


CHAPTER 1

Establishing the First Wave: The Linguistic Turn in Social Theory



INTRODUCTION

In this chapter, we succinctly describe the contributions of several prominent first wave thinkers whose work has contributed substantially to our understanding of postmodern thought.¹ These authors include Roland Barthes, Gilles Deleuze and Felix Guattari, Michel Foucault, Jacques Lacan, and Jean-François Lyotard. We note that while each of these luminaries has passed away, they individually and collectively helped to establish the first wave's agenda endorsing social and political change. In chapter 2, the insights of those first wave thinkers, who have sustained the postmodern project, are likewise delineated.

Chapter 1 also summarizes where and how the inroads of the identified social theorists have been utilized by various second wave authors, especially those commenting on different facets of law, crime, and social justice. This related and secondary task is important to the text's overall purpose. As the subsequent application chapters make evident, embracing a postmodern attitude need not produce a nihilistic, fatalistic, or pessimistic worldview. Indeed, the linguistic turn in social theory can also lead to affirmative, transformative, and emancipatory praxis. Thus, the aim of the following exposition on postmodernism, the first wave architects of this heterodox perspective, and

the crime and justice scholars who have since then appropriated many of their insights, is to suggest that “doing” affirmative and integrative analysis of the sort proposed here dramatically moves us beyond our conventional understanding of criminological and legal research, to a place in which transpraxis and social justice can thrive.

FIRST WAVE CONTRIBUTIONS

Jacques Lacan

Jacques Lacan (1900–1981) arguably is the key figure in the development of French-inspired postmodern analysis.² Lacan’s (1977) main contribution was that the subject is intimately connected to discourse. This subject, or “speaking” (*parlêtre*) being, is a de-centered rather than centered subject offered by Enlightenment epistemology.

Lacanian thought undermined the concept of the “individual,” captured in the notion of the juridic subject in law or the “rational man” assumption contained in rational choice theory in criminology. Rather, the speaking being was depicted in a more static form in Schema L, and in a more dynamic, topological form in the Graphs of Desire, Schema R, Schema I, the Cross-Cap, and the Borromean Knots (Lacan 1977, 1988). His topological constructions also included the Mobius Band and the Klein bottle. What he showed was that there were two planes to subjectivity: the subject of speech, and the speaking subject (Lacan 1981). The former included the deeper unconscious workings where desire was embodied in signifiers that came to “speak the subject”; the latter was the subject taking a position in various discourses, identifying with an “I” as a stand in for her/his subjectivity, and engaging in communication with the other. He was to show that three intersecting spheres existed in the production of subjectivity: the Symbolic (the sphere of the unconscious, nuanced discourse and the “law-of-the-father”), the Imaginary (the sphere of imaginary constructions including conceptions of self and others), and the Real Order (lived experience beyond accurate symbolization). Since the Symbolic Order is phallogentric, all is tainted with the privileging of the male voice. According to Lacan (1985), women remain left out, *pas-toute*, not-all. However, they have access to an alternative *jouissance*, which remains inexpressible in a male-dominated order (Lacan 1985). Hence, the basis for the call for an *écriture féminine* (i.e. women’s writing) to overcome *pas-toute*.³

Lacan’s attention to discourse and subjectivity includes a dynamic understanding of speech production and its psychic mobilization (Lacan 1991). Interested in both the inter- and intra-subjective plane of human exist-

tence and development, Lacan graphically depicted what he termed the “four discourses.” These included the discourse of the *master*, *university*, *hysteric*, and *analyst*. Each of these organizing schemas, as distinct mechanisms for understanding speech production and its psychic configuration, explained how desire did or did not find expression (and legitimacy) in discourse, and what sort of knowledge was privileged (or dismissed) when one of these specific discourses was in use.

Briefly, each of the four discourses includes four main terms and four corresponding locations. These terms are *S1* or the master signifier; *S2* or knowledge; $\$$ or the desiring subject; and *a* or the *objet petit (a)* understood by Lacan to be *le plus de jouir* or that excess in enjoyment left out (*pas-toute*) in the discursive arrangement of the particular discourse (e.g., *university*, *master*) in operation.

Master signifiers are primordial, originate through our childhood experiences, and form the basis for how speech production typically unfolds. In the United States, the examples of “due process” in law or “just deserts” in criminology are master signifiers. The meanings assigned to these phrases are anchored in ideologically based contents, consistent with a materialistic political economy, established during one’s formative development. For Lacan (1991), the knowledge term, *S2*, is a part of a chain of signifiers where meaning always and already insists. To illustrate, the circumscribed meanings for the master signifier “due process” are linked to other signifiers such as “equity,” “fairness,” “reasonableness,” and these signifiers form the basis of or become the subject for yet other key signifiers in law. The divided or slashed subject is depicted by the $\$$ term. The subject is divided because his or her *jouissance* is not fully embodied in the words or phrases used to convey speech or to invite action. All linguistic coordinate systems are specialized grammars where communicating effectively means that one must insert oneself and/or be positioned within the discursive parameters that give that language system coherence. What is lost in this process, however, is the subject’s being; his or her interiorized self (Lacan’s lack, *pas toute*, or *a*) that slumbers in despair because the subject’s true words cannot find anchorage in prevailing modes of communicating and interacting.

