ISTANBUL BILGI UNIVERSITY

INSTITUTE OF GRADUATE PROGRAMS

PHILOSOPHY AND SOCIAL THOUGHT MASTER'S DEGREE PROGRAM

Sexual Morality and Power Relations in Contemporary Academy

Murat Cem Öztüfekçi

111679010

Assoc. Prof. Ferda KESKİN

İSTANBUL

2019

SEXUAL MORALITY AND POWER RELATIONS IN CONTEMPORARY ACADEMY

AKADEMİDE CİNSEL AHLAK VE İKTİDAR İLİŞKİLERİ

MURAT CEM ÖZTÜFEKÇİ

111679010

Thesis Advisor:	Assoc. Prof. Ferda Keskin Istanbul Bilgi University
Jury Member:	Assist. Prof. Zeynep Talay Turner Istanbul Bilgi University
Jury Member:	Assist. Prof. Ömer Albayrak Istanbul 29 Mayıs University

Date of Thesis Approval: 19.06.2019

Total Page Amount:

Key Words	Anahtar Kelimeler
1) Foucault	1) Foucault
2) Ethics	2) Etik
3) Power	3) İktidar
4) Sexuality	4) Cinsellik
5) Subjectivity	5) Öznellik

FOREWORD

How is it possible that I managed to write about Foucault, sexuality and consent in power relations despite not knowing a word of the French language? Besides, I don't have the habit of reading in any language other than my mother tongue which is Turkish. It is thanks to my professor and advisor, Ferda Keskin, who taught me about the Foucault language and a critical approach to thinking by starting with the explanation of why there is the notion of "Social Thought" in the name of our department next to "Philosophy." Additionally, he either translated or edited almost all the good Foucault translations in Turkish thanks to his vast knowledge of philosophy, and both the French and English languages. I have read all the texts in my bibliography both in Turkish and English to grasp their content fully. Unfortunately, I am obliged by the council of Higher Education in Turkey to think and write my thesis in a second language, not in my mother tongue. That's why this thesis had to be written in Turklish – the Turkish way of expressing the English language.

I am truly grateful to all my professors at Istanbul Bilgi University's MA program in Philosophy and Social Thought. Kaan Atalay took me into the depths of doxa in Plato's philosophy. Ömer Albayrak introduced me to German philosophy in a very playful language. And Selen Ansen guided me to continuously contemplate on forms of thinking as well as forms of doing true art, true philosophy, and true film.
I am grateful to my companion, Andrijana Stojkovic, who motivated and convinced me to write this thesis. I realized once again, as Rumi says, when one hits the road, road appears. I am also grateful for my family, friends and other crucial companions who supported me in both material and spiritual manners during this endeavor. Lastly, many thanks to Tracy Anglada for rigorous editing of this text in such a short time.

Novel writer and philosopher, Iris Murdoch, says that the nature of art and philosophy is different. Art goes after the vague and questions; philosophy is there to detect and confirm. I believe Foucault shows us that the two lines of pursuit are possible both in art and philosophy. It is always a game with an unknown ending, that's why it's worth playing and we enjoy it best when we are well prepared with a critical mind and the right toolkit.

