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Foucault, put to the question

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Michel Foucault
WRONG-DOING, TRUTH-TELLING
The function of avowal in justice
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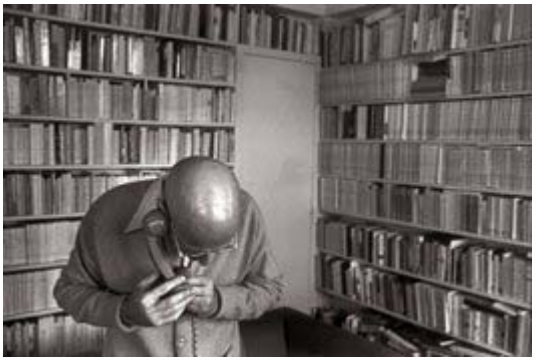

Michel Foucault, 1978 Photograph: © Martine Franck/Magnum Photos

Throughout his frantic career as teacher, writer and activist, Michel Foucault kept returning to the same old question: what does it mean to think of someone as a "subject", or in other words as a locus of conscious experience, of knowledge and error, innocence and guilt, or reason and desire? And is the meaning of subjectivity always the same, or does it alter as circumstances change? These were classical philosophical questions and, as a diligent student in post-war Paris, he had grappled with the answers proposed by a succession of master-thinkers from Plato to Descartes, and from Kant and Hegel to Husserl, Heidegger and Sartre. But in 1951, at the age of twenty-five, he got a job as an instructor in psychology, and started to dabble in participant observation on the wards of the Hôpital Sainte-Anne, the largest psychiatric institution in Paris. What began as a sideline soon turned into a passion, as Foucault began to suspect that the archives of lunatic asylums might throw more light on the nature of subjectivity than the classics of philosophy ever could, and that philosophical theories of reason were merely the obverse of popular notions of insanity. His first major publication, in 1961 – the monumental *Histoire de la folie* – was not just an account of the history of madness, but also a challenge to traditional *histoire de la philo*.

The book divided critical opinion, and like all his work it continues to do so. Foucault was prone to intellectual self-indulgence, issuing methodological edicts that said more for his sense of himself as a daring innovator than for his willingness to come to terms with alternative lines of thought. And for all his vaunted radicalism, he never strayed far from the mainstream philosophical assumption that the culture of modern Europe – principally France and Germany – epitomizes the history of the world and that its roots go back through the Enlightenment, the Renaissance and the Middle Ages to ancient Rome and Greece. He was also prone to preposterous generalizations, attempting to read off the mentalities of entire populations and epochs from a handful of random documents. But you do not need to be a star-struck member of the *nil nisi bonum* school of Foucault studies to recognize that he had a genius for sniffing out recondite sources of information – memoirs, medical texts, court records, advice books, architectural drawings, or works of pastoral guidance – and opening up totally unexpected perspectives on how our ancestors imagined their lives, and how we might imagine our own. He has been reproached for failing to establish plausible positive versions of what the past was really like, but his histories were always meant to be suggestive rather than substantive. He wanted to make us suspicious of the kinds of narratives that make the past look like a long dark night of error, leading up to the dawning of truth in our own time. He wanted to persuade us that the

institutions and intuitions that strike us as obvious and inevitable may really be accidents that might never have happened. And he wanted to remind us that if our predecessors look cruel and credulous to us, we are likely to look just as bad in the eyes of our successors. Even our confidence in our own rationality, as contrasted with the madness of others, is liable, he suggested, to crumble into dust: "one day, perhaps, we will no longer know what madness was".

One of Foucault's favourite sources was a book entitled *Du Traitement moral de la folie*, published in 1840 by François Leuret, a doctor peddling a cure for madness that depended not on physical methods but on what he called "strong moral pressure". Leuret's book included an account of the case of Mr A, a carpenter who lived a normal productive life for many years until the trees started speaking to him and the stars spelt out secret messages. He was carried off to an asylum, but refused to co-operate with the attendants on the grounds that he was engaged in clandestine work on behalf of the King. Leuret then took charge of his case, and after listening patiently as Mr A explained how he was protecting the state from its enemies, he told him, on his authority as a man of science, that his stories were irrational fantasies, and that he would have to renounce them if he wanted to regain his freedom. But Mr A was not impressed, and Leuret decided to reinforce his appeal to reason with douches of cold water – a painful treatment, no doubt, but far preferable to languishing in endless lunacy. And in this case at least the water treatment worked like magic: within twenty-four hours Mr A was distancing himself from his delirium and acknowledging that his grandiose notions bore no connection to reality.

Foucault was particularly taken with a few pages of dialogue in which Leuret tried to extract an *aveu* from Mr A – an avowal or confession of his errors – and he paraphrased the passage in numerous texts and talks, including a seminar paper in English delivered in New York in 1980:

One morning Leuret placed Mr A., his patient, in a shower-room. He makes him recount in detail his delirium. "But all that", said the doctor, "is nothing but madness. Promise me not to believe in it any more". The patient hesitates, then promises. "That is not enough", replies the doctor. "You have already made me similar promises and you haven't kept them." And he turns on the cold shower above the patient's head. "Yes, yes! I am mad!" the patient cries. The shower is turned off; the interrogation is resumed. "Yes. I recognise that I am mad", the patient repeats. "But", he adds, "I recognise it because you are forcing me to do so". Another shower. "Well, well", says Mr A, "I admit it. I am mad, and all that was nothing but madness".

According to Foucault, this kind of "moral treatment"– cure by means of avowal – could never have been attempted before the nineteenth century, when medical practice started to be colonized by the procedures of law and morality. Leuret, he suggested, was more like a modern prosecutor than an old-style physician: all he wanted from his patient was an explicit "avowal" of madness in an appropriate form of words, and "what happens in the head of Mr A is a matter of perfect indifference". But there was one striking contrast: in a court of law a defendant who makes a confession will be found guilty, whereas in an asylum the truth values are inverted. The lunatic's avowal of insanity is "the reverse of a performative speech act" because "madness as a reality disappears when the patient asserts the truth and says that he is mad". As soon as Mr A uttered the words "I am mad" of his own free will, Leuret could certify him as sane, and he was free to leave the asylum and resume his place in society.

Foucault told the New York seminar that he had been captivated by the "bizarre practice" of avowal ever since coming across Leuret's case history twenty years before, and announced plans for a sustained history of its deployment across a range of medical, legal and religious practices. The following year, he gave a series of lectures on avowal for the law faculty at the Catholic University of Louvain, but when he died in 1984 – suddenly, as a result of AIDS, at the age of fifty-seven – it looked as though, apart from a few manuscript fragments, they were irretrievably lost. Several years ago, however, an almost complete stash of tape recordings was discovered in Louvain. The lectures were reconstructed through the patient labours of Fabienne Brion and Bernard Harcourt, and published with an excellent apparatus in 2012; they are now available in a scrupulous English translation.

Wrong-Doing, Truth-Telling makes an uneven but exhilarating book. Foucault opens by rehearsing his analysis of the douche-induced avowal that Leuret procured from Mr A, and then sets out a framework for a general history of the obligation to truthfulness, or to "truth-telling about oneself". He proposed to start with its origins in Presocratic Greece, and then trace its development through the centuries, concluding with its modern use as a "weapon", not only in medicine, law and politics, but also in the field of personal intimacy. When I say "I love you", for example, I am not offering you information about how I happen to feel, but making an avowal – a formulaic declaration which

puts me in a position of dependence and binds me to a practice of truth-telling – and Foucault hoped he would be able to explain why.

He could not cover the whole story in his six lectures at Louvain, but he got under way with detailed expositions of a ceremonial chariot race in the *Iliad* and Oedipus' belated recognition of his guilt in *Oedipus Rex*. Between these two moments, Foucault says, we must postulate the emergence of a new kind of legal process, based not on the outcome of a tournament between antagonists, but on the authority of a third party: a judge, with a duty to discern a single truth transcending the clash of claims and counter-claims. He pauses to suggest that dramatists from Sophocles to Shakespeare, Corneille and Schiller were always preoccupied with the connection between justice and avowal, but hastens back to ancient Greece, and the philosophical idea of self-knowledge as self-mastery. Against this background, Christian practices of truthfulness mark a revolutionary break, appealing not to the luminous certainty of religious or philosophical orthodoxy, but to the unfathomable recesses of the subject's sinful soul. For a Christian, self-knowledge was not a means to heroic autonomy, but an exercise in humble submission and an opening towards the tormented spirituality that Foucault calls "the hermeneutics of the self". Formalized rituals of public penance would later give way to informal confessions to a priest, only to be revived in the rule-bound practices of the medieval Church. We then move on to the notion of legal truth and its role in early modern forms of the political state, ending up with the thoroughgoing psychologization of crime in the nineteenth century, as judges began to think of themselves as experts not on legal texts but on criminal minds, and malefactors were expected not just to take their punishments, but to reflect on the inner meaning of their crimes.

No one could read this helter-skelter history without being thrilled by its reckless inventiveness, and probably a little alarmed as well. Foucault knew that his lectures fell far short of providing a definitive history of avowal, and kept apologizing to his students for gaps in his knowledge and obscurities in his exposition, urging them to mistrust his conclusions and investigate the archives for themselves. It is good advice, and having acted on it in a small way I can report that his interpretation of Leuret and the case history of Mr A – the starting point of the whole inquiry – is hopelessly awry. Leuret never insisted on extracting an "avowal" from his deluded patient – indeed he said explicitly that it would be therapeutically disastrous to do so – and he was satisfied when Mr A simply ceased to set any store by his ideas about hearing voices and being an agent in the service of the King. But if Foucault sometimes nods and often exaggerates, he remains a bracingly original historian, with a knack for being more interesting than anyone else, even when barking up the wrong tree.

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