revised) concepts for each new project on which he embarked and for each new kind of phenomena he sought to explain.

Take for example the concept of power. Although questions of power were a recurring concern throughout his whole body of work, from *Folie et Deraison: Histoire de la folie a l'age classique* in 1961 to *Le Souci de soi* in 1984 (Foucault, 1984b), the conceptualizations that he mobilized showed a distinct tendency to develop and evolve. So, as his analytical gaze moved from the early modern confinement of unreason, to the disciplinary prison, to modern sexuality, to ancient practices of self-government, and finally to modern practices of governing the economy and the population, his analytics of power moves too – from a concept of power understood as an exclusion or a ''dividing practice'', to a more positive concept of power as ''productive'', to the hybrid formulation of ''power–knowledge'', to power as incitement or excitation involving ''spirals of power–pleasure'', to power as ''action upon action'' and ''the conduct of conduct'', and finally to power as productive of subjects and productive of truth.[2] Instead of a single Foucauldian theory there are multiple Foucauldian theorizations, each one designed to address a definite phenomenon in the course of a specific inquiry.

It is true that, on one occasion, in *The Archaeology of Knowledge* (Foucault, 1972), Foucault endeavored to provide a general account of his methodology, and, in that sense, to systematize and ''fix'' his concepts. But that attempt must be regarded as a failure. Not only did the book rework the ideas it was supposedly presenting, amending them in the process of exposition, but, as a statement of Foucault's theory and methodology, the book became obsolete soon after it was published. Why? Because as soon as Foucault resumed his substantive historical work, his new researches prompted him to rework his methods and his concepts once again, thereby rendering *The Archaeology* redundant (see Dreyfus and Rabinow, 1982).[3]

But despite these pragmatic adjustments and revisions, there is one continuing concern that directs all of Foucault's histories, particularly from *Discipline and Punish* (1977a) onwards, and that is the idea of using history as a means of critical engagement with the present – a concern expressed in his conceptions of ''genealogy'' and ''history of the present''. Since neither of these ideas is straightforward, and since both have been taken up by scholars working on contemporary penality, *Punishment & Society* readers may find it useful to have these ideas and their associated methodologies elaborated and explained.[4] In this brief exegetical essay I seek to explain what it means to write a ''history of the present'' and to highlight the kinds of conceptual and methodological work which that approach entails. My exposition will distinguish Foucault's archeological works from his genealogical ones; contrast the history of the present to conventional history; and explain the relationship between ''genealogy'' and ''history of the present''. More importantly, I will identify some unremarked aspects of Foucault's genealogical method which involve the prior specification of the research problem to be addressed, a descriptive account of the ''*dispositif*'' within which the phenomenon is currently constructed and experienced, and a specific ''problematization'' of the phenomenon – all of which serve to direct his genealogy by ''diagnosing'' and defining ''the present'' of which it is to be a history. Anyone wishing to adopt Foucault's approach ought to be aware of this preliminary work of diagnosis, conceptualization, and problematization because effective genealogy depends upon it.

A history of the present

The idea of a ''history of the present'' sounds paradoxical at first, and in some ways provocative. To scholars unfamiliar with – or unsympathetic to – Foucault's work, the phrase will suggest a form of ''presentism'': a kind of historical writing that approaches the past using the concepts and concerns of the present. And of course such an approach entails, for historians, a fundamental error of method – the mortal sin of anachronism – inasmuch as it projects contemporary values and meanings onto a past that may have been constituted quite differently. But Foucault is not engaged in ''presentism''. He is not reading present-day social arrangements or cultural meanings back into history or claiming to discover phenomena in earlier times with the same significance and character they have today. Nor is Foucault merely doing what most historians quite self-consciously do, namely, using a contemporary interest as the spur to question the past in new ways. Writing the history of the present is another matter. As Dreyfus and Rabinow (1982: 119) remark, ''This approach explicitly and self-consciously begins with a diagnosis of the current situation. There is an unequivocal and unabashed contemporary orientation.'' Or, as Foucault explained to an interviewer in 1984: ''I set out from a problem expressed in the terms current today and I try to work out its genealogy. Genealogy means that I begin my analysis from a question posed in the present'' (Kritzman, 1988: 262).

My guess is that Foucault's "history of the present" phrase is intended to provoke. He once introduced himself to an audience of historians saying, "I am not a professional historian: nobody is perfect" (Megill, 1987: 117). And he certainly intended to distinguish the kind of historical project in which he was engaged from the standard histories written by most historians.[5] So let me take a few moments to explain what is meant by this rather strange and counter-intuitive idea.[6]

Although there are a few earlier occasions on which Foucault explains that his historical researches were undertaken in order to disturb our present-day conceptions, it is not until the mid-1970s that he embraced the legacy of Nietzsche and his present-oriented genealogical approach.[7] The phrase "history of the present", and the conception to which it points, first appear towards the end of the opening chapter of *Discipline and Punish* (Foucault, 1977a). Foucault remarks there that he came to view the modern prison as an aspect of "the political technology of the body" not in the course of studying penal history but by observing the many prisoner revolts that were occurring in the contemporary period – revolts that were, he says, "at the level of the body, against the very body of the prison" (Foucault, 1977a: 30). What was at issue in these revolts, he says, was not whether prisons were too harsh, or too primitive. What was at stake was the prison's "materiality as an instrument and vector of power" (Foucault, 1977a: 30).[8]

This conceptualization – or "diagnosis" – prompted Foucault to write an account of the birth of the modern prison, with all its political investments of the body, and to write it with a particular purpose in mind. His aim was to reveal something important – but hidden – in our contemporary experience; something about our relation to technologies of power–knowledge that was more clearly visible in the prison setting than elsewhere but which was nonetheless a general, constitutive aspect of modern individuals and their experience. He viewed the prison as an embodiment of a specific rationality – a "panopticism" of constant surveillance and close, individuated regulation – that he had come to see as constitutive of contemporary, "disciplinary" societies such as his own.