CONTENTS

Abstract……...IV

Introduction…….....1

PART I

FOUCAULT, ETHICS AND POWER

1.1. Archeology of Silence: Foucault's method of writing the absence of history in Preface to History Of Madness……..5

1.2. Imposed Subjectivities and Re-Constituting the Self: Subject and Power ……10

1.3. Ethics: Permanent Games of Truth with the Self ……..18

PART 2

SEXUAL MORALITY AND ACADEMY

2.1. Genealogy of Sexual Truth & Re-Constitution of Morality ……..31

2.2. On Sexual Morality, Decency, Child Sexuality, Harassment and Law …40

2.3. Morality of Contemporary Academics ……54

Conclusion……...62

Bibliography……...67

Appendix……69

ABSTRACT

While writing this thesis, my goal was to delve into Foucault's body of work and to critique and analyze the constitution of sexual morality and power relations in society by using the notions of sexuality, consent, and power vs domination. To achieve this, I start with ''Preface to the History of Madness'' that Foucault wrote in 1960. In this preface, Foucault clearly explains his practical method, be it philosophy or the history of thought systems. This was essential since I tried to use his historical practice and borrow his toolkit to analyze and sum up both his thoughts and the notions he used. I also used these methods to define power relations, or games of truth, in order to explain the relations in academy - one of the micro cosmos of society and social life, but especially a place regarded as the institution of thought. Foucault's explanation on how knowledge and truth is formed and how power is practiced will bring me to his approach of ethics as a practice of freedom. I will compare the philosophical approach in ''Sexual Morality and Law'' *(*a debate between M. Foucault, Jean Denet, and Guy Hocquenghem in 1978 debating the idea of abolishing age of consent laws in France*)* vs. the defense letter of academics in 2018 for the female professor, Avital Ronell, in the case of sexual harassment towards her male student. Questions I aim to raise are: Which historical truths, social roles, relations, and strategies still circulate in both society and academy in the form of morality and how were these truths formed historically? Do power behaviors necessarily change based on the gender or intellectual level or is sexuality just another form of truth? What could be the forms of resistance to overcome domination without forming another domination based on newly constituted truths?

Keywords: Foucault, ethics, subjectivity, power, domination, sexuality, consent, academy

ÖZET

Bu tezi yazarken Foucault'nun külliyatına dalıp cinsellik, rıza, iktidar, tahakküm gibi kavramları kullanarak toplumdaki cinsel ahlak ve iktidar ilişkilerinin nasıl kurulduğunu analiz etmeye ve incelemeye çalıştım. Ve Foucault'nun 1960'ta kaleme aldığı ''Deliliğin Tarihine Önsöz'' metnini başlangıç noktası olarak belirledim. Bu önsözde Foucault, pratiğinin -adına ne dersek deyelim- felsefe yapma ya da düşünce sistemleri tarihini yazma yöntemini belirgin bir şekilde ortaya koyuyor. Bu yöntemi açıklamam gerekliydi çünkü toplum ve bir mikro toplum ya da mikro toplumsal ilişkiler alanı olarak ve daha da önemlisi düşüncenin üretildiği bir kurum olarak akademideki iktidar ilişkilerini ve hakikat oyunlarını tanımlarken Foucault'nun kullandığı düşünce sistemini ve kavramları açıklayabilmek ve inceleyebilmek için onun tarihsel pratiğini ve alet çantasını ödünç aldım. Foucault'nun bilginin ve hakikatin nasıl kurulduğunu ortaya serme biçimi ve iktidarın nasıl uygulandığını açıklama biçimi kaçınılmaz olarak beni, onun etiği bir özgürlük pratiği olarak ele aldığı yaklaşımına getirdi. Ve iki farklı metni, cinsel ahlaka farklı felsefi ve etik yaklaşımlarından dolayı incelemeye karar verdim. Bu metinlerden biri Michel Foucault, Jean Danet ve Guy Hocquenghem'in 1978'de Fransa'da cinsel ilişkilere yasal yaş sınırı koymaya çalışan yasaya karşı imzaladıkları metni açımladıkları radyo programının deşifre hali ''Cinsel Ahlak ve Yasa'', bir diğeriyse 2018'de dünyanın birçok akademisyeninin New York Üniversitesi'ndeki kadın profesör Avital Ronell'in erkek öğrencisine karşı cinsel tacizden sorgulandığı soruşturmada onu savunmak üzere üniversiteye gönderdikleri mektup. Sorgulamak istediğim sorular şunlar: Hangi tarihsel hakikatler, toplumsal roller, ilişkiler ve stratejiler hala akademide kabul görüyor ve bu hakikatler tarih içinde nasıl kuruldu? İktidar ilişkileri toplumsal cinsiyete ya da entelektüel seviyeye göre farklılık gösterir mi yoksa cinsellik hakikatin yeni bir biçimi mi? Tahakküme karşı direniş biçimleri neler olabilir ve yeni kurulan hakikatlere dayanan bir direniş biçimini, başka bir tahakküme dönüşmeden örgütleyebilmek olası mıdır?

Anahtar kelimeler: Foucault, etik, öznellik, iktidar, tahakküm, cinsellik, rıza, akademi

INTRODUCTION

What are the philosophical tools to analyze a power abuse issue? In this thesis, I inquire into the relationship between ethics and morality in the scope of sexuality and power. The historical landscape I delve into with the guidance of Michel Foucault's *History of Sexuality* dates to the relations between philosophers and their young male apprentices in Academia in Ancient Greece. After drawing out a history of similar events, power structures and strategies, even if we are able to construct a bigger picture of these social relations taking place between two subjects/individuals, these main questions still remain: What would be the way to change the academy/society and individual/subject/professor/student? What can we learn from the rupture points in history that brought us to where we are now? What could be the forms of resistance to fight the *chief enemy* in order to change the power relations without turning this power into excessive or abusive domination?

We might say that Foucault devoted all his work to analyzing how humans become subjects in history through objectification by power relations. And he made a big change in the form of thinking by analyzing the human sciences, the established institutions of society and the so called free individual. He came up with a different definition of power relations. According to Foucault, to have power relations, there needs to be two active sides and the one whom power is exercised on should have freedom. But when the power exerciser dominates or blocks the field of action for the exercised one, we can no longer talk about power, this is excessive domination since freedom is blocked. Therefore, whenever there is power, there is resistance or the possibility of resistance. These two sides exist in the self as well, within one subject. Being aware or not, a person could be limiting himself with the given identities already existing in society. This is how power works through the individual or the subject. Thus, the starting point is not the subject but the *event* and the *change* which occurred at a certain time in history. Therefore, the approach is to draw out the mechanisms, structures, strategies and institutions that governed, defined, limited and imprisoned the subject.

After interpreting the philosophy of Foucault, I will try to use his thoughts on ethics and power in *History of Sexuality* to study the defense letter of academics for

the female professor, Avital Ronell, in the case of sexual harassment towards her male student in academy by comparing the letter with the debate *Sexual Morality and Law,* between M. Foucault, Jean Denet, and Guy Hocquenghem in 1978 debating the idea of abolishing the age of consent laws in France. I used the first case because it is contemporary, but for me what contemporary means is exactly the way Agamben defines the word contemporary - which is timeless. That's why I use this recent case in today's academy to create a link through history with academy in Ancient Greece and academy at the end of the seventies in France. One might argue that these modern examples are not enough to represent the academy by themselves, but I believe a limited field is arguably the only way to conduct any work, as Foucault suggests.

In our contemporary case, gender roles are different than usual, the accused New York University professor, literary scholar and philosopher, Avital Ronell, is female and the accusing former graduate student, Nimrod Reitman, is male. I share this info just to mention their innate biology although the professor defines herself as queer and the student defines himself as gay. The male student, Reitman, filed a complaint of sexual harassment against his adviser, Avital Ronell, in New York University (NYU). The university investigated the case confidentially and decided to punish the professor due to sexual harassment by suspending her without pay for a year. After a year, Avital Ronnell returned to her position in May 2019 at NYU. But during the university investigation, the accusation leaked out of the university and many world famous academics including philosophers and feminist scholars like Judith Butler, Slavoj Zizek, and Jean-Luc Nancy sent a defense letter to NYU to state that they supported professor Avital Ronell and that punishing her should be out of the question. We will come to the details of the letter and we shall analyze the approach in the upcoming chapters.

In our society, genders are normativities that power is exercised through. Therefore, we also need to look at the constitution of gender and academic roles in history, the identity of women and men and the rupture points of gender segregation. But history shows us that in at least particular cases, it is possible to reverse the power relations between gender roles. This is exactly the point I would like to elucidate, since the matter should not only be to attribute power to one side but to accept the notion of interchangeable power relations and to be able to exercise power in an

ethical way without abusing the privileges of given identities in society. That's why the defense letter of academics in this case is a controversial and interesting case for me to investigate.

Foucault says that there's almost no relation in life in which power does not exist. Therefore, to change society is a goal which is intertwined with ethics and power, with the individual/person and society. My goal is to try to understand the constituted truths about the dual-social relation between the master and the apprentice, between the senior and the junior. The authority is there for one to learn from and to surpass, which means there is freedom in power relations with authority but the authority might also have a tendency to exert extreme power which results in excessive or abusive domination.

In sexual harassment cases, there is the question of abuse of power and domination but why is it called *sexual* harassment? Might this definition of *sexual* have something to do with bio-politics in which subjects are objectified by sexuality science, sexuality regime, and sexual truth - which is another way power is exerted through the body of the individual? To be able to understand this, one needs to find out at what point in history these definitions began to circulate and then became a norm which constituted certain truths and why. Obviously, this happened due to a very serious need and excessively exercised power. But what interests me are the power practices, strategies, relations, and discourses that were formed afterwards. What are the power relations and strategies that led to this and which new ones were formed and constituted to fight this problem? Did the newly constituted truths cause acts of harassments to be punished more and did they create more criminals or acts of crime? In another sense, after the constitution of these norms and truths, did people start to identify – not just by others but mostly in relation to themselves – as a sexual harasser and as a victim of sexual harassment?

I have no interest in being polemical when analyzing a certain incident. My interest is to grasp the academic way in which sexual ethics is widely talked about in this part of history in the academy and the possible ethical ways to arrange these social relations without constituting new excessive dominations. One of the key notions would be *consent.* It is not easy to spot the consent since this is a notion that

both sides use to justify what they claim to have happened. Additionally, it is a *contractual notion* which is a legal terminology and law alone is insufficient to regulate any social issue. Consent is a notion which is used or abused by both sides of such cases like sexual harassment. I believe it's clear that consent is not enough, or it does not function to offer a solution or approach in such cases. I will try to argue that domination, the blocking of one's freedom and ethics – not morality – might be the norms to evaluate and analyze certain cases like harassment cases. To be able to talk about blocking one's freedom, we also need to define the freedom practices. So, since power cannot exist without freedom, then we start by talking about consent of a free individual. Now we have one more question: How do we define the free individual / self? How do we define the ethical self / individual according to Foucault? Can the free self exist at all in any society or to put it in more Foucauldian words, how can oneself practice freedom? What would be the new ways to practice ethical freedom?

PART I
FOUCAULT, ETHICS AND POWER

1.1. Archeology of Silence: Absence of history in *Preface to History Of Madness*[1]

> *What I am trying to do is to write the history of the relations between thought and truth; the history of thought as such is thought about truth.*[2]

Foucault starts the preface by indicating the need for the history of another form of madness. This other history should be written by using different tools other than how mainstream history is written which is based on universalities. As it is clear, he starts by reviewing, analyzing, criticizing a human science called history. We can say that history and philosophy are inseparable for Foucault. As his historical philosophy making method, he offers to find out the moment of change and the act/gesture of reason when reason excluded the non-reason (insanity, madness). We need to go back to a certain time in history when reason and madness were in dialogue, when they were not separated. And power relations, strategies, structures, discourses and institutions should be investigated starting from that rupture point.

As Foucault warns, this is not an easy task or a comfortable zone. We should abandon the comfort of terminal truths, scientific terminology, social morals and not let ourselves be carried away in the guidance of what we might know or naturally accept as madness. What is the constitutive act or gesture here according to Foucault? It's the very act that divides madness, not the human science that is established after this division. This science, which is called psychiatry, ignores the fact that there used to be a dialogue between reason and unreason, between madness and non-madness. Modern man is no longer in dialogue with madman, madness is taken care of by the doctor and dialogue is made through the universality of sickness which is very abstract for Foucault. On the other hand, it is no less abstract that madman communicates with the man of reason via order, physical and moral constraint. There is no more any common language. The constitution of madness as mental illness – in

---

[1] M. Foucault, ''Preface to the 1961 Edition'' in *History of Madness:* trans. Jonathan Murphy and Jean Khalfa (New York, London: Routledge, Taylor & Francis Group, 2006)

[2] M. Foucault, ''The Concern for Truth'' in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*Routledge, Chapman & Hall, Inc. 1988), 257.

the eighteenth century – acts like this division always existed, as if it is a given fact or truth. And it abandons this previous dialogue, this imperfected syntax, to the cloisters of forgetting. This silence is the only ground, according to Foucault, that the language of psychiatry could have been constituted on. Foucault expresses that he did not wish to write the history of this language, but he wanted to draw up the archeology of this silence.

When Foucault draws up an archeology, into which zones does he offer us to go together? ‘‘A region, no doubt, where it would be a question more of the limits than of the identity of a culture.’’ Foucault suggests that a history of limits could be written. As soon as the limits of culture are accomplished, the gestures that create the limits and exterior-interior conflict are necessarily forgotten. Culture uses a void to isolate itself from the exterior that it rejects. Division or rupture is practiced in this void by culture. ‘‘To interrogate a culture about its limit-experiences is to question it at the confines of history about a tear that is something like the very birth of its history. There, in a tension that is constantly on the verge of resolution, we find the temporal continuity of a dialectical analysis confronted with the revelation, at the doors of time, of a tragic structure.’’ [3]

We can say that this is where historical Marxism and Nietzsche comes together for Foucault. According to Foucault, Nietzsche showed the origin of the Occident as ‘‘the refusal, forgetting and the silence collapse of tragedy.’’ The Occident was born in the Orient but now the Orient is out of reach, yet the Orient is still the origin of the Occident, according to the Occident. The history of this division should also be written and traced with all continuity and exchanges, together with its tragic hieratism.

Truth is predominantly constituted on dualities and divisions. According to Foucault, the history of other divisions, like appearance vs. dream, should also be told. He also states that the history of sexual prohibitions should be told too, not to have a chronicle of morality or tolerance, but to reveal the origin of Occident morality and it’s limit by revealing the tragic division of the happy world of desire through

[3] Foucault, ‘‘Preface to the 1961 Edition’’ in *History of Madness,* xxix.

speaking about different forms of repression. Foucault will try to define these prohibitions and repressions differently than his approach to the definition of power. He starts with the duality of reason vs. non-reason, or madness vs. non-madness to talk about the constituted experience of subjectivity called madness.

This is not a history of knowledge, not a history of psychiatry for Foucault but an attempt to tell the first kinesis of this experience called madness before it was captured or imprisoned by the knowledge. How can it be possible to tell such a history?

The West denies the discourse since it is not a language, denies the gesture since it is not an oeuvre (work of art, opus) and denies the figure since it is not a hero and thus the figure does not deserve to be part of a history, according to Foucault. He opts to write this absence of history which he calls the possibility of history. His historical apparatuses are *event*/incident (circumstance) and *change*. Therefore, he starts his archeology on the first rupture which made the division of madness possible. But this division makes it possible for the western reason to define what is sense and non-sense and it identifies madness as a pathological accident which explains that reason cannot exist without the presence of non-reason. Foucault invites us to study the reason of the West by digging and searching for what *reason* imprisoned. And the starting point for this excavation should be the act of separation. Still, what does it truly mean to write the history of an experience of subjectivity?

> To write the history of madness will therefore mean making a structural study of the historical ensemble – notions, institutions, judicial and police measures, scientific concepts – which hold captive a madness whose wild state can never be reconstituted; but in the absence of that inaccessible primitive purity, the structural study must go back to that decision that both bound and separated reason and madness; it must tend to discover the perpetual exchange, the obscure common root, the originary confrontation that gives meaning to the unity and the opposition of sense and senselessness. That will allow that lightning flash decision to appear once more, heterogeneous with the time of history, but ungraspable outside it, which separates the murmur of dark insects from the language of reason and the promises of time.[4]

This is where Foucault clearly shows us his historical methodology and

[4] Foucault, ‘‘Preface to the 1961 Edition’’ in *History of Madness,* xxxiii.

toolkit, this is what he will later call his *dispositif*. For him, two *event*s clearly signal the *change* in the dialogue between reason and unreason: ‘‘In 1657, the founding of the Hôpital Général, and the Great Confinement of the poor; and in 1794, the liberation of the mad in chains at Bicêtre.’’

What happened between these two singular and symmetrical events? This is the passage in which Foucault writes the possibility of history:

> In the Middle Ages, and up until the Renaissance, the debate between man and madness was a dramatic debate that confronted man with the dark powers of the world; and the experience of madness was absorbed in images that spoke of the Fall and the End of All Things, of the Beast, of Metamorphosis, and of all the marvellous secrets of Knowledge. In our time, the experience of madness is made in the calm of a knowledge which, through knowing it too much, passes it over. But in the movement from the one experience to the other, the passage is made through a world without images or positivity, in a sort of silent transparency that allows a great immobile structure to appear, like a wordless institution, a gesture without commentary, an immediate knowledge; this structure is neither that of drama nor of knowledge; it is the point at which history freezes, in the tragic mode that both founds it and calls it into question.
>
> At the centre of this attempt to re-establish the value of the classical experience of madness, in its rights and its becoming, there is therefore a motionless figure to be found: the simple division into daylight and obscurity, shadow and light, dream and waking, the truth of the sun and the power of midnight. An elementary figure, which only accepts time as the indefinite return of a limit. [5]

> Having mastered his madness, and having freed it by capturing it in the gaols of his gaze and his morality, having disarmed it by pushing it into a corner of himself finally allowed man to establish that sort of relation to the self that is known as ‘psychology’. It had been necessary for Madness to cease being Night, and become a fleeting shadow within consciousness, for man to be able to pretend to grasp its truth and untangle it in knowledge.
>
> In the reconstitution of this experience of madness, a history of the conditions of possibility of psychology wrote itself as though of its own accord.[6]

Well, why was there a need for the Great Confinement? Who were the people imprisoned in the first general hospital? What was common about all of them? These

[5] Foucault, ‘‘Preface to the 1961 Edition’’ in *History of Madness,* xxxiv.
[6] Ibid, xxxiv.

people were the mad ones, homosexuals, poor people, disabled people, and sick people. They either were ‘‘not able to work or didn’t want to and they did not have a stable home or job. This was unacceptable during the big economic crisis in the West that caused unemployment, wage cuts etc. Therefore these people should be separated from society and locked up out of sight, in order to be turned into a cheap labor force that can easily be inspected.’’[7] But why is there persistence on this system that turned out to be so costly and unsuccessful in normalizing these people? This is the new practice of power relations where the body is governed via biopolitics which emerged at the end of the eighteenth century in Europe making people adopt discipline and docility on their own through forms of subjectivities.

In *Preface of History of Madness*, Foucault shows us how a truth is constituted in Western reason through power structures and dispositifs, how it comes to be accepted as an absolute knowledge via games of truth. This is what he inherits from Nietzsche, the *genealogy*. He starts a reverse journey by spotting the *event* and the *change* which is *archeology*. He does all these to analyze how these truths and knowledge reflect upon the *self* and change the way one defines oneself, thinks, acts and lives, and this is *ethics*.

Earlier we said that Foucault examines the moment of rupture and the division as he works on to picture the Western reason through several dualities like reason vs. unreason, which leads him to write the *History of Madness,* and man vs. woman, which leads to his last book *History of Sexuality*. Foucault makes it clear through repeated statements, that for him the most important matter is *subject* or experiences of *subjectivities* that are constituted and imposed via certain *power* relations, structures, strategies, institutions, and discourses. Therefore, before moving onto sexuality, we need to clarify what Foucault means by *subject* and *power.* And inevitably, when we study the sexuality and consent in academy, we need to try to specify the rupture events and changes in the power relations in the last centuries. We also need to examine how sexuality became a science and truth by using the attributed identities and gestures to identify subjects both men and women and finally how maintaining this line allows authorities to govern the relations in society.

[7] Ferda Keskin, ‘‘Büyük Kapatılma’’ in *Michel Foucault, Büyük Kapatılma, Seçme Yazılar 3,* (Ayrıntı Yayınları, 2011), 12.

1.2. Imposed Subjectivities and Re-Constituting the Self:
Subject and Power[8]

> *Maybe the target nowadays is not to discover what we are but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political "double bind," which is the simultaneous individualization and totalization of modern power structures.*[9]

Foucault's goal was not to analyze the power as a phenomena but to write the history of different modes in which humans are made subjects. So, subjectification is not the origin or starting point of his study, clearly. He studies the modes of objectification which turns human beings into subjects. When he says subject, he mostly means objectivized *experiences of subjectivity*.

First, he studies how knowledge is formed and turned into human sciences like, for example, how the subject of talking is objectivized in philology. Secondly, he studies the objectivizing of the subject through *dividing practices* where the subject is either divided in himself or divided from others. When a human is called mad or sane, he is objectivized via division, the same goes for healthy vs. sick, and good boy vs. criminal. