An immanent transcendental

Foucault, Kant and critical philosophy

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> Every philosophy conceals a philosophy; every opinion is also a hiding place, every word also a mask.
>
> Nietzsche, *Beyond Good and Evil*

The relation of Foucault's work to philosophy remains an unsettled issue. Indeed, Foucault sometimes preferred to present himself as 'the masked philosopher'. Much like Nietzsche's 'hermit', Foucault wrote books to conceal what lies within, a deeper cave behind every cave, 'a stranger more comprehensive world beyond every surface, an abyss behind every ground, beneath every "foundation"'.[1] However, a number of readers of Foucault have noticed that he constantly returned in his published work and interviews to an encounter with Kantian philosophy and the concept of the 'transcendental'. Although these readers – including Gilles Deleuze, Jürgen Habermas, Beatrice Han, Gary Gutting and others – represent a broad range of interpretations of his work, the idea of the transcendental plays a key role in these readings providing the grounds for the legitimation, critique or disqualification of Foucault's thought and its relation to philosophy. What is the status of the transcendental in Foucault's work and what is Foucault's relation to transcendental philosophy? Is the transcendental just another mask that is temporarily utilized and then abandoned in Foucault's thought when it became clear that forging a new relation between the transcendental and empirical would eventually lead to insurmountable logical and theoretical difficulties? Or, rather, is there perhaps an attempt on Foucault's part to 'restore the forgotten dimension of the transcendental',[2] developing a conception that goes 'all the way down', so to speak, an immanent conception of the transcendental consistent with a thought without ground?

Drawing from some of the readings examined here I want to argue for this latter view. Foucault's philosophy can be understood in terms of the development of his own conception of an immanent transcendental out of resources provided, in part, from Kant's own work. Foucault's work could thus be seen as a 'radical transformation of Kantianism, a re-invention of the critique which Kant betrayed at the same time as he conceived it, a resumption of the critical project on a new basis and with new concepts'.[3] Rather than a set of inconsistent, contradictory or viciously circular relations between the transcendental and the empirical, as some of Foucault's best-known readers have claimed, I argue that in Foucault's reinvention and transformation of Kantianism he develops an immanent conception of their relation as contingent and differential, a circle in which transcendental elements are immanently 'caught up in the very things they connect'[4] without being reduced to the same or to a simple repetition. By contrasting these differing accounts of the transcendental I will attempt to renew the question of what is at stake in Foucault's critical project more than twenty years on, as well as raise important questions about the contemporary value of the transcendental, the Kantian legacy and the nature of philosophy itself.

In the first section I introduce the concept of the transcendental in Kant and post-Kantianism, indicating briefly how this has been taken up in contemporary philosophy. In the main section I explicate and contrast interpretations of the transcendental in some of the best-known recent readings of Foucault's work. In the final section I raise some questions regarding these interpretations, the continuing value of transcendental philosophy and the nature of philosophy itself, and I conclude by laying out the grounds for Foucault's conception of the immanent transcendental.

Kant and the post-Kantian transcendental

In modern philosophy it is of course with Kant that the concept of transcendental analysis undergoes a momentous transformation. In contrast to the medieval 'transcendentals' Kant tied the very meaning of

the 'critical project' to an analysis of transcendental conditions. Kant attempted to ground the possibility of knowledge by defining the necessary and universal conditions of experience as *a priori* and hence irreducible to the empirical. The famous answer given in the First Critique is that the necessary and universal conditions of experience rest on an *a priori* analysis of subjectivity. The Kantian analysis demonstrates that the transcendental subject synthesizes or 'schematizes' the sensible forms of intuition with the categories of the understanding to produce the conditions for the possibility of objects of experience and experience itself. In Kant's well-known formulation 'the conditions of the possibility of experience in general are likewise the conditions of the possibility of the objects of experience'.[5] Experience, then, for Kant must have certain structurally necessary conditions and these conditions are double. There are two 'roots' or sources of knowledge and these are the *a priori* or transcendental conditions of space and time and the categories. The first critique is an analysis of how these sources could come together in a new kind of assertion: a synthetic *a priori* judgement. It is in answering the famous question of how synthetic *a priori* judgements are possible that Kant believed that he had secured an empirical realism on the basis of a transcendental idealism. For Kant this means two things: first, external objects can be perceived and exist independently of us: they are empirically real. Second, these real objects in space and time are relative to the *a priori* forms of experience, the set of necessary conditions that must obtain if experience and the object world are to have the character that they do for us. Our experience of the world as empirically real is possible because the limit-conditions of experience are transcendently ideal. Knowledge that transcends the bounds of these limit-conditions is impossible. Thus, the Kantian transformation of the transcendental concerns not the objects of knowledge themselves but our mode of knowing them, or, as Kant puts it, transcendental philosophy is an investigation of 'our mode of cognition of objects insofar as this is possible *a priori*'.[6] If every aspect of Kant's account in the first critique is subsequently challenged it is arguably this insight regarding the genesis of modes of knowing *a priori* – upon how knowledge is legitimated, made possible or produced by either 'immanent' or 'transcendent' conditions that precede it *a priori* – that is retained and taken in new directions by post-Kantianism.

Although modern philosophy is deeply indebted to this Kantian legacy it is clear that the major post-Kantian traditions have been unable to accept Kant's solution to the critical question of legitimating how knowledge is produced, and so modern philosophies, in the wake of Kant, either abandon the transcendental project altogether, radically limit its range and scope, or try to develop their own modified and reconfigured notions of the transcendental. Within the 'analytic' tradition, for example, philosophers have on the whole remained suspicious of the transcendental with its attendant issues of idealism and verificationism, and so transcendental philosophy has tended to become narrowly focused upon epistemological debates over the nature and structure of 'transcendental arguments' and whether they can be 'naturalized' or at least do sufficient work to defeat the sceptic. This kind of work is best exemplified by Stroud and Strawson and most recently by Cassam, Sacks and others.[7] By contrast, in the recent 'continental' tradition philosophers have continued to appeal to modified versions of the transcendental despite its negative association with metaphysics, with the speculative, the ahistorical, the universal, the subjective or the foundational. In the early part of the twentieth century it is Husserl's commitment to a phenomenologically-inspired and reformulated transcendental idealism that remained enormously productive yet problematic for a whole generation of German and French thinkers beginning with Heidegger's own complex transformation of Husserl's transcendentalism and culminating, towards the end of the century, with Derrida's 'quasi-transcendentals', Irigaray's 'sensible transcendental', Deleuze's 'transcendental empiricism' and, of course, Foucault's own 'historical *a priori*'.

Whether Foucault's work can be understood from within the post-Kantian tradition as an effort to engage the concept of the transcendental is a question that a number of Foucault's best-known readers have explored. The issues that divide those readers revolve around the extent of Foucault's indebtedness to this tradition of transcendental thinking within European philosophy, whether his conception of transcendental thought either escapes or transforms the problems it was meant to deal with, or, indeed, whether it is inconsistent or aporetic and, therefore, insufficient as a strategy for dealing with the problems he addresses. Gary Gutting, for example, one of the best-known interpreters of Foucault, argues that Foucault's relation to transcendental philosophy, and post-Kantianism generally, is something of a non-issue since Foucault's thought has little or no connection to these traditions. Gutting would have us abandon reference to transcendental talk in Foucault. Foucault's work is not the work of a transcendental philosopher for Gutting since

a transcendental project is defined by a commitment to establishing necessary conditions for the possibility of knowledge. These necessary conditions refer to the constituting power of the transcendental subject that functions as ground for experience. Given that Foucault's work for Gutting undercuts this commitment by refusing to refer necessary conditions to a transcendental subject and by showing how necessary limits are historically contingent limits in disguise then, for Gutting, Foucault cannot be a transcendental philosopher. As Gutting says, Foucault's project in Kant's terminology is

> critical (examining assumptions regarding the scope and limits of our knowledge), but it is not, like Kant's own project, transcendental. It does not, that is, claim to discover necessary conditions for knowing that determine categories in terms of which we must experience and think about the world and ourselves.[8]

Thus, for Gutting, Foucault utilizes historical rather than strictly *a priori* philosophical methods for his critical project since Foucault's works are 'primarily works of history' and his main concern is with 'forging a new approach to historical analysis'.[9] For Gutting *The Order of Things* is Foucault's most philosophical book but if we construe its claims, for example in chapter 9, as a critique of individual philosophers it ends up as a discussion of the history of ideas and it ceases to work as an archaeological investigation of unconscious structures; on the other hand, if we view Foucault's discussion here as genuinely archaeological then it is the modern episteme governed by the concept of 'man' that is shown to be incoherent: 'in neither instance has Foucault made an effective case for or against a standard philosophical position'.[10] Thus Gutting makes the claim that 'even in his most apparently philosophical moments, Foucault is not a participant in the debates of modern post-Kantian philosophy'.[11]

Transformation of the transcendental

That a 'new approach to historical analysis' could be conducted alongside and in conjunction with a post-Kantian philosophical project is, since Schelling and Hegel, at least plausible, rather than mutually exclusive as Gutting seems to imply. One could argue that Foucault is not simply doing either history or philosophy, neither simply history of ideas nor history of philosophy, but working out a new philosophical relation to history. Moreover, that a new style of historical analysis could be conducted in association with a reconfigured form of transcendental philosophy is precisely the kind of project that Foucault himself had

already signalled an interest in, as early as his D.E.A., with the title 'the constitution of a historical transcendental in Hegel'.[12] References to a transformation of Kantian thought span the entire range of Foucault's work, beginning with Foucault's introduction to his translation into French of Kant's *Anthropology from a Pragmatic Point of View* right through to the very last works. The Kantian *a priori* is reworked in several key texts, including *The Birth of the Clinic*, where Foucault introduced the concept of the 'concrete *a priori*' in order to examine the 'historical and critical understanding of the old experience'[13] of disease, to late references to 'games of truth' as the historical *a priori* of experience. In *The Archaeology of Knowledge* Foucault explicitly distinguishes what he called a 'formal *a priori*' from his own 'historical *a priori*' since he claims he was not interested in discovering the Kantian conditions of validity for judgements but rather in determining the concrete conditions of reality for 'statements'. 'The formal *a priori* and the historical *a priori* neither belong to the same level nor share the same nature: if they intersect, it is because they occupy two different dimensions.'[14] Thus, the conditions that Foucault is interested in operate in another 'dimension' from the Kantian formal *a priori* but are no less 'philosophical'. In this other 'archaeological' dimension the conditions are not ahistorical and universal rules that determine in advance what could be given or said but are rather the historically changing rules of what is actually given and said. And these rules are themselves a 'transformable group' since they do not sit above events like an 'atemporal structure' in some 'unmoveable heaven' but are 'caught up in the very things they connect'.[15] It is perhaps the nature of this being 'caught up' that Foucault's work constantly strives to understand and explicate, and it is also, as we will see, one of the major points of contention in interpreting Foucault's transcendentalism.

In the archaeological period, rather than rediscovering in Kantian fashion what might legitimate an assertion, Foucault claims that his historical *a priori* reveals the principles according to which statements survive, are transformed or disappear, and these principles are caught up in the very things they connect. Although at this stage the nature of these 'principles' that govern discourse are not entirely clear (as Foucault was later to claim, what else could he have been talking about here but 'power'?) what does seem clear is that Foucault often and explicitly developed his methodological approaches by transposing the Kantian formal *a priori* into another dimension, a dimension that does not change historically – as Foucault says, the historical

a priori is not simply a formal *a priori* endowed with a history – but a dimension that changes *with* history. Foucault's approach to this space is not dependent upon an *a priori* analysis of subjectivity or upon universal and necessary conditions, but upon a relative and variable historical *a priori* of knowledges. Thus, the idea that Foucault's archaeologies and genealogies are not transcendental in the strictly Kantian sense but perhaps still best viewed as contributing to a form of historicized transcendental philosophical discourse appears to be recognized by Foucault himself.

Apart from Gutting, whose conceptions of the transcendental and of philosophy appear perhaps too narrow to capture what Foucault is up to here, this novel relation between history and philosophy is recognized by other readers of Foucault's work, even if, in the end, some of these readers think this relation collapses under the pressure of its own internal contradictions. For example, Jürgen Habermas's well-known criticisms of Foucault are based upon accepting at least that the critique of conventional historiography (with its residual anthropologism and humanism) found in Foucault emerges out of what Habermas calls a 'transcendental historicism'. For Habermas Foucault's historicism is set within a 'weak' or looser sense of transcendental rules that are formed, displaced and regrouped as formations shift and are reshaped by nothing other than the ever-renewed technologies of power. In Habermas's account Foucault utilizes this power principle to replace the Kantian transcendental subject:

> what the synthetic power of transcendental consciousness was hitherto supposed to accomplish for the one and general universe of the objects of possible experience – this synthesis – is now degraded into the subjectless will of a power effective in the contingent and disordered to-and-fro of discursive formations.[16]

Foucauldian power, in Habermas's reading, is joined together with the transcendentalist meaning of synthesis to produce a 'purely structuralistic activity',[17] a 'Kantianism without the subject' as Ricoeur put it. But this structuralist activity cannot be simply 'pure' in Foucault, as Habermas points out, since the transcendental generativity of power is combined and connected with the emergence of events. The event is articulated with and immersed in structures of power, or structures are caught up in the events they connect.[18]

It is, however, this (con)fusion of the transcendental with the empirical, of connectives with things connected, that acts as the source of Habermas's and others' criticisms of Foucault. For Habermas Foucault's concept of power operates in an 'irritating double role':[19] on the one hand, Foucault's work functions in an empirical role where we are given descriptive and 'neutral' analyses of the technologies of power, yet, on the other hand, Foucault wants his work to operate in a critical transcendental role where analyses of the technologies of power explain how discourses about man are possible at all. Power in Foucault is 'contaminated' for Habermas because Foucault forces it to play these 'paradoxical' yet incompatible twin roles. As Habermas puts it: 'In his basic concept of power Foucault has forced together the idealist idea of transcendental synthesis with the presuppositions of an empiricist ontology.'[20] By attempting to historicize and temporalize the *a priori*, Foucault thus 'undertakes a fusion of opposed meanings' that performatively constitutes power as a conception both of 'transcendental generativity and of empirical self-assertion'[21] simultaneously. For Habermas this cannot be a 'way out of the philosophy of the subject'[22] because the concept of power that provides the resources for both empirical and transcendental roles is drawn from the philosophy of the subject itself. On Habermas's reading Foucault's theory of power is trapped within a vicious circle of its own devising – the well-known 'performative contradiction' – complete with all the aporias of the philosophy of the subject that, according to Habermas, Foucault thought he had left behind. These aporias are defined and specified in Foucault's case by what Habermas famously called 'presentism', 'relativism' and 'crypto-normativism'.[23]

Where Gutting argues that the transcendental project entails a commitment to a Kantian subject and so Foucault could not be doing transcendental philosophy, Habermas also appears to assume that Foucault's transcendental project ultimately depends on a Kantian conception of the subject as man, without really providing additional argument for it, and that turning from this subject to a historicized transcendental form of power will not escape the conceptual constraints of the modern subjective tradition. However, the idea that Foucault's conception of the transcendental requires a Kantian understanding of the *a priori* subject is not 'necessary' if the transcendental is rethought as no longer dependent upon uncovering apodictic certainty, absolute foundations for knowledge or the discovery of what is true independently of experience. We have already suggested that Foucault was perhaps searching for a non-anthropological and historicized dimension of the transcendental (a 'completion' of Kant that Foucault often designates as the 'Nietzschean experi-

ence') without presupposing the Kantian subject as 'man' or as condition of possibility. I would suggest that in carrying out this project Foucault can be interpreted as offering a 'transcendental' account of Kant's own transcendental subject, a 'critique of critique', or what the post-Kantian tradition has sometimes called 'metacritique', and he finds some of the resources to do so in Kant.[24] A Foucauldian metacritique will involve the creation and analysis of a new critical space opened by the Kantian reflection, yet inverting the (Kantian) direction of the critical process and the significance of experience: instead of anticipating the possibility of all knowledge by prescribing in advance its own laws (Kant), Foucault begins with already constituted forms of knowledge in order to define retrospectively that which rendered them possible. Experience is a given whose conditions must be archaeologically or genealogically traced to their historical *a priori*. Thus Foucault's metacritique offers a kind of turning around of the famous Kantian 'turn'; beginning with the subjects and objects of real experience and genealogically uncovering their historical conditions rather than beginning with the subject and deducing the universal, ahistorical conditions of possibility for experience. If Foucault's archaeologies/genealogies are his explorations into this new immanent transcendental dimension, then what remains to be elucidated is the way in which Foucault carries out this transformation of Kant by explicating the relation between his non-anthropological form of the transcendental and the empirical forms conditioned by it – how the conditions are 'caught up in the very things they connect' – and whether and how this conception avoids the aporetic doubling that Foucault diagnosed in Kant and modern thought.

The interest of Beatrice Han's reading of Foucault in her *Foucault's Critical Project*[25] lies in her searching examination of these issues. Indeed, Han argues that the central and unifying theme of Foucault's work is the effort to develop a new historicized interpretation of the transcendental modifying Kant's project by attempting to detach it from his 'anthropological' solution while retaining the form of the 'critical question'. The 'slalom' of Foucault's constantly changing methodological frameworks are explained as various attempts to find a working version of this historical transcendental that is coherent and consistent in its rejection of 'man and his doubles'. The Foucauldian *a priori*, Han says, 'is given in history, … transforms itself with it, and … nevertheless lies beyond it in defining the conditions of possibility, themselves variable, from which the knowledge of an epoch can

and must form itself'.[26] Han tries to show how this definition is variously transposed, reworked and refocused as Foucault's thought responds to the internal demands and aporia of holding the historical and the transcendental together and apart. Like Habermas, Han argues that Foucault is ultimately unsuccessful in these attempts and falls back into a form of the 'doubling' or reductive oscillation between the transcendental and the historical that Foucault himself had uncovered as one of the characteristic problems of modern thought.

In view of Han's thesis, perhaps the most illuminating contrast will be with Gilles Deleuze's reading in his little book *Foucault*.[27] Deleuze's book on his friend is important here because it explicitly describes Foucault's work as a unique sort of neo-Kantianism that attempts to seek out the historical *a priori* conditions of experience, of what makes something visible or readable, sayable or seeable, and so on. Thus, a 'statement' for Deleuze is precisely not to be confused with propositions or phrases since it is the condition of propositions or phrases. Equally, the 'visible' in Foucault, according to Deleuze, is not what can be seen but the condition of what can be seen. However, what really sets Deleuze's analysis apart is that he thinks that Foucault's 'neo-Kantianism' is precisely the problem of the 'mutual presupposition', reciprocal determination and 'coadaptation' of these two forms, of seeing and saying, light and language – *without one being reducible to or simply collapsing into the other.* Deleuze articulates a 'transposition of the transcendental theme' and a logic of thought in Foucault that directly challenges the theses of Gutting, Habermas and Han. In other words, Deleuze offers an account of the *a priori* in Foucault that engages the problems diagnosed by these readers yet displaces the logic of reduction and the issues of internal consistency and methodology that they identify.

Han and Deleuze thus agree that Foucault develops a modified transcendental project, but they disagree over the extent, nature and coherence of that modification. Against Gutting, both Han and Deleuze agree that Foucault's emphasis on conditions enables him to construct a completely new philosophical relation to history: for Han a 'middle path' between idealism and materialism; for Deleuze a philosophical experiment with the real beyond history. The primary question that divides them here is precisely the nature of the *a priori* conditions and their relation with the conditioned. For Han the stakes of Foucault's philosophical project lie precisely in whether he can hold the critical space between the transcendental and the historical open

without one collapsing into the other. Initially, it is on archaeology, 'sister and rival of phenomenology'[28] Han says, that Foucault will confer the task of finding this non-anthropological version of the historical transcendental. Thus I will focus here only on parts of Han's analyses of archaeology and contrast them briefly with Deleuze.

Han finds differing archaeological phases of the historical *a priori* in Foucault corresponding to the early archaeological texts. In *The Birth of the Clinic* Han concludes that Foucault ends up with a 'confused phenomenology'[29] generated by attempting to integrate the implicit presuppositions of a Merleau-Ponty style of phenomenology into Foucault's nascent archaeological framework. For Han, Foucault may have been influenced by Merleau-Ponty because of his constant references to concepts like the 'gaze', 'perception', the 'visible', and so on, and the effort to identify historical variations of the structures of perception in a given domain. However, the fact that Foucault does not

have a theory of 'one's own body' (*le corps propre*) and refers the relation between seeing and saying to an *a priori* space anterior to perception rules out this possibility. Thus, *The Birth of the Clinic* for Han 'finds itself without any real theoretical support',[30] caught in the confusion between the transcendental and the empirical.

In Deleuze's reading, by contrast, Foucault's repeatedly stated efforts to move beyond any phenomenological framework are developed by uncovering an *a priori* visibility that cannot be reduced to the acts of a seeing subject or the data of a visual meaning for a body–subject. Thus, in *The Birth of the Clinic* Foucault says the *a priori* is 'anterior' to all perceptions, 'governing them from afar'.[31] There are moments for Deleuze in *The Birth of the Clinic* when Foucault

invokes a 'medical gaze' that *appears* to rely on a unitary subject whose position never changes with respect to objects. However, Deleuze argues that the 'archaeology of the gaze' refers predominantly to an anonymous 'virtual' space or 'absolute visibility' outside of the gaze, which is not defined by sight but rather by 'multisensorial complexes'[32] that occupy a depth space. This precedes perceptual contents and makes them possible. Equally, Deleuze finds a separate sphere of the articulable in *The Birth of the Clinic* that conditions what is said such that the 'non-relation' between the articulable and the visible is clear even if the priority of the articulable is not sufficiently emphasized. Foucault's denunciation of the subtitle of *The Birth of the Clinic* amounts, for Deleuze, then, not only to an assertion of the primacy of the articulable over the visible but also to a block on any phenomenological recuperation of the 'gaze', regardless of whether that philosophy is committed to a phenomenology of the subject or the body. Indeed for Deleuze, although Foucault may have found inspiration in the late Merleau-Ponty, his major archaeological achievement consists in this: 'the conversion of phenomenology into epistemology'[33] where 'knowledge' (*savoir*) is understood as the 'non-relation' between seeing and speaking, an irreducible disjunction and doubling where each form has its own objects and subjects. (For example, there is no 'single' object madness that a consciousness could direct itself towards. Madness is seen in different ways just as it is articulated in different ways from one period to the next and even in different stages of a period.)

In the next phase of the *a priori*, Han argues, *The Order of Things* abandons all reference to perception and, in a way that bears similarities with Deleuze, reconstructs the *a priori* as a relation between the separate forms of language and being, each with their own autonomous and independent ontological modes of existence, that more or less 'correspond' to produce differing historical relations between words and things. This 'hidden metaphysics'[34] is 'ironical' for Han not because Foucault is interested in what precedes and makes 'words and things' possible, as it was for Deleuze, but because *The Archaeology of Knowledge* will disavow the existence of these separate ontological regions in favour of a 'nominalism' that finds 'objects' constituted in discourse rather than an independent zone of things. Where Deleuze sees a conversion of phenomenology into epistemology in Foucault, Han sees a conversion

of ontological or metaphysical realism into a nominalist or discursive idealism. Thus, from *The Archaeology of Knowledge* on, Han posits another phase in the archaeological endeavour to find the conditions for the possibility of knowledge as well as a decisive break in Foucault's thought.

For Han, in this final archaeological phase the status of the rules of the *a priori* in *The Archaeology of Knowledge*, and the specific kind of determination they exert, remain problematic. After a discussion of the prescriptive and descriptive nature of the rules, Han, following Dreyfus and Rabinow, argues that for Foucault the rules must be descriptive (they can't be prescriptive because Foucault is committed to the 'neutrality' of archaeology and he denies that his *a priori* operates causally), and yet, as Han points out, Foucault argues that the *a priori* 'makes possible and governs'. So Han concludes that 'Foucault ends up in the difficult position of claiming for the historical *a priori* an efficacy which is excluded by archaeology's very theoretical premises, hence the strange notion of regularities which regulate themselves'.[35] For Han this repeats the empirico-transcendental confusion evidenced in the earlier archaeological versions of the *a priori* and risks falling into the 'anthropological sleep' that Foucault had himself warned us of.

However, for Deleuze this is to treat statements as if they were formed by rules operating on a transcendent level whose status is constant in relation to a homogenous system. For Deleuze, on the contrary, the rules of the discursive formation are immanent and found on the same level as the discursive, but that level is shifting and in continuous variation, operating neither laterally nor vertically but transversally. Thus 'statements of a discursive formation move from description to observation, calculation, institution and prescription, and use several systems or languages in the process.'[36] In effect, the regularity of statements *is* self-regulating for Deleuze since the formation of statements is governed by rules of inherent change or variation that are neither exclusively formal nor purely extrinsic – that is, determined by social practices. For Deleuze, Foucault's conditions are concerned with real and not possible experience; they are immanent to the 'object' and the historical and are therefore essentially 'rare' or limited according to the formation in question. According to Deleuze 'the conditions are never more general than the conditioned element and gain their value from their particular historical status. The

conditions therefore are not "apodictic" but "problematic"…. What in fact they present is the way in which the problem appears in a particular historical formation.'[37] Thus Deleuze defines the rules or conditions of the discursive formation as functioning according to the logic of the '*multiplicity*', and, if the *Archaeology* does signal a decisive break in Foucault, for Deleuze it is because 'it represents the most decisive step yet taken in the theory-practice of multiplicities'.[38] Thus, Foucault's work is an experiment with multiplicities, 'a pragmatics of the multiple'.[39] In addition, the *Archaeology* for Deleuze registers the completion of the detachment from phenomenology 'always already' under way in the previous books; an emphasis on the primacy of the articulable (now the 'statement' or the 'discursive') over the visible (now designated as the 'non-discursive') which was not sufficiently flagged in the preceding books. Rather than a move away from any 'hidden metaphysics' the *Archaeology* signals the

emergence of something like a 'flat ontology' (Foucault will later say 'historical ontology') that develops out of and transforms the 'depth' or 'vertical' analysis of 'Being' found in *The Order of Things*. Thus, the 'being of language' of *The Order of Things* becomes 'there is language' in *The Archaeology of Knowledge,* but in either case, for Deleuze, 'one speaks' in an anonymous murmur. Thus *The Archaeology of Knowledge* is both an experiment with the autonomy and self-regulation of the articulable as an independent, *a priori*, anonymous multiplicity (which is not to be confused with words, phrases or propositions) and an exploration of the metaphysical topology of its surfaces – 'the positivity of the dictum'[40] – that are neither visible nor hidden. Behind the curtain there was nothing to see, but all the more important each time to describe the complex folds of the curtain. For Deleuze, in fact, this is Foucault's most important historical principle.

Deleuze has Foucault experimentally drawing out a sort of immanent 'transversal' space that cuts across traditional unities, groupings, disciplines, and so on, a self-organizing transcendental space that has 'no need whatsoever of unity to form a system'.[41] Learning to reach what Deleuze calls the 'extractive conditions' of this space required both a critical development of what was there all along and the creative construction of new concepts. So, rather than a strict discourse on method, Foucault's *The Archaeology of Knowledge* becomes the creative 'poem of his previous works'.[42]

For Habermas and Han, Foucault's answer to the critical question swings from the transcendental to the historical and back again in an unstable reproduction of the same and a repetition of the 'doubles' that mirrors the 'analytic of finitude'. In contrast Deleuze sees in Foucault's transposition of the transcendental a vital grappling with the history and becoming of thought, a creative continuity that develops more like a volcanic chain, moving seismically from one crisis to another, revealing a deeper consistency and coherence that cannot be easily measured from the surface. Although the stakes of Foucault's critical project as each of our authors understands it could be seen as at points compatible, they fundamentally disagree over how one evaluates the philosophical apparatus that underpins it. Han, for example, holds Foucault's work on the historical *a priori* in *The Archaeology of Knowledge* accountable to a strict logic of 'exclusive disjunction' where the rules, which must be either descriptive or prescriptive, inhabit a transcendent space clearly delimiting them from the empiricities they govern. Habermas finds similar logical problems in the tensions between transcendental and empirical elements in Foucault's genealogical work. Deleuze, however, finds in Foucault an immanent transcendental that operates as an 'inclusive disjunction' accounting for itself and its 'object' according to the logic of the multiplicity. Here statements and their spaces of dispersion merge at the level of the rules of their formation, tracing out lines of inherent variation. Habermas, Han and Deleuze agree that in Foucault the relation between condition and conditioned is (or ought to be) radically disjunctive, heterogeneous and differential, but they disagree over the nature of the disjunction or difference involved (exclusive or inclusive, external or internal difference) and whether this is coherently maintained.