Why write a history of the prison? he asks. "Simply because I am interested in the past? No, if one means by that writing a history of the past in terms of the present. Yes, if one means writing the history of the present" (Foucault, 1977a: 31).

So *Discipline and Punish* is presented to the reader as a "history of the present" but Foucault does not elaborate further on the meaning of this term, either in this book or elsewhere. But we can infer from that book's analyses some of what a "history of the present" involves and how it differs from conventional historical analysis. We can also infer something of the term's meaning from an explicit shift in Foucault's scholarly self-understanding that he made around the same time: namely, the shift from "archaeology" to "genealogy". I begin by describing that shift.

Archaeology

Prior to the publication of *Discipline and Punish*, Foucault repeatedly described his work as a kind of "archaeology". Indeed, he uses that distinctive term in several

book titles as well as in the methodological study – *The Archaeology of Knowledge* – that describes his distinctive approach to doing what he termed "the history of systems of thought" (and which sharply distinguishes his work from the "history of ideas" as conventionally undertaken). Thus we have *The Birth of the Clinic: An Archaeology of Medical Perception* (1973); *The Order of Things: An Archaeology of the Human Sciences* (1970), and *The Archaeology of Knowledge* (1972). And Foucault's own characterization of the series of studies announced in *The History of Sexuality Volume 1* (1978) was "an archaeology of psychoanalysis".[9]

Archaeology was Foucault's term for a method of research and analysis in the history of thought that he himself had developed: one that digs down into the past, uncovering the discursive traces of distinct historical periods and re-assembling them, like so many distinct layers or strata, each one exhibiting its own structured pattern of statements, its own order of discourse. In a series of works, culminating in *The Order of Things* (1970), he subjected the discourses of the Renaissance, Classical, and Modern periods, particularly the discourses of the human sciences, to a kind of Kantian analysis that aimed to uncover the epistemological conditions of possibility – the "*historical a prioris*" – upon which these discourses were based.[10] For each historical era and each "archaeological stratum" there was, he claimed, a distinctive epistemological structure – an "episteme" – that governed how thinkers would think, how statements were made, and how discourse was formed, without directly intruding on the consciousness of the thinkers themselves. As Foucault put it in an interview in 1971,

> What I am trying to do is grasp the implicit systems which determine our most familiar behavior without our knowing it. I am trying to find their origin, to show their formation, the constraint they impose upon us; I am therefore trying to place myself at a distance from them and to show how one could escape. (Foucault in Simon, 1971: 201)

And again:

> My problem is essentially the definition of the implicit systems in which we find ourselves prisoners: what I would like to grasp is the system of limits and exclusion which we practice without knowing it; I would like to make the cultural unconscious apparent. (Foucault in Simon, 1971: 198)

A concrete example might help clarify what all of this means. In *The Order of Things* (originally entitled, *Les Mots et les Choses*), on the basis of a detailed and comprehensive analysis of a series of discourses that developed in Europe from the 16th century onwards and which would eventually give rise to the modern human sciences, Foucault makes a series of claims. He argues that the forms of knowledge characteristic of the Renaissance, those characteristic of the Classical period, and those characteristic of the Modern period, were each structurally distinct, entailing

different "epistemes" and correspondingly different ways of ordering thought and producing discourse. The first was organized around "resemblances" between things that were captured in language; the second was based on "representation" by means of a discourse that mirrored the world; and the third was organized around the figure of "man", a figure that stands simultaneously inside and outside of knowledge, as both knowing subject and known object.

The discourses on life, language, and labor that developed over time, and which eventually gave rise to modern biology, linguistics, and economics, are described for each of these three epochs and are shown, according to Foucault's account, to have more in common with each other within each of the different epistemological eras than they each had with the discourses on the same topic that succeeded or preceded them. In other words, the structural patterns that linked the different discourses within the Renaissance, or the Classical, or the Modern periods, were more powerfully apparent than the internal continuities that characterized any one of these discourses as it developed over time. Synchronic similarities *across* disciplines in the same time period were more apparent than diachronic similarities *within* disciplines over time.

According to Foucault, this remarkable finding could best be understood by positing a powerful underlying structure of thought – a historically specific order of words and things – that shaped discourse and experience in a particular era, but which was subject to fundamental transformations and historical discontinuities, leading to the emergence of new systems of thought and new ways of experiencing the world. In each historical era, a powerful "episteme" or generalized structure of thought, imposes its patterning onto discourses of that period, and does so in ways that are more powerful than the topic or subject matter – life, language, labor – that links each of these distinct discourses as they each develop over time. The distinctive task of the archaeologist, as Foucault describes it, is not to trace out processes of change – the task of the conventional historian – but instead to distinguish these historical epochs and trace the differential logic of each of their structures. An excavation of specific discourses from each of these historical periods thus appears like so many archeological strata, each layered atop the other, each one displaying its own distinct pattern and structure.

In this archaeological phase of his work, Foucault's analyses, for all their originality and distinctiveness, are recognizably participating in an established French tradition in the history of science as developed by Gaston Bachelard, Georges Canguilheim, and Louis Althusser: a tradition that characteristically stresses the existence of structurally distinct "problematics" or conceptual frameworks; radical historical discontinuities or "epistemological breaks"; and distinctive styles of reasoning or "rationalities". Superficially, his ideas also resemble those of Thomas Kuhn (1962), whose famous theory of "paradigm shifts" in the history of science also stresses discontinuity and structural difference. But whereas Kuhn focuses on scientific exemplars and the shared understandings that bind communities of scientists in social processes of acculturation and replication, Foucault's analyses focus on the unconscious operation of historically specific epistemological

structures that function as the unthought conditions of possibility of specific ways of thinking and of generating statements.

Discipline and Punish represents a break with that earlier archaeological work and the history of science tradition from which it emerged. Out goes "archaeology" with its structuralist overtones and its stress on discontinuity and, in its place, is established a new, more Nietzschean conception: that of *genealogy*.[11] From the mid-1970s onwards, Foucault styled his work as genealogical, as a new "genealogy of morals", thereby signaling his new intent and also his debt to the work of Friedriche Nietzsche.[12] And it is within this historico-critical genealogical approach that we can best appreciate what Foucault means when he talks of writing a "history of the present".

Foucault's turn to genealogy and the history of the present came relatively late in his career, following four major books on the quite different archaeological model. But the restructuring of Foucault's thought is somewhat less radical and abrupt than it at first appears. We should note, for example, that the "genealogical" aim of using historical research to disturb contemporary conceptions and help bring about change also had a place in his archaeologies, even if it was much less prominent. So for example, in *The Birth of the Clinic*, he remarks that: "The research that I am undertaking here . . . involves a project that is deliberately both historical and critical, in that it is concerned . . . with determining the conditions of possibility of medical experience in modern times" (Foucault, 1973: 35). And in *The Order of Things* he writes:

> In attempting to uncover the deepest strata of Western culture, I am restoring to our silent and apparently immobile soil its rifts, its instability, its flaws, and it is this same ground that is once more stirring under our feet. (Foucault, 1970: xxiv)

And in 1971, when he was working on *Archaeology of Knowledge* Foucault told an interviewer:

> I was interested in [the subjects of his archaeologies] because I saw in them ways of thinking and behaving that are still with us. I try to show, based upon their historical establishment and formation, those systems that are still ours today, and within which we are trapped. It is a question, basically, of presenting a critique of our own time, based upon retrospective analyses. (Simon, 1971: 192)

So, despite their other differences, archaeology and genealogy share a certain critical intent with respect to the present, though each method pursues its historico-critical aims rather differently. *Archaeology* wants to show structural order, structural differences and the discontinuities that mark off the present from its past. *Genealogy* seeks instead to show "descent" and "emergence" and how the contingencies of these processes continue to shape the present.

Foucault continued to pursue this critical engagement with the present right up to the end of his life, even as his studies focused on classical antiquity and the early

Christian church. But where his genealogical studies of the late 1970s were explicitly Nietzschean in inspiration, in the final phase of his life, Foucault (2010: 11) returns to his Kantian roots, citing Kant's (1963) article, ''What is enlightenment?'' as a founding text in the philosophical tradition that asks ''What is happening today? What is happening now? What is this 'now' in which we all live and which is the site, the point, from which I am writing?'' Foucault describes his work as being concerned to understand our present reality and the forms of truth and subjectivity to which the present gives rise:

> What is present reality? What is the present field of our experiences? Here it is not a question of the analytic of truth but involves what could be called an ontology of the present, of present reality, an ontology of modernity, an ontology of ourselves. (Foucault, 2010: 21)

Genealogy

So genealogy and the history of the present were not altogether novel concerns in Foucault's work; but what do they entail exactly? ''Genealogy'' was, for Foucault, a method of writing critical history: a way of using historical materials to bring about a ''revaluing of values'' in the present day. Genealogical analysis traces how contemporary practices and institutions emerged out of specific struggles, conflicts, alliances, and exercises of power, many of which are nowadays forgotten. It thereby enables the genealogist to suggest – not by means of normative argument but instead by presenting a series of troublesome associations and lineages – that institutions and practices we value and take for granted today are actually more problematic or more ''dangerous'' than they otherwise appear.

The point of genealogy is not to search for ''origins''. Both Foucault and Nietzsche are well aware of the gap that separates the original uses or meanings of a phenomenon and the later senses and purposes that it acquires.[13] It is, rather, as its name suggests, a search for processes of *descent* and of *emergence* (Foucault, 1984a: 80–86).[14] The idea is not to connect the present-day phenomenon to its origins, as if one were showing a building resting on its foundations, a building solidly rooted in the past and confidently projected into the future. The idea, instead, is to trace the erratic and discontinuous process whereby the past became the present: an often aleatory path of descent and emergence that suggests the contingency of the present and the openness of the future. Genealogy is, in that sense, ''effective history'' because its intent is to problematize the present by revealing the power relations upon which it depends and the contingent processes that have brought it into being (see Dean, 1994). As Foucault (1991: 82) writes: ''The search for descent is not the erecting of foundations: on the contrary, it disturbs what was previously thought immobile; it fragments what was thought unified; its shows the heterogeneity of what was imagined consistent with itself.''

Genealogy's aim is to trace the struggles, displacements and processes of re-purposing out of which contemporary practices emerged, and to show the historical conditions of existence upon which present-day practices depend.[15] Genealogy views the process of descent as the outcome of power struggles and battles over domination, use, and meaning. The present-day has thus been shaped by complex power relations and struggles: "Genealogy . . . seeks to reestablish the various systems of subjection: not the anticipatory power of meaning but the hazardous play of dominations" (Foucault, 1991: 83).

Finally, Foucault's genealogies are also concerned with *the body* which is conceptualized as a material surface, as a flesh upon which the micro-physics of power leave their mark.[16] This aspect is particularly stressed in *Discipline and Punish*: "The body is the inscribed surface of events . . . 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" (Foucault, 1991: 83).

By reconnecting contemporary practices (or contemporary bodies) with the historical struggles and exercises of power that shaped their character, the genealogist prompts us to think more critically about the value and meaning of these phenomena. As Foucault put it in 1979: "experience has taught me that the history of various forms of rationality is sometimes more effective in unsettling our certitudes and dogmatism than is abstract criticism" (Foucault, 1979 in Kritzman, 1988: 83). And again the same year, "[I]mportant and even invaluable political effects can be produced by historical analyses . . . The problem is to let knowledge of the past work on the experience of the present" (Foucault, 2008: 130).

It is within this genealogical framework that a "history of the present" operates. A history of the present begins by identifying a present-day practice that is both taken for granted and yet, in certain respects, problematic or somehow unintelligible – the reformative prison in the 1970s, for example, or the American death penalty today – and then seeks to trace the power struggles that produced them.[17] Genealogy is motivated not by a historical concern to understand the past – though any historical claims it makes must be valid, verifiable ones[18] – but instead by a critical concern to understand the present. It aims to trace the forces that gave birth to our present-day practices and to identify the historical conditions upon which they still depend. Its point is not to think historically about the past but rather to use historical materials to rethink the present. As Michael Roth (1981: 43, emphases in original) puts it, "Writing a history *of* the present means writing history *in* the present; self-consciously writing in a field of power relations and political struggle." Or as Nietzsche – that arch-critic of conventional history – would insist, it means engaging with the forces active in the present, rather than concerning oneself with the lifeless antiquaries of another age (see Megill, 1979: 492).

We can illustrate this "history of the present" approach and its difference from standard historiography by means of two examples drawn from *Discipline and Punish*: (1) Foucault's treatment of Jeremy Bentham's Panopticon; and (2) the

place that Foucault accords to ''the disciplines'' in his genealogy of the modern prison.

The Panopticon – in history and in genealogy

Jeremy Bentham's design for a Panopticon prison (an annular inspection house with open, back-lit cells arranged in a circular perimeter around a central watchtower), first published in the last decade of the 18th century (Bentham, 1791/1843), is accorded a central place in Foucault's account. *Discipline and Punish* treats the Panopticon as the model, the programmatic blue-print, not just for late 18th- and early 19th-century penitentiaries but for the modern prison as such – and indeed for modern ''panoptic'' society more generally. In Foucault's analysis of modern control techniques, Bentham's Panopticon design is a historical element of unparalleled significance.

Responding to Foucault's discussion, historians have set out a series of objections. As a matter of historical fact, they point out, Bentham's projected prison was never built because the British government regarded it as impractical and overly expensive. They insist that Bentham nearly bankrupted himself in his efforts to realize his scheme, that his radical design was rarely copied by prison builders elsewhere, and that, in general, Foucault gives too much importance to what Bentham's contemporaries regarded as an eccentric project that ended in failure.[19] But these criticisms – though valid enough in their own terms – miss the point. Indeed, they make a kind of category mistake in treating Foucault's study as a work of conventional historical research that simply adds to what we already know from the existing prison historiography, when in fact Foucault's treatment of historical materials is altogether different in its framing and its intent.

Foucault's aim is not the standard historian's concern to establish the significance and fate of Bentham's project as understood within its original social and intellectual context. His intention, instead, is to demonstrate the role that the Panopticon has played in shaping our present. As Foucault (1977a: 224) notes, in conventional history, Panopticism ''is regarded as not much more than a bizarre little utopia, a perverse dream''. ''And yet'' he writes, the Panopticon ''represented the abstract formula of a very real technology, that of individuals'' (1977a: 225). And elsewhere in *Discipline and Punish* he writes that:

> The panoptic schema, without disappearing as such or losing any of its properties, was destined to spread throughout the social body; its vocation was to become a generalized function . . . Panopticism is the general principle of a new ''political anatomy'' whose object and end are not the relations of sovereignty but the relations of discipline. (1977a: 207, 208)

And again: ''one can speak of the formation of a disciplinary society in this movement that stretches from the enclosed disciplines, a sort of social 'quarantine', to an

indefinitely generalizable mechanism of 'panopticism''' (1977a: 216). As Robert Castel rightly observes,

> it is not relevant to object to Foucault's use of Bentham's Panopticon on the grounds that [Foucault] accorded scant attention to ''real life'' in nineteenth-century prisons. Foucault's aim is not to describe this ''real life'' but to reveal a program for controlling people in an enclosed space. (Castel, 1994: 242)

The meaning and importance Foucault imputes to his objects of study (in this case, the Panopticon, but his treatment of the technology of confession in his *History of Sexuality, Volume 1* raises the same issues) are not those of the historical period in which these practices first emerged but emphatically those of the present. Such practices may have been marginal in the social and political life of the 17th and 18th centuries, but Foucault regards them as absolutely central to the genealogies and to the functioning of regimes of power–knowledge that operate in the present.[20] For Foucault, the principles of observation and individuation, visibility and discipline, power and knowledge contained in Bentham's design provide a grid of intelligibility for understanding how power operates in our own present-day society. The historian of the present does not commit the error of anachronism by reading the present onto the past. He or she is instead engaged in the historico-critical project of identifying traces of the past (historic power struggles, modes of control, alliances and associations) and their continuing operation today.[21]

Imprisonment and the disciplines

A second illustration of the analytical approach involved in a ''history of the present'' is Foucault's distinctive account of the genealogical processes that gave rise to the modern prison. Conventional historical studies have always assumed that the origins of the late 18th-century penitentiary movement can be traced to the penological ideas of Enlightenment-era reformers such as Beccaria, Mably, Le Peletier, and Servan, or else to the influence of early modern custodial institutions such as the Dutch Rasphuis, the English Bridewell, and the Vatican prison (see, for instance, Morris and Rothman, 1995). But Foucault's reading of the historical sources disrupts these standard accounts and calls them into question. First, he demonstrates that the reform proposals of the Enlightenment-era *Ideologues* were not, by and large, aimed at building prisons and penitentiaries. To the contrary, most of the reformers regarded imprisonment with great suspicion, preferring non-custodial sanctions such as fines, or public works, or else ''analogous'' penalties designed to educate onlookers by punishing offenders in ways that mirror the crimes they committed. And he insists that, prior to its remarkable expansion in the late 18th century,

> the prison was not, as one might imagine, a punishment that was already securely established in the penal system, just below the death penalty, and which naturally occupied the place left by the disappearance of public torture. In fact,

imprisonment . . . had only a limited and marginal position in the system of penalties.
(Foucault, 1977a: 117–118)

That imprisonment rapidly became the penal sanction of choice in the reformed penal codes of western nations in the early 19th century is therefore an event that cannot be explained by reference to the influence of Enlightenment ideas, nor by a process of simple substitution following the decline of corporal and capital punishments. Nor is the appearance of the modern prison merely an outgrowth of early modern forms of confinement, since these prior institutions lacked key features of modern imprisonment such as cellular confinement, close surveillance, and individualized discipline.[22] How then can the prison's emergence be explained?

Here Foucault directs our attention away from ideas and intellectual arguments towards the domain of practices and techniques, and specific ways of exercising power and acquiring knowledge. And, in sharp contrast to conventional historical accounts that point to the "penological" origins of the prison, Foucault connects the modern prison's emergence to *techniques of discipline* that had been developed in a variety of non-penal settings such as military barracks, schoolrooms, monasteries and manufactories. The modern prison, Foucault argues, was from the start a *disciplinary* institution, condensing within its enclosed space a whole host of disciplinary practices such as individuation, surveillance, examination, training, *dressage*, correction, and normalization. In this genealogical account, the modern prison is linked not with Enlightenment ideas or with progressive conceptions of law and justice but instead with the exercise of power and knowledge over bodies in space and with a set of disciplinary practices that amounted to a "political anatomy of the body." And the effect of this displacement is to produce a shift in our understanding of the contemporary institution. Instead of a humane, reformatory institution that embodies a modern, enlightenment sensibility and marks a progressive advance over the *ancien regime*'s more violent punishments, Foucault's genealogy suggests a set of disciplinary practices, normalizing knowledges, and capillary powers that do not so much "punish less" as "punish better" (Foucault, 1977a: 82). The reader of Foucault's history of the present is presented with a jarringly different impression of the contemporary prison – one that is more critical of the institution, more aware of the insidious power–knowledge relations that it contains, and more attuned to the dangers that these entail.

What Foucault's genealogy makes possible, in short, is a revaluing of the value of imprisonment as a contemporary social practice. And one might even claim for this account a certain critical effectiveness – for better or for worse – since the years immediately following the publication of Foucault's book saw a widespread discrediting of the reformatory prison and the whole project of correctional penology.[23]

Diagnosis, conceptualization, and problematization

One of the most vital aspects of scholarly practice is the identification and specification of productive research questions. And though this point is rarely noted,

much of the critical efficacy of Foucault genealogies is attributable not to his historical analyses but instead to his initial specification of the problem to be explained. The opening sections of his books – which are among his most remarkable and memorable passages – are often devoted to this task of identifying the problem and describing how he intends to address it. Sometimes he establishes the phenomenon to be explained by means of a striking historical juxtaposition that shows how modern conceptions differ from those of previous eras (Foucault, 1970, 1973, 1977a). On other occasions he begins by presenting the conventional historical account in rather persuasive terms, only to turn around and declare it to be mistaken, or at least radically limited in its explanatory power (e.g. Foucault, 1978). In each case, Foucault's statement of the problem – what one might term his preliminary work of "diagnosis" and "problematization" – is itself a distinctive one, embodying a series of analytical claims and theoretical interpretations.

We have seen how, in *Discipline and Punish*, Foucault began with a critical analysis of the modern, correctional prison that viewed it not as a humane progressive achievement but as a machine for disciplining bodies and normalizing souls.[24] Another good example is the problem posed at the start of his *History of Sexuality* project concerning the social, legal, and medical norms that emerged in the contemporary period as so many ways of regulating (or de-regulating) sexuality. For most commentators, the post-1960s culture of open sexual expression was a liberating break with Victorian repressiveness, an opening up of human possibilities, and a vital route to individual authenticity. After centuries of censorship, silencing and repression, western men and women were now encouraged – by medical and psychological experts, cultural authorities, and legal reforms – to acknowledge their sexual desires, however "deviant", and to embrace their sexual identity, whether homosexual or heterosexual. And on the widely held conventional view, this new sexual regime was a mark of progress and liberation: a freeing of individual desire from repressive power, a long-delayed reconciliation of sex and truth.

Foucault's view of things is quite different. Instead of seeing these developments as liberating and empowering, he regards them as the products of an apparatus of power–knowledge that has been in the process of formation and expansion since the 19th century. The normalizing powers of this apparatus impose upon us the insistent, multi-form demand that we put sex into discourse, that we confess, that we regard our sexual preferences as somehow constitutive of our individual selves, and that we pursue our sexual identity in the service of authenticity and truth. It amounts to a generalized imperative that we should speak of our sexual selves – and thereby enable sex in discourse to operate as a transmission belt for the exercise of power and knowledge – an imperative that takes a variety of specific forms, ranging from legal commands, to expert advice, to psychological and bodily excitation (Foucault, 1978). Instead of viewing the contemporary cultural regime as liberating, Foucault sees the new sexuality as an elaborate trap, a sexual fix, and he embarks on his genealogical research in order to explain how this strange regime came into existence.

If we attend carefully to Foucault's analysis, we discover that his diagnostic account of our contemporary experience of ''sexuality'' involves two crucial elements, each of which he would subsequently investigate by means of genealogical inquiries. The first is his specification of an apparatus of regulation through which our present-day experience of sexuality is constructed and experienced – a complex ensemble of norms, knowledges, power relations and practices that he describes as a ''*dispositif*''.[25]

This idea of a ''*dispositif*'', which is really quite crucial to Foucault's mode of analysis, is usually translated as ''apparatus'' though its meaning might better be captured by terms such as ''power–knowledge regime'' or a ''regulatory ensemble''. Here is how Foucault himself describes the idea:

> What I'm trying to pick out with this term [*dispositif*] is a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements. (Foucault, 1980: 194)

And here is how he describes the specific *dispositif* that governs our present-day experience of sex:

> Sexuality . . . is the name that can be given to a historical construct: not a furtive reality that is difficult to grasp, but a great surface network in which the stimulation of bodies, the intensification of pleasures, the incitement to discourse, the formation of special knowledges, the strengthening of controls and resistances, are linked to one another, in accordance with a few major strategies of knowledge and power. (1978: 105–106)

The second element of Foucault's preliminary analysis is his identification of a historically specific ''problematization'', which is to say, an identification of how a specific phenomenon – in this case ''sex'' – came to be regarded as a specific kind of problem for specific authorities at a specific point in time. Here is how he sets out that formulation:

> [T]he problem is this: how is it that in a society like ours, sexuality is not simply a means of reproducing the species, the family and the individual, not simply a means to obtain pleasure and enjoyment? How has sexuality come to be considered the privileged place where our deepest ''truth'' is read and expressed? (1977b: 152)

Given these analytical insights, his genealogical inquiry acquires a clear object and direction: ''[W]hat I would like to study'' he writes, ''is the sum total of these mechanisms which, in our society, invite, incite and force one to speak of sex'' (1978: 153). And if the *History of Sexuality* works brilliantly as a history of the present, as I believe it does, it is in large measure because of this initial analysis – an

analysis formed *in* the present *of* the present. The historical work of genealogy is thus dependent, to an extent that has rarely been acknowledged, upon a prior, critical account that establishes the problem to be explained and points the way to its most likely solutions. As always, the historical record yields up its secrets only to those who know precisely how to ask.

The point I wish to emphasize here is that Foucault's genealogies have, as their starting points, some quite concrete and specific critical observations about the present, and, more particularly, about the analyst's object of study as it is constructed and experienced in the present. These genealogies begin with a certain puzzlement or discomfiture about practices or institutions that others take for granted. And the inquiries that they pursue are designed to address that puzzlement. In that respect, a history of the present always involves a critical distancing from the present, an analytical description of the *dispositif* within which the object of study is constructed and experienced in the present, and a specific *problematization* that views that object as puzzling in ways that can be made less puzzling by means of historical inquiry. Without this initial, critical moment, and the theorizations it entails, the genealogical project as understood by Foucault simply cannot proceed.

Foucault's use of the genealogical method and his writing of ''histories of the present'' demonstrate how historical research can be brought to bear on contemporary institutions in ways that are powerfully critical and revealing. Forty years after the original publication of *Surveiller et Punir* our contemporary penal practices and control institutions call out for fresh genealogies and renewed historico-criticism. The present essay is offered in the hope of encouraging and facilitating that urgently needed work.

Acknowledgements

Notes

1. ''I often quote concepts, texts and phrases from Marx but without feeling obliged to add the authenticating label of a footnote with a laudatory phrase to accompany the quotation'' and later, in the same interview: ''I prefer to remain silent about Nietzsche'' (Foucault, 1980: 52 and 53).
2. For an overview, see the excerpts collected in Foucault (2000).
3. Cf. Gary Gutting (1994:14): ''Foucault's distinctiveness as an historian of thought lies less in his invention of new methods than in his willingness to employ whatever methods seem required by his specific subject matter.''

4. For attempts to write a "history of the present" in respect of criminology and penality, see Garland (1992, 1994, 2001, 2010); Harcourt (2011); Rose (1999).

5. Foucault's work has been a subject of much controversy and considerable misunderstanding among historians: see Goldstein (1994) and Megill (1987). One notable exception is Foucault's colleague at the College de France, the historian Paul Veyne. See the enthusiastic and informed discussion of Foucault's historical method in Veyne (2010).

6. For other analyses, see Poster (1987/1988) and Roth (1981). See also *History of the Present: A Journal of Critical History* at: http://www.historyofthepresent.org/

7. In 1967 Foucault talked of his histories as diagnostic engagements with the present: "In trying to make a diagnosis of the present in which we live, we can isolate as already belonging to the past certain tendencies which are still considered to be contemporary" (quoted in Williams, 2005).

8. In the early 1970s, Foucault was active in the Groupe d'Information sur les Prisons (GIP) and he attributed some of the insights of *Discipline and Punish* to this experience. See also Foucault (1974). However, most of the themes developed in that book are already present, to a degree, in earlier works such as *Madness and Civilization* and *Birth of the Clinic* (Foucault, 1967, 1973).

9. "The history of the deployment of sexuality, as it has been deployed since the classical age, can serve as an archaeology of psychoanalysis" (Foucault, 1978: 130).

10. On the historical a priori, or "the history of that which renders necessary a certain form of thought" see Foucault, quoted in Megill (1979: 459). Foucault uses the term "epistemes" throughout *The Order of Things* and briefly discusses it in *Archaelogy of Knowledge*.

11. Foucault's inaugural lecture at the College de France had already heralded that switch (Foucault, 1971). See also "Nietzsche, genealogy, history" which dates from the same year (reprinted in Foucault, 1991).

12. In 1975 Foucault says "if I wanted to be pretentious, I would give 'the genealogy of morals' as the general title of what I am doing" ("Prison talk", Foucault, 1975 in Gordon, 1980: 15).

13. "There is no set of maxims more important for an historian than this: that the actual causes of a thing's origin and its eventual uses, the manner of its incorporation into a system of purposes, are worlds apart; that everything that exists, no matter what its origin, is periodically reinterpreted by those in power in terms of fresh intentions" (Nietzsche, 1956: 208).

14. On the concepts of descent and emergence, see Foucault (1984a: 80 and 86, emphasis in original): "An examination of *descent* ... permits the discovery, under the unique aspect of a trait or a concept, of the myriad events through which – thanks to which, against which – they were formed." While an analysis of *emergence* studies not the final term of a historical development but rather the contingent moment at which, and the specific play of forces out of which, the present arises out of the past.

15. Foucault's notion of a "surface of emergence" describes the set of historical conditions out of which specific practices emerge. So, for example, modern penitentiaries formed the surface of emergence for the science of criminology. And the teaching clinic was the surface of emergence that made modern positive medicine possible.

16. It seems to me that the connection between "genealogy" and "the body" is a contingent and not a necessary one, though Foucault – especially when claiming fealty to Nietzsche (e.g. Foucault, 1984a) – sometimes suggests otherwise. The connection is, I think, central to the analyses of *Discipline and Punish*, but less so in the three volumes of *History of Sexuality*. For a detailed discussion, see Lash (1984) who stresses Foucault's debt to the work of Gilles Deleuze.

17. Foucault (1977a) addresses the first; Garland (2010) addresses the second. Ian Hacking (1990) deploys a similar method of historical analysis in order to make sense of philosophical concepts that, in our contemporary discussions, appear opaque or unintelligible. His assumption – which owes as much to Wittgenstein as to Foucault – is that many of our philosophical conundrums are the result of historical shifts in meaning and context: only by tracing their genealogical development can we make sense of these contemporary puzzles. See also Skinner (2010) on the concept of the state and the convoluted historical processes by means of which it has developed over time.

18. As Robert Castel (1994: 252) notes, in a discussion of Foucault's genealogical method: "The right to choose one's materials and refocus them in light of a current issue, to place them in different categories, for example – is not permission to rewrite history. It is not a right to make historical errors, which can be understood as statements about history that a historian could refute." We might also note that, in contrast to conventional history, genealogy is relatively uninterested in the specific intentions and meanings of historical actors.

19. See Himmelfarb (1968); Perrot (1980); Semple (1993). For an interesting discussion, see Smith (2008).

20. See Castel (1994: 240) for a discussion of Foucault's practice of "problematization".

21. "Most of the topics he covers were peripheral and relatively minor in earlier epochs; in fact, that is his point. He has chosen them because of his current interests and because these topics later to some degree became enmeshed with forms of power" (Dreyfus and Rabinow, 1982: 119).

22. For alternative accounts of early modern custodial institutions and their historical relation of the modern disciplinary prison, see Dumm (1987); Melossi and Pavarini (1981); and Spierenburg (1991).

23. The story of the movement against correctional penology is, of course, rather more complex, and Foucault's critique was only one among many. For a fuller account, see Garland (2001).

24. Foucault (1977a: 30) wrote that he had "learnt this lesson not so much from history as from the present". For information about Foucault's involvement with the Groupe d'Information sur les Prisons see Welch (2010).

25. In *Discipline and Punish*, the *dispositif* that Foucault identifies is "the present scientifico-legal complex from which the power to punish derives its bases, justifications and rules, from which it extends its effects and by which it masks its exorbitant singularity" (1977a: 23) and the question he poses is, why does the modern era so enthusiastically embrace the prison when, as a correctional institution, it has always been a failure.

References

Bentham J (1791/1843) Panopticon: or, The inspection house containing the idea of a new principle of construction applicable to any sort of establishment, in which persons of any description are to be kept under inspection. In: *The Works of Jeremey Bentham*. Vol. 4, Edinburgh: William Tait.

Castel R (1994) "Problematization" and reading history. In: Goldstein J (ed.) *Foucault and the Writing of History*. Oxford: Blackwell.

Dean M (1994) *Critical and Effective Histories: Foucault's Methods and Historical Sociology*. London: Routledge.

Dreyfus H and Rabinow P (1982) *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago, IL: University of Chicago Press.

Dumm T (1987) *Democracy and Punishment: Disciplinary Origins of the United States*. Madison, WI: University of Wisconsin Press.

Foucault M (1961) *Folie et Deraison: Histoire de la folie a l'age classique*. Paris: Librairie Plon.

Foucault M (1967) *Madness and Civilization*. London: Tavistock.

Foucault M (1970) *The Order of Things: An Archaeology of the Human Sciences*. London: Tavistock.

Foucault M (1971) *L'ordre du discours*. Paris: Gallimard.

Foucault M (1972) *The Archaeology of Knowledge*. London: Tavistock.

Foucault M (1973) *Birth of the Clinic: An Archaeology of Medical Perception*. London: Tavistock.

Foucault M (1974) Michel Foucault on Attica: An interview. *Telos* 19: 154–161.

Foucault M (1975) Prison talk. In: Gordon C (ed.) (1980) *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*. New York: Pantheon.

Foucault M (1977a) *Discipline and Punish: The Birth of the Prison*. New York: Pantheon.

Foucault M (1977b) Power and sex: An interview with Michel Foucault. *Telos* 32: 152–161.

Foucault M (1978) *The History of Sexuality Volume 1*. New York: Random House.

Foucault M (1979) Politics and reason. Reprinted in: Kritzman LD (ed.) (1988) *Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984*. New York: Routledge.

Foucault M (1980) *Power/Knowledge*. New York: Vintage.

Foucault M (1984a) Nietzsche, genealogy, history. In: Rabinow P (ed.) *The Foucault Reader*. New York: Pantheon.

Foucault M (1984b) *Le Souci de soi*. Paris: Gallimard.

Foucault M (1991) Nietzsche, genealogy, history. In: Rabinow P (ed.) *The Foucault Reader*. New York: Pantheon.

Foucault M (2000) *Power: The Essential Works of Michel Foucault Volume 3*. Ed. Faubion J. New York: New Press.

Foucault M (2008) *The Birth of Biopolitics* (Lectures at the College de France 1978–1979). New York: Palgrave.

Foucault M (2010) *The Government of Self and Others* (Lectures at the College de France 1982–1983). New York: Palgrave.

Garland D (1992) Criminological knowledge and its relation to power: Foucault's genealogy and criminology today. In: *The British Journal of Criminology* 32(4): 403–422.

Garland D (1994) Of crimes and criminals: The development of criminology in Britain. In: Maguire M, Morgan R and Reiner R (eds) *The Oxford Handbook of Criminology*. Oxford: Oxford University Press, pp. 17–68.

Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.

Garland D (2010) *Peculiar Institution: America's Death Penalty in an Age of Abolition*. Cambridge, MA: Harvard University Press.

Goldstein J (1994) *Foucault and the Writing of History*. Oxford: Blackwell.

Gutting G (1994) *The Cambridge Companion to Michel Foucault*. Cambridge: Cambridge University Press.

Hacking I (1990) *The Taming of Chance*. New York: Cambridge University Press.

Harcourt B (2011) *The Illusion of Free Markets: Punishment and the Myth of Natural Order*. Cambridge, MA: Harvard University Press.

Himmelfarb G (1968) The haunted house of Jeremy Bentham. In: Himmelfarb G (ed.) *Victorian Minds: A Study of Intellectuals in Crises and Ideologies in Transition*. New York: Knopf.

Kant I (1963) What is enlightenment? In: Beck LW (ed.) *Kant: On History*. Indianapolis, IN: MacMillan.

Kritzman L (1988) Power and sex: An interview with Michel Foucault. In: Kritzman LD (ed.) *Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984*. New York: Routledge.

Kuhn T (1962) *The Structure of Scientific Revolutions*. Chicago, IL: University of Chicago Press.

Lash S (1984) Genealogy and the body: Focault/Deleuze/Nietzsche. *Theory, Culture & Society* 2(2): 1–17.

Megill A (1979) Foucault, structuralism and the ends of history. *Journal of Modern History* 51(3): 451–503.

Megill A (1987) The reception of Foucault by historians. *Journal of the History of Ideas* 48(1): 117–141.

Melossi D and Pavarini M (1981) *The Prison and the Factory: Origins of the Penitentiary System*. London: MacMillan.

Morris N and Rothman D (1995) *The Oxford History of the Prison*. New York: Oxford University Press.

Nietzsche F (1956) *The Birth of Tragedy and the Genealogy of Morals*. New York: Doubleday.

Perrot M (1980) *L'Impossible Prison*. Paris: Editions du seuil.

Poster M (1987/1988) Foucault, the present and history. *Cultural Critique* 8: 105–212.

Rose N (1999) *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.

Roth M (1981) Foucault's ''history of the present''. *History and Theory* 20(1): 32–46.

Semple J (1993) *Bentham's Prison: A Study of the Panopticon Penitentiary*. Oxford: Clarendon Press.

Simon JK (1971) A conversation with Michel Foucault. *Partisan Review* 192–201.

Skinner Q (2010) The sovereign state: A genealogy. In: Kelmo H and Skinner Q (eds) *Sovereignty in Fragments*. New York: Cambridge University Press.

Smith P (2008) *Punishment and Culture*. Chicago, IL: University of Chicago Press.

Spierenburg P (1991) *The Prison Experience: Disciplinary Institutions and their Inmates in Early Modern Europe*. London: Rutgers University Press.

Veyne P (2010) *Foucault: His Thought, His Character*. Cambridge: Polity.

Welch M (2010) Pastoral power as penal resistance: Foucault and the Groupe d'Information sur les Prisons. *Punishment & Society* 12(1): 47–63.

Williams A (2005) Genealogy as methodology in the philosophy of Michel Foucault. London Foucault Circle. Available at: http://webcache.googleusercontent.com/search?q=cache:cTO5Axw7KksJ:www.uel.ac.uk/cnr/documents/Genealogyas MethodologyinthePhilosophyofMichelFoucault_001.doc + &cd=1&hl=en&ct=clnk &gl=us.

David Garland is the Arthur T Vanderbilt Professor of Law and Professor of Sociology at New York University.