Lacan also identified for structural positions corresponding to the four terms. These four locations can be depicted as follows:

| | |
|--------------|--------------|
| <u>agent</u> | <u>other</u> |
| truth | production |

The left side of the formulation represents the person sending some message. The right side of the formulation symbolizes the receiver of the

message. The upper left hand corner or *agent* signifies the enactor of the message. The upper right hand corner or *other* signifies the receiver of the message. The activity of the agent and other occurs above the bar thereby representing that which is more active, overt, or conscious in speech production. The lower left hand corner or *truth* signifies what is unique to the person sending the message to another. The lower right hand corner or *production* represents the unconscious effects following the communication from sender to receiver. The activity that occurs below the bar is more passive, covert, and latent.

The four terms and four locations were integral to explaining the operation of Lacan's four discourses. The discourse of the *master* is as follows:

| | | | |
|------------------|---------------|------------------|--|
| $\underline{S1}$ | \rightarrow | $\underline{S2}$ | The person sending the message invokes master signifiers, |
| $\$$ | | a | yielding circumscribed knowledge based on what is implicit in the sender. This exchange produces incomplete understanding. |

The discourse of the *university* is as follows:

| | | | |
|------------------|---------------|------|---|
| $\underline{S2}$ | \rightarrow | a | Some form of knowledge is activated by the agent, |
| $S1$ | | $\$$ | resulting in <i>pas toute</i> for the other. Although this body of knowledge is based implicitly on the enactors truth, it renders the other a divided subject. |

The discourse of the *hysteric* (hysteric read more broadly as not only clinical but also those opposing in some form) is as follows:

| | | | |
|------------------|---------------|------------------|--|
| $\underline{\$}$ | \rightarrow | $\underline{S1}$ | The slashed subject or the oppressed, alienated subject, |
| a | | $S2$ | attempts to convey his/her desire, lack, and suffering to the other who only responds through master signifiers. These signifiers produce a reconstituted version of the slashed subject's desire, transforming the divided subject's desire into acceptable (though circumscribed) knowledge. |

The discourse of the *analyst* is as follows:

| | | | |
|------|---------------|------------------|--|
| a | \rightarrow | $\underline{\$}$ | The analyst (read as a reformist or healer) conveys information to the alienated subject (the hysteric as other). The hysteric as divided is exposed to new data about his/her being and, consequently, produces new, alternative, and |
| $S2$ | | $S1$ | |

replacement anchorings of signifieds to signifiers. This is because the slashed subject realizes his/her despair and longing for change, reform, revolution.

Lacan's work has been influential with a number of second wave theorists. In law we note: Judith Butler (gender construction, 1990, 1993, 1997a; injurious speech, 1997b); Dracilla Cornell (critical feminist analysis, family law, sexual freedom, 1991, 1993, 1998a); David Caudill (subjectivity in law, 1997); Peter Goodrich (legal speech production, 1990); Pierre Legendre (development of doctrines of the sacraments in the twelfth and thirteenth centuries, 1996); Renata Salecl (fantasy, repression, and justice, 1994); Philip Shon (on police-citizen interactions, 2000); Helen Stacy (aboriginal women's denial of voice in law, 1996); Bruce Arrigo (the insanity defense, 1997a; the guilty but mentally ill verdict, 1996a; desire in the psychiatric courtroom, 1996b); Louise Halper (use of metaphor and metonymy in law, 1995); Marty Slaughter (fantasy and the single mother in family law, 1995); Jeanne Schroeder (property contract and subjectivity, 1995 and on legal advocacy and the hysterical attorney, 2000); Milovanovic (integration of Lacan and chaos theory, 1992, 1996a); Veronique Voruz (psychosis and legal responsibility, 2000); and Christopher Williams and Bruce Arrigo (on forensic mental health intervention, 2000). In criminology we see: Allison Young (detective fiction, 1996); Renata Salecl (crime as a mode of subjectivization, 1994); and Bruce Arrigo (criminal and civil confinement, 1996c, 1997b). In social justice we find: Mark Bracher (culture and social change, 1993); Arrigo (liberating pedagogy in the classroom, 1995a, 1998; ethics in crime and justice; 1995b); Bruce Arrigo and Robert Schehr (victim offender mediation and restorative justice for juveniles, 1998); Butler (undermining traditional repetitive discursive production, 1993); Cornell (reimagining of our world through myth, 1993; protecting the imaginary domain, 1998b); Ernesto Laclau and Chantal Mouffe (development of alternative discursive forms, 1985; see also Laclau, societal dislocations and the possibility of new, liberating articulations, 1996a, 1996b); and Milovanovic (critical legal practices informed by a Paulo Freire, Jacque Lacan, and chaos integration, 1996a).

Roland Barthes

The contributions of Roland Barthes (1915–1980) were exhaustively developed in his postmodern literary critiques of reading texts.⁴ Barthes (1974, 35–41) recognized that all texts were constituted by a “galaxy of signifiers” that when minimally and provisionally decoded would “explode and scatter.” Elsewhere, this approach to interpreting meaning led him to speak of

enjoyment and pleasure (*jouissance*) as the object of textual analysis (Barthes 1973b). Indeed, “the subject gains access to bliss by the cohabitation of languages [different modes of discourse] working side by side” (Barthes 1973b, 4). In addition, Barthes (1988) maintained that the truth of a text was never an arrival in sense making but was always a departure from it. And finally, the activity of ascertaining the message of a text included “forgetting meaning” [as an integral dimension] to reading” (Barthes 1988, 264).

These later works and observations by Barthes emphasized the creative role of the reader (Berman 1988, 147; see also Velan 1972, 328, on Barthes and the mix of structure, language, and desire in literary interpretation). For Barthes, the person interpreting textual meaning was so profoundly significant to the process, that he was led to conclude that the reader could “make anything signify” (as cited in Culler 1975, 138). As Berman (1988, 148) puts it, “the reader naturalizes, seeks and, sure enough, finds meaning” (also see, Culler 1981, 1982, for more on semiotics, deconstruction, and literature).

A key development in Barthes’ literary criticism was the distinction between the “readerly” versus “writerly” text. The readerly approach reproduces the classic text’s ideals. The organizing principles of this reading (and viewing) are primarily noncontradiction, coherency, and consistency. The reader/viewer is encouraged to accept “as truth” the words themselves. Thus, there is nothing behind or underneath the words. What the text means is direct, without question, on the surface. Missing from the readerly approach is the sphere of the text’s production; that is, its connection to the political economy and to cultural inequalities that remain concealed. The reader/viewer experiences fulfillment. The text promises a coherent narrative and the reader/viewer interprets the text accordingly. Thus, in this reading, subjects reconstitute and revalidate the dominant understandings of reality embedded in the text. The readerly approach emphasizes the manifest content of the narrative. Missing from this rendition, however, is the deep structure of the text that often represents a more cloaked reality affirming certain power relationships and a certain understanding of the person in the social order.

Conversely, the writerly approach is a subversive and insurgent method of reading a text. It emphasizes a multitude of interpretations that validate an array of truths and knowledges. Unlike the readerly approach that tends toward closure or the text’s finiteness, the writerly approach resists structure and a definable, singular product. In the writerly method the process is central. The underlying structures of signification, of meaning, are unearthed. The text is understood to contain an explosion and scattering of meaning. Rather than privileging one interpretation, one voice, through the text, the reader/viewer is encouraged to discover the multiple and repressed voices

embedded in the words. Familiarity and coherence, cornerstones of the readerly approach, are resisted and supplanted with displacement and ambivalence. This is an active deconstruction (i.e., de-centering and destabilizing) of sedimented and privileged interpretations. It is also an active reconstruction of alternative truths and replacement ways of knowing.

The distinction between the writerly and readerly approach is perhaps best exemplified in works such as *Elements of Semiology* (1968b) and *S/Z* (1974). The former project synthesized Barthes' views on semiotics as the science of signs, utilizing Saussure's (1966) interpretation of language and his assessment of myth and ritual. The latter text was a compelling application of structural linguistics to Honoré Balzac's short story, "Sarrasine." By methodically reviewing this story according to phases, Barthes examined the phenomenon of reading, its relation to the reader, and the way the reader contributes to or otherwise participates in the language of the text. Investigations of this sort led Barthes to conclude that the unity of a text was not situated in its origin but in its destination. Indeed, ". . . the birth of the reader must be at the cost of the death of the Author. . . ."

Direct applications of Barthes' ideas in law, criminology, and social justice have been somewhat modest. This notwithstanding, his insights have been suggestive for several second wave theorists. Thus, in law we note: Susan Tiefenbrun (exploring approaches to legal semiotics, 1986); and Arrigo (on narratives in mental health law, 1993). In criminology we see: Stuart Henry and Dragan Milovanovic (establishing a constitutive criminological praxis, 1996); and Arrigo (integrating postmodern theory, 1995c). In social justice we find: Gilles Deleuze and Felix Guattari (describing the operation of "minor" literatures and rhizomatics as dimensions of social change, 1986); and Dawn Currie, Brian MacLean, and Dragan Milovanovic (redefining the administration of critical social justice, 1992; see also Milovanovic 1995).

Gilles Deleuze and Felix Guattari

Although Deleuze (1925–1995) and Guattari (1930–1992)⁵ did not themselves position their work in the realm of the postmodern, their ideas represent a wholesale critique of the emblems of modernist thought.⁶ Similar to Karl Marx, Deleuze and Guattari identified the ultimate state of human oppression as a product of capitalism. Their prime objective was to free the realization of human desire from the artificial and subjugating constraints imposed upon it by capitalist social relations and normalizing techniques of domination. Deleuze and Guattari distinguished themselves from other social commentators (e.g., Hegel, Freud, and Lacan) who viewed the desiring subject as "lacking" wholeness or completeness. They articulated a theory of

desire as “technology” that was a productive force (Best and Kellner 1991, 86–87). It is the unpredictable, ambulant, chaotic, and unstable aspect of desire that stimulates cultural change and creativity.

Deleuze and Guattari’s vision of the subject is one of a “desiring machine.” It is a body composed of various energies in movement, in various speeds and intensities where tentative linkages are established, but always in a process of reconfiguration. In this regard, they follow much of what has been said by Spinoza and Nietzsche. Indeed, in this construction, desire is seen as ever active, affirming, bringing things together, producing “reality.” It assembles and breaks things down; it knows only proliferation and actualization. It is not essentially connected to “lack.” Desire takes on organization at two levels: the “molecular” level is where it is in maximal deterritorializing form. Here, only multiplicities are produced; it knows only flows, intensities, various speeds, and singularities. It is nomadic, unpredictable, meandering, spontaneous, and creative. The “molar” level is where more permanent configurations of energy are crystallized. It is the plane where unity, stability, stasis, and divisions prevail. It knows the laws of homeostasis, repetition, functionality, hierarchy, stratification, unification, fixity. It is the basis of categorizations such as class, gender, race, and so forth.

Borrowing from Antonin Artaud, and stimulated by Spinoza, the body, in its most free state, can be seen as a Body without Organs (BwO). “The full body without organs,” they tell us, “is a body populated by multiplicities” (Deleuze and Guattari 1987, 30). It is a body of continuous becomings. It knows only continuous variation, intensities, proliferations, momentary understanding (as in epiphanies), assemblages, and disassemblages.

The “empty” BwO, on the other hand, is one where stasis and repetition have been established; where flows and intensities have been subjected to the dictates of molar forces. They identify the drug addict, paranoid, masochist, and hypochondriac as examples. The empty BwO has been emptied of molecular flow. In the process, it has disconnected itself from other BwO. However, the “full” BwO, is completely connected to the affirmative energies of desire: it is nomadic, proliferating, spontaneous, flowing. It is characterized as a “becoming-something.”⁷ There are infinite becomings: becoming-child, becoming-poet, becoming-comedian, becoming-woman, becoming-other. There are also other forms of becoming: becoming-dog, becoming-horse, when a person becomes one with the animal world. Becoming-dog, for example, means developing a profound understanding of dog!

The highest state that can be attained is a “becoming-imperceptible” (Deleuze and Guattari 1987, 279). Here, all identities are traversed, both molar and molecular. It is the realm of “the immanent end of becoming”

(1987, 279). As Elizabeth Grosz (1994, 178) explains, it is “the most microscopic and fragmenting of becomings . . . the freeing of infinitely microscopic lines, a process whose end is achieved only with complete dissolution, the production of the incredible ever-shrinking ‘man.’” Moreover, “indiscernibility, imperceptibility, and impersonality remain the end point of becoming, their immanent orientation or internal impetus, the freeing of absolutely minuscule micro-intensities to the nth degree” (1987, 179).

Deleuze and Guattari (1983) promoted a new form of political activism referred to as “schizoanalysis.”⁸ In order to establish smooth functioning social relations in the capitalist political economy, efforts are made to “territorialize” and “code” all behaviors as appropriate for or inconsistent with meritocracy and the preservation of commodity production. The purpose of the schizo is to “deterritorialize” behavioral expectations, “destroying beliefs . . . , representations, [and established] theatrical scenes” (Deleuze and Guattari 1983, 314). Once the schizo initiates deterritorialization, s/he becomes a “body-without-organs.” This is a state of being that is fluid, fractured, and unbounded by the discursive constraints imposed by dominant cultural expectations. This ambulant and deterritorialized movement promotes the reconstitution of subject-positions in relatively new and previously unmanifested ways. While the emphasis is on the perpetual reconstruction of the individual based on the appropriation of political, economic, and cultural space, Deleuze and Guattari recognized that there were limits to this kind of activity. When schizoanalysis is effective in realizing deterritorialization, individuals experience a “break-through.” However, when subjects encounter accidents and relapses that hinder breakthrough, they experience “breakdown” (Deleuze and Guattari 1983, 278). The latter condition is not in a position to reclaim desire for the body-without-organs. Thus, schizoanalysis is a strategy by which we de-oedipalize; that is, we release ourselves from the imposition of a capitalist oriented form of internal economy of desire, and return to the molecular level of continuous variation and multiplicities.

What Deleuze and Guattari intimated was the need for a certain, methodical, and vigilant deterritorialization process. Radical transformations of culture and self may lead to breakdown. Consequently, as a matter of political praxis, Deleuze and Guattari championed social movements that combined micro and macro levels of analysis and action. For example, they believed that the core of fascism resided, not only in the manifestations of state inflicted oppression and violence, but also at the level of the unconscious. Thus, in order for any real political, economic, or cultural change to occur, subjects were encouraged to perpetually revisit their own oppressive and alienating tendencies, their molar organizations. According to Deleuze and

Guattari, social movement organizations need to remain reflexive, constantly challenging instances of marginalization and hierarchical developments within their ranks, a sign of molar forces in dominance.

Deleuze and Guattari (1986) applied their schizoanalytic method to the literary work of Kafka and developed the concept of “minor literatures.” They demonstrated how disruptions and departures from conventional interpretations of the written (or spoken) word produced opportunities for deterritorialization; that is, alterative and new forms of reading texts. Again, consistent with their critique of capitalism, minor literatures create an effusive and mobile space for alterity, multiplicity, and fluidity.

Deleuze and Guattari (1987) also argued for a rhizomatic politics of desire. Rhizomatics represent the dislodging of “root” or essentialist philosophical and political systems. Rather than moving on striated space, with carefully defined rules for engagement, Deleuze and Guattari envisioned a politics where space was smooth (i.e., plateaus) and movement was fractured and unpredictable. One of the most relevant aspects of their work on the rhizome was their contention that it simultaneously encourages segmentation *and* lines of escape. What this suggests, consistent with the science of chaos theory, is the presence of orderly and disorderly movement accounting for the behavior of complex systems.

A politics inspired by rhizomes anticipates the perpetual, though not necessarily overt, nature of “nomadic” struggle. Rhizomatic movements are like “weeds,” impossible to completely eliminate. Deleuze and Guattari (1987, 15) suggested that, “to be rhizomorphous is to produce stems and filaments that seem to be roots. . . . We’re tired of trees. We should stop believing in trees, roots, and radicals. They’ve made us suffer too much.” Deleuze and Guattari maintained that American culture benefited most from subterranean, rhizomatic, and nomadic activities that stimulated the realization of desire. In contemporary culture, we note that alternative and underground music, art, film, poetry, other literary genres, stand as ongoing examples of these theoretical observations.

The final book by Deleuze and Guattari, *What is Philosophy?* (1994, orig. 1991), extends their revolutionary work to scholarly genres, in particular, the difference among philosophy, science, and the arts. Philosophy, they tell us, is not purely logic, but is connected with the pursuit of becoming-imperceptible. They see science, art, and philosophy as the three “chaoids”—forms of thought—about chaos. Chaos is defined “not so much as disorder as [it is] by the infinite speed with which every form taking shape in it vanishes” (1994, 118). As Deleuze and Guattari (1987) explain, it is not a void but a “virtual,” “containing all possible particles and drawing out all possible forms, which spring up only to disappear immediately, without consistency or reference,

without consequence" (1987). "Science," they tell us, is much like a "freeze-frame" which imposes structure on this virtual. Philosophy attempts to provide some consistency to this space, but ever recognizing the inability to frame it in any long-term symbolic representations. And, the artist attempts to produce affects reflecting this virtual. All three are engaged in creating new conceptions and perceptions about the virtual.

For the philosopher, thinking involves confronting the world and her/himself and de-stratifying and reconstructing the world and oneself. It is thought rooted in the molecular, not molar. It is similar to their notion of schizoanalysis, in that the person returns to the premolar flows, intensities, singularities, speeds, and becomings. Through this practice, new molecular possibilities are released. The immanent principle is consistency. Concepts are related to various intensities existing in the virtual. They are inseparably related to other concepts, are not based on individual attributions, find themselves in various overlapping zones of intensities, and are constituted by rules of consistency related to ever becoming. A philosopher's task is to create concepts: "they must be invented, fabricated, or rather created and would be nothing without their creator's signature" (Deleuze and Guattari 1994, 5). Concepts are always in the state of becoming. Borrowing from chaos theory, they are "always fractal" (1994, 36–40), not whole dimensional as in modernist thought rooted in Cartesian geometry.

Thus, for Deleuze and Guattari, the critical philosopher is constantly engaged in deconstruction and reconstruction of concepts, which are themselves in constant movement. One can provide only temporary discursive representations of these concepts. To do more is to place them within the constraints of molar processes.

The insights of Deleuze and Guattari have recently been applied to selected areas in law, crime, and social justice. The field of law includes: Ronnie Lippens (nomadic subjective states and radical democracy, 1998a; legal thought and hybrid hopes for rhizologists, 1998b; postcolonial and feminist legal theory, 1999). In criminology we note: Lippens (critical criminology and utopia, 1995; rhizomatics and the establishment of a border-crossing criminology, 1998c; see also Giroux, 1992). In social justice we find: R. Young (hybridity in theory, race and culture, 1995); Christopher Williams (the Self and Other in mental illness, 1998); Milovanovic (understanding edgework experiences and their seductions, 2002: chapter 10).

Michel Foucault

It is difficult to locate with precision the place of Michel Foucault (1926–1984) in the pantheon of postmodernism.⁹ Without question, Foucault's insights have substantially informed notable debates in the

disciplines of history, sociology, political theory, feminism, linguistics, cultural studies, and psychoanalysis (e.g., Couzens 1992). Among Foucault's most significant contributions was his relentless effort to understand and document the historically variable but, nonetheless, normalizing techniques of power, social control, and domination, characteristic of European and North American culture.

The breadth of Foucault's intellectual life was distinguished by three relevant periods pertinent to this theme: (1) the archeological, (2) the genealogical, and, as an aspect of his genealogical analyses, (3) techniques for constituting the self (Dreyfus and Rabinow 1982; Best and Kellner 1991, 1997).

Foucault (1973) claimed that contemporary and inventive mechanisms of disciplinary control originated in discourse. Discursive techniques of power activated by language, displaced the rational, reasonable, self-same subject of modernity. "Power [expressed through words] produces; it produces reality; it produces domains of objects and rituals of truth" (Foucault 1977, 194). Foucault's archeology of knowledge manifested itself in hermeneutic interpretations of individual experiences. Directing attention to micrological manifestations of power and social control meant confronting modernity's totalizing essentialisms. According to Foucault, no "grand theory" of human nature could explain "particularisms" that flourished at the level of the individual, the group, or the community. Consistent with his analysis of biopower is Foucault's articulation of *dispositif* (1980a, 134–145). *Dispositif* refers to normalizing projects characteristic of a concrete social apparatus. Specifically, a *dispositif* refers to a "thoroughly heterogeneous ensemble" of discursive and material elements—for example, discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions, and the system of relations established between these elements" (1980a, 194). Together with Foucault's concept, "normalization," *dispositif* can be applied to studies of positive power (Brigg 2002).

Foucault acknowledged the contributions of Marx and Freud; however, he found himself more closely aligned with German philosophers, such as Frederick Nietzsche and Martin Heidegger. In opposition to a belief in a certain, but repressed, human essence, Foucault articulated an antifoundational theory of agency constituted by and through discourse. As he explained: "man is cut off from the origin that would make him contemporaneous with his own existence: amid all the things that are born in time and no doubt die in time, he, cut off from all origin, is already there." (cited in Dreyfuss and Rabinow 1982, 38). Elsewhere, for Foucault (1972), this move toward anti-

essentialism and away from grand theory was described as the play of unpredictability, fissures, ruptures, and multiplicity. In these observations, Foucault (1973) advocated an analysis of discontinuity that focused more on ambulant patterns of behavior. In other words, he maintained that the seeds for change were located in the current epoch as reconceptualizations of preexisting discursive stock.

Foucault initiated his genealogical attempt to provide specific institutional support for the historical transformation of modes of domination and control, conveyed through discourse, with the publication of *Discipline and Punish* (1977) and *The History of Sexuality* (1980b). Institutions like the prison, the school, the hospital, the workplace, and the military, were noteworthy for their complicity in encouraging the production of docile bodies through inventive mechanisms of control. Established through technologically evolving facets of everyday life, the functioning of these structures demonstrated how power productively inserted itself into discourse. Indeed, the “power/knowledge” techniques used to probe the inner secrets of subjects’ lives proved an invaluable source of information for institutions seeking to enhance the predictability and regulation of behavior. Clearly, as Foucault described, advances in the social and natural sciences were critical to the task of acquiring these data. He argued that the metamorphosis of disciplinary techniques was driven by the desire for better punishment and/or disciplinary control.

In Foucault’s (1986a, 1988) later works, he shifted his analysis toward the constitution of the self. Foucault sought an articulation of the person, particularly as a political entity, that celebrated the expression of desire. Moreover, since power was expressed through the effusive “carceral archipelago,” Foucault called for the cultivation of multiple sites of political contestation. According to Foucault, given the diffusion of power, a single, monolithic political strategy was doomed to fail. Thus, as Foucault argued, “a plurality of autonomous struggles [was needed] waged throughout the microlevels of society: in the prisons, asylums, hospitals, and schools” (Best and Kellner 1991, 56).

In scholarly lectures, interviews, and published articles, Foucault spent the last five years of his life exploring three important concepts—problematization, curiosity, and pleasure. Foucault begins with an understanding of freedom as the ontological condition of ethics (as cited in Rabinow 1997, 284). Freedom provides the necessary environment conducive to the realization of these three concepts. Foucault’s notion of problematization can be traced to his admiration for quality journalism. In fact, many of Foucault’s most lucid conceptual innovations were either first delineated in journalistic

format or were subsequently elaborated there. Foucault was impressed with the ability of journalists to provide thoughtful and insightful analyses of pressing events while remaining relatively objective in order to avoid imposing a vantage point. It was Foucault's belief that "in order to establish the right relationship to the present—to things, to others, to oneself—one must stay close to events, experience them, be willing to be effected and affected by them" (Rabinow 1997, 18). Foucault argued that true self-knowledge was acquired through both experience and engagement. Problematization, then, consists of the practice of coming to know who human beings are through experience and engagement with political, economic and cultural institutions, practices, and actors.

Often overlooked in Foucault's work is the emphasis he placed on curiosity. This is an important idea because Foucault is typically viewed by his critiques as an apolitical and disengaged intellectual. In a 1980 interview published in the French daily, *Le Monde*, Foucault appears anonymously as the "Masked Philosopher." When asked by *Le Monde* interviewer, Christian Delacampagne, whether our historical epoch lacked the great minds needed to help explain and offer solutions to global problems, Foucault responded by suggesting there is a great curiosity among people to know about the machinations of the world around them. In opposition to science and the church—which have in their unique ways denigrated the act of curiosity—Foucault places this concept at the center of his effort to explain the "knowing self." Curiosity signifies care. Specifically,

It evokes the care one takes of what exists and what might exist; a sharpened sense of reality, but one that is never immobilized before it; a readiness to find what surrounds us strange and odd; a certain determination to throw off familiar ways of thought and to look at the same things in a different way; a passion for seizing what is happening now and what is disappearing; a lack of respect for traditional hierarchies of what is important and fundamental. (Foucault 1980a, cited in Rabinow 1997, 325)

In this same interview, Foucault's emphasis on curiosity creates the foundation for promoting destabilizing knowledges produced through multiple media sites. As he states, "I dream of a new age of curiosity. We have the technical means; the desire is there; there [are] an infinity of things to know. So what is the problem? Channels of communication that are too narrow . . ." (1997, 326). Finally, and related to problematization and curiosity, Foucault articulates the primacy of pleasure as a route to self-knowledge. His articulation of pleasure appears in the concept *homosexual asceticism*. Asceticism refers to the practice of transforming the self through a state of perpetual reflexivity.

Foucault wrote with a specific attention to gays who, he believed, should strive to attain greater pleasure as a way to self-knowledge. According to Paul Rabinow (1997), Foucault appears to be distinguishing pleasure from desire where the former refers to the body and the latter to the person. This is an important distinction for Foucault who is attempting to articulate acknowledgement of a moment (pleasure) that will instigate greater introspection thus producing greater self-awareness. Foucault believed that pleasurable experiences provided actors with increasing opportunities to reflect, experiment, and reformulate (Rabinow 1997, 37).

The application of Foucault's work in law, criminology, and social justice has been considerable. Thus, the field of law includes: Carol Smart (feminism and the discursive power of legal thought, 1989); Douglas Litowitz (describing the inadequacy of the law to protect individual rights, 1997); M. Thornton (creating a feminist jurisprudence, 1986); and Alan Hunt and Gary Wickham (exploring the sociology of law as governance, 1995). In criminology we note: Vicki Bell (describing the desexualization of rape, 1991; and interrogating police practice, 1993); David Garland (examining subjugation and punishment in modern society, 1990); Winifred Woodhull (exploring power, sexuality, and rape, 1988); and Adrian Howe (detailing a feminist, non-androcentric assessment of penalty, 1994). In social justice we find: Iris Young (interpreting the tension between individualism and community, 1990); T. Wandel (Foucault and critical theory, 2001); D. Dupont and F. Pearce (on Foucault's articulation of power, security, population, and governmentality, 2001); M. Brigg (on Third World colonization and Foucault's "*dispositif*", 2002); A. C. Besley (narrative therapy, 2002); Sara Cobb (explaining how the discourse of violence in mediation is domesticated, 1997); Stanley Cohen (commenting on the phenomenon of "net widening" producing a disciplinary society in which subjects regulate themselves, 1979); and George Pavlich (critiquing community mediation and self-identity, 1996).

Jean-François Lyotard

Jean-François Lyotard (1924–1998)¹⁰ was engaged in a political practice that sought to uncouple modernist notions of the just and the true.¹¹ Like Jacques Derrida, Lyotard acknowledged the embeddedness of the postmodern in the modern.¹² Influenced by Kantian exposition of the sublime, and Nietzschean emphases on the "will to power," Lyotard viewed modernist versions of ethics and epistemology (based on reason) as foundations for justice and truth as a totalizing logic (Drolet 1994).

For Lyotard, modernity's tendency to marginalize through the presence of a meta-narrative, a comprehensive articulation of justice and truth, should be confronted with a postmodern emphasis on *pagan justice* (Drolet 1994;

McGraw 1992). Pagan justice privileges the *Différend*, or phrases in a dispute (Lyotard 1984). To promote justice, interlocutors must remain open to “continual renewal” (Britt 1998). Like Derrida, Lyotard viewed negotiating the poles between totalitarian meta-narratives and pluralistic heterogeneity to be the postmodern project leading to justice.¹³

Lyotard’s primary emphasis was to avoid declarations of utopian ideals, or arguing from historically generated positions. Rather, a truly revolutionary politics would encourage destabilization of meta-narratives by emphasizing attention to “*signs*” of history. Following Immanuel Kant, signs signify phenomenal levels of experience not easily rendered through cognitive historical accounts. Specifically, Lyotard advocated a “politics of feeling” akin to an ethics of care. By placing “feelings” at the locus of his theory of postmodern politics, Lyotard sought to insert aesthetic immediacy, receptiveness of changing conditions, suspension of judgment, and, ultimately, an openness to the Other as those qualities most likely to promote justness. By privileging the heterogeneous and multiple universes of activities and beliefs (McGraw 1992), Lyotard articulated a vision of greater equity and participation in those decisions directly affecting conditions promoting justice. There is no “once and for all” in Lyotard’s taxonomy; every circumstance must be responded to based on subjective feelings. Remaining open to multiple renderings of political, economic, and cultural events promotes “judicial plurality,” thus leading to greater experimentation and creativity (1992, 267).

Lyotard (1984), then, is best known for his exposure of instability rather than consensus as underlying modernist thought. His “paralogy” considers quantum mechanics, chaos theory, catastrophe theory, Gödel’s theorem, and the celebration of the small narrative (*petit récit*) over the grand narrative (*les grande récits*). His expressed emphasis and rallying cry was: “wage war on totality.” Quantum mechanics questions linear, predictable, continuous pathways. Contrary to Einstein, it informs us that “God does play dice” (Stewart, 1989). Chaos theory offers the idea of fractal geometry, fractal spaces, attractors, bifurcations, and dissipative structures. Catastrophe theory provides the notion that discontinuities can exist in otherwise deterministic and continuous systems. Gödel’s theorem represents the idea of “undecidability:” all cannot be subsumed under any generalized system of rules; exceptions shall *always* exist. *Petit* narratives cannot be subsumed under some consensus, nor is it desirable to do so. Thus, in Jürgen Habermas’s (1984, 1987) communication theory, the goal of dialogue (i.e., consensus for Lyotard) is not a desirable end for developing notions of justice. The linkage between consensus and justice is broken. Language games necessitate sensitivity to various truths. Consensus is only a

momentary state in dialogue and cannot be an end in itself. It is paralogy that underlies the search for genuine dialogue.

Much of Lyotard's work has had an indirect influence in law, crime, and social justice; however, postmodern theory has benefited considerably from his ideas of paralogy. Thus, in law and chaos we note: Dennis Brion (legal reasoning, 1991); Taylor (critical hermeneutics in legal analysis, 2000); T. Britt (narrative and law, 1998); William Conklin (legal discourse and how suffering is concealed through its specialized vocabulary and grammar, 1998); Caren Schulman (critical legal studies, 1997); and Bruce Arrigo and Christopher Williams (civilly confining the mentally ill, 1999c). In criminology and chaos we find: T. R. Young (describing various attractor basins that arise from the political economy, 1997); Allison Forker (revising Quinney [1977] indicating the usefulness of nonlinear dynamics, 1997); George Pavlich (using Lyotard's idea of paralogy to sensitize critical criminology's need for expanding boundaries, 1999); and Stuart Henry and Dragan Milovanovic (developing constitutive criminology, 1996). In justice studies and chaos theory we note: T. R. Young (outlining how justice may arise from nonlinear dynamics, 1992, 1999); R. Schehr (devising an alternative model of social movement theory, 1997); Robert Schehr and Dragan Milovanovic (critiquing mediation programs, 1999); McGraw (feminism and justice, 1992); M. Drolet (postmodern politics, 1994); and Christopher Williams and Bruce Arrigo (integrating anarchist thought and chaology as an alternative approach to social problems research, 2001). Relatedly, in the domain of catastrophe theory, Lyotard's postmodern epistemology, although minimally employed in the crime, law, and justice literature, has been useful. Thus, for example, in peace studies and catastrophe we note Milovanovic (developing a "third way" in deescalating conflict situations, 1999, 2002).