What ultimately divides these readings is, in Deleuze's idiom, the logic or 'image of thought' upon which their respective interpretations are premised. At stake here, then, are not only differing understandings of the Kantian legacy and interpretations of the function and nature of the transcendental, but the commitments one has to the very image of philosophical and critical thought, of how one should proceed in thought, of how we should be 'doing philosophy'. For Habermas, for example, although critique would require the rejection of the Kantian role of philosophy as 'judge', critique cannot abandon judgement itself. A tribunal or court is still necessary and would proceed in accordance with the priority of the concepts of communicative action, consensus and the principles of procedural rationality. For Deleuze, by contrast, the 'judgements' of philosophy can only be affirmed through 'criteria' governed by creativity. On this view, philosophy begins in the 'middle', when we are provoked and compelled to think – to take the 'witches ride' – leaving behind any external 'foundation' or 'ground'. And when we are forced to think philosophically we do not reflect, contemplate or communicate. Rather, philosophical thought proceeds through the creation of concepts that respond to problems that change. In the creation of the concept – if it is a good concept – one 'counter-actualizes' the problem, changing the 'space of possibilities' through which we think about the problem and live with it. For Habermas and Han, however, philosophical discourse requires a foundation. To be sure, they do not mean a metaphysical ground or first principle but a foundation defined, at least in part, in terms of criteria derived from rationalized principles of consistency and coherence. For Deleuze, however, Habermas's and Han's understanding of these terms still amounts to the application of external criteria, of principles of transcendence or juridical concepts to a body of work whose logic of development doesn't conform to their conception of a consistent or stable rational system. For Deleuze, if there is a foundation in Foucault it is immanent or self-founding, driven by a rhythm of thought far from equilibrium. There is no direct ground beneath our feet but only an indirect conditioning by the transcendental condition of the historically given. Thinking in the absence of transcendent foundations is, as Foucault says, a 'perilous act'. For Deleuze, Foucault's work amounts not only to an encounter with the 'history of thought'; it also involves a perilous experiment with its *becoming* in which thought thinks its own history, but in order to free itself from what it thinks and be able finally to think otherwise. For Deleuze the application of external criteria from outside the work will not understand the nature of this conditioning and the experimental becoming at its heart – will not do justice to the dangers and passions of this work of thought as a critical and creative project

of thinking-otherwise. How, then, might we formulate a conception of the transcendental consistent with this approach to philosophy?

An immanent transcendental

In order to address this question we can characterize the different responses to the role of Kant and the thought of the transcendental in Foucault in several ways, but the differences can, for the sake of brevity, be reduced to one primary issue: whether and how Foucault's replacement for the Kantian *a priori* subject – a non-anthropological transcendental – that is itself historically 'formed and modified' in experience escapes his own critique of the 'empirico-transcendental reduplication' which purports to show 'how what is given in experience and what renders experience possible correspond to one another in an endless oscillation'.[43] The critics' objections to what they take to be Foucault's transcendental approach here are close to what we will call the 'standard objection' to transcendental argumentation per se. The standard objection to transcendental arguments generally is that they are question-begging and circular, that their conclusions are presupposed in their premises, or that their conclusions are simply premises in disguise.[44] The accusation of 'contradiction' or circular reasoning is a claim that both Habermas and Han level at Foucault, underpinning their critical interpretations of his conception of the transcendental and supporting their claim that Foucault's own conception of the transcendental suffers from aporias and doublings similar to those he himself identified within anthropological thought. Although a circular argument is not formally invalid, since if the premises are true then the conclusions will be also, it will not be of use as a 'proof' because if the conclusion merely repeats the truth contained in the premises then nothing will have been 'proven' true. Although neither Habermas nor Han relies on the idea that a transcendental argument must offer 'proofs', the issues that separate them from Deleuze depend upon how one understands the coherence of Foucault's methodologies, the 'internal consistency' of his argumentation, the need for a 'foundation' or 'ground' and its application to the relation between the transcendental and the empirical. Although neither Habermas nor Han is opposed to a modified transcendental, both appear to develop their criticisms in parallel with what they take to be Foucault's own critique of the 'empirico-transcendental duplication' and the standard objection to transcendental arguments. What I want to question here, then, is the relevance and validity of the claimed parallel between the premises of Foucault's own critiques, for example his critique of anthropology in *The Order of Things*, and the criticisms levelled at him by Habermas and Han.

Foucault's objections to the 'empirico-transcendental duplication' cannot be viewed as exclusively premised upon or derived from notions of logical contradiction, coherence and consistency, nor should Foucault's methods be seen as aiming at breaking free from or avoiding the process of doubling.[45] Rather, I want to suggest that Foucault's objections to the analytic of finitude are indeed based on the *form* of circling, doubling or duplication and the type of *content* this doubling presupposes and permits, but not doubling, folding or duplication as such. The doubles that constitute the analytic of finitude are all determined 'anthropologically' by the form of *identity* in their concepts or representations so that their content is a repetition of the same. This 'unveiling of the Same' or the identical involves a dialectical relation or doubling where the content that is repeated remains within the form of (identity of) the concept incorporating otherness, difference or distance. In a crucial passage in *The Order of Things* Foucault says:

> From one end of experience to the other, finitude answers itself; it is the identity and the difference of the positivities, and of their foundation, within the figure of the *Same*. It is apparent how modern reflection, as soon as the first shoot of the analytic appears, … moves towards a certain thought of the Same – in which Difference is the same thing as Identity.[46]

Foucault's objections here are to that form of the circle or doubling – captured in the play of identity and difference within the positivities and their foundation – governed by the principle of the 'Same' that makes all difference correspond to identity. In its anthropological configuration the transcendental syntheses performed by the 'I think' are doubled by the empirical syntheses of a living, speaking, labouring individual since Man's finitude 'answers itself' by referring his positive forms to the background and foundation of his own finitude as both a subject that knows and an object of knowledge. Thus, in Foucault's critique of 'modern reflection', the principle that governs synthesis and the reproduction of the doubles in the synthesis is an external principle or condition of the Same where the transcendental repeats the empirical. I want to suggest that we can find a more affirmative, differential principle of synthesis in Foucault, a non-identical sense of circularity, doubling or folding positively recognized by Deleuze. However, the nature of this

doubling, the way in which the 'transcendental' elements in Foucault are affirmed and internally 'caught up in what they connect' without being governed by the figure of the Same, is the very aporetic condition of what Foucault's thought is all about – indeed the very basis of the 'critical freedom' implicit in his approach to philosophy – at least from the perspective of Deleuze's reading.

The differences on this key point between various interpretations of Foucault's transcendental can now be recast in terms of how we characterize the unity and separation in the relation between transcendental and empirical elements – what I referred to earlier in Deleuzean terms as a distinction between an exclusive and inclusive disjunction. Foucault's transcendental does not seek a foundation for experience in something outside it or in some presuppositionless beginning but in a structure immanent with yet irreducible to the experience it generates. Foucault's texts move within the circle of the 'already said', the circulation of 'discourses', 'powers' and 'knowledges' through which experience is constituted. What is at issue is precisely the structure of a 'region' of experience (e.g. 'madness', 'punishment', etc.) with all of its interconnected elements and the shaping patterns or 'systems of thought' that condition it. Thus the 'unity' of experience has the character of what we referred to earlier in Deleuzean terms as a 'multiplicity' that organizes the separate components together in a complex 'internal' articulation of a differentiated structure. In Foucault's transcendental there is not one set of elements that 'grounds' another set of elements in a 'grounded' whole. Rather, the transcendental structure (the historical *a priori*) is not independent of the elements but fully dependent upon them just as the elements depend upon the relations between themselves and the structure. The structure and the elements are held together in such a way as to form an essentially indeterminate and open-ended multiplicity where the relations themselves (relations of force, knowledge, power, self, resistance, etc.) determine the distribution of elements, places, functions, and so on, in the 'experience' being produced. Thus the elements double, fold or encircle the structure in a differential relation just as the structure differentiates itself from its own genetic elements. This whole relational structure of the immanent transcendental is put into play in Foucault's texts through a dynamic differential temporality, historical processes that stratify and those that lead to our becoming in the 'present'. Foucault's archaeological and genealogical descriptions attempt to lay out the structure of the experience concerned (madness, illness, punishment,

sexuality, etc.) in the light of this differential temporality, where what lies within the circle of experience is exposed and opened to the forces of the outside. If this conception of the double as differential is worked out 'epistemologically' in the earlier texts and 'strategically' in the texts on power, it is in the final texts when Foucault focuses the immanent transcendental on the interior experience of 'subjectivation', the relation to oneself, that the concepts of the fold, the double and a differential circling are brought to the fore and take on a 'completely new appearance' while retaining their ontological importance.[47] In the late Foucault, experience, in its exposure to the forces of the outside, is now to be analysed in terms of the way these forces fold back upon themselves and affect themselves as the affect of self upon self, enabling the creation of 'new forms of subjectivity'. As Deleuze puts it:

the theme that has always haunted Foucault is that of the double. But the double is never the projection of the interior; on the contrary, it is an interiorization of the outside. It is not a redoubling of the One but a redoubling of the Other. It is not a reproduction of the same but a repetition of the different.[48]

Replacing the vicious circle of anthropological thought with its repetitions of the Same this conception of the folds and doublings of the immanent transcendental in Foucault becomes valid as a 'diagnostic' principle for us:

understood in this way, the diagnostic does not establish the facts of our identity by means of the interplay of distinctions. It establishes that we are difference, that our reason is the difference of forms of discourse, our history is the difference of times, that our selves are the difference of masks.[49]

The fold or double as difference becomes the non-anthropological or diagnostic principle of the internal genesis and 'unity' of experience in Foucault, the 'groundless ground' of the immanent transcendental.

The immanent transcendental in Foucault develops out of resources provided by Kant.[50] Foucault's transformation of these resources began very early on through a reading of the *Anthropology*, underwent further development in a number of works with his novel conceptions of the *a priori*, and continued through into the final texts with his work on 'problematization', 'games of truth' and 'subjectivation'. I have argued that one condition for doing justice to Foucault's critical project would involve carefully situating his thought within the rich, multiple and often conflicting trajectories and traditions of modern philosophy for which Kant and his critical project of transcendental

philosophy stands as the principal 'figurehead'. Within these traditions the exploration of the transcendental pushes up against questions relating to the very limits, scope and nature of philosophy itself. I have suggested that a certain 'differential' and temporal conception of circling or doubling is necessarily bound up for Foucault not just with an immanent understanding of the transcendental and transcendental inquiry but with philosophical inquiry itself. The immanent, differential and historical nature of the transcendental in Foucault will distinguish his philosophical and critical approach from formal/logical procedures (structuralism, 'analytic', etc.), phenomenology and hermeneutic inquiry. Indeed, for Foucault the opening of such a space would not only mark the 'return of the beginning of philosophy'; it would be 'nothing less and nothing more, than the unfolding of a space in which it is once more possible to think'.[51]

Notes

1. F. Nietzsche, *Beyond Good and Evil*, trans. R.J. Hollingdale, Penguin, London, 1973, §289, p. 216.
2. M. Foucault, *The Order of Things* (*OT*), Tavistock Publications, London, 1970, p. 321.
3. G. Deleuze, *Nietzsche and Philosophy*, trans. H. Tomlinson, Athlone, London, 1983, p. 52.
4. M. Foucault, *The Archaeology of Knowledge* (*AK*), trans. A. Sheridan Smith, Routledge, London, 1972, p. 127.
5. I. Kant, *Critique of Pure Reason*, trans. P. Guyer and A.Wood, Cambridge University Press, Cambridge, 1998, A158/B197.
6. Ibid., A11–12/B25.
7. There is a large body of literature – both 'analytic' and 'continental' – on this topic. A couple of representative texts are Robert Stern, ed., *Transcendental Arguments: Problems and Prospects*, Clarendon Press, Oxford, 1999; Hans-Johann Glock, ed., *Strawson and Kant*, Clarendon Press, Oxford, 2003.
8. G. Gutting, *Foucault: A Very Short Introduction,* Oxford University Press, Oxford, 2005, p. 59.
9. G. Gutting, 'Review of Foucault's Critical Project, B. Han', *Notre Dame Philosophical Reviews*, 1 May 2003, at http://ndpr.nd.edu/review.cfm?id=1262.
10. Gutting, *Foucault*, p. 66.
11. Ibid., p. 66. This is a striking claim that Gutting does not appear to make in his earlier *Michel Foucault's Archaeology of Scientific Reason*, Cambridge University Press, Cambridge, 1989.
12. 'La Constitution d'un transcendental historique dans *La Phénomenologie de L'Esprit* de Hegel', cited in D. Eribon, *Michel Foucault*, Flammarion, Paris, 1991, p. 47.
13. Foucault, *The Birth of the Clinic* (*BC*), trans. A.M. Sheridan Smith, Routledge, London, 1973, p. xv.
14. Foucault, *AK*, p. 128.
15. Ibid., p. 127.
16. J. Habermas, *The Philosophical Discourse of Modernity* (hereafter *PDM*), trans. F.G. Lawrence, Polity Press, Cambridge, 1987, pp. 253–4.
17. Ibid., p. 256.
18. This is why Foucault objected to being called a 'structuralist', since structuralism tried to 'evacuate the concept of the event', as Foucault put it in an interview in 1977. See *The Foucault Reader*, ed. P. Rabinow, Penguin, London, 1986, p. 56.
19. Habermas, *PDM*, p. 273.
20. Ibid., p. 274
21. Ibid., p. 256.
22. Ibid., p. 256.
23. Ibid., p. 276.
24. I did not have space to include a discussion of Andrew Cutrofello's excellent book *Discipline and Critique*, SUNY Press, New York, 1994, which attempts to work out a nonjuridical or metacritical version of Kantian ethics in a Foucauldian framework. Also see Amy Allen's fine paper, 'Foucault and Enlightenment: A Critical Reappraisal', *Constellations*, vol. 10, no. 2, 2003.
25. B. Han, *Foucault's Critical Project: Between the Transcendental and the Historical* (hereafter *FCP*), Stanford University Press, Stanford, 2002.
26. Ibid., p. 4.
27. G. Deleuze, *Foucault*, Athlone, London, 1988.
28. Han, *FCP*, p. 6.
29. Ibid., p. 65.
30. Ibid., p. 50.
31. Foucault, *BC*, p. 5.
32. Deleuze, *Foucault*, p. 59.
33. Ibid., p. 109.
34. Han, *FCP*, p. 65.
35. Han, 'Reply to Gary Gutting', pp. 5–6; available at: http://privatewww.essex.ac.uk/~beatrice/Gutting%20_answer_%202003–05.pdf.
36. Deleuze, *Foucault*, p. 5.
37. Ibid., p. 114.
38. Ibid., p. 14.
39. Ibid., p. 84.
40. Ibid., p. 15.
41. Deleuze, *Difference and Repetition*, trans. P. Patton, Athlone, London, 1994, p. 182.
42. Deleuze, *Foucault*, p. 18.
43. Foucault, *OT*, p. 336.
44. This is of course a claim originally laid at the door of Kant and critical philosophy. For a now classic version of this argument in the literature, see Stephan Korner, 'The Impossibility of Transcendental Deductions', *The Monist* 51, 1967, pp. 317–31.
45. The original version of this argument is found in Dreyfus and Rabinow's *Michel Foucault: Beyond Structuralism and Hermeneutics*, Harvester Press, Brighton, 1986 (see Part 1, ch. 4) and is repeated by both Habermas and Han.
46. Foucault, *OT*, p. 315.
47. Deleuze, *Foucault*, p. 111.
48. Ibid., pp. 97–8.
49. Foucault, *AK*, p. 131.
50. Foucault arguably found a trace of this non-anthropological conception of the transcendental in Kant's *Anthropology*, which he suggests repeats the *a priori* of the critique 'in a temporal dimension'. Time is no longer a non-empirical condition of synthesis as it is in the first critique. Rather, time gnaws at the synthetic activity itself. One could argue that Foucault here uncovers a line of development, not carried forward by Kant, that he will himself take up and transform. See Foucault, *Introduction à L'anthropologie de Kant*, thèse complémentaire; available at www.generation-online.org/p/fpfoucault8.htm.
51. Foucault, *OT*, p. 342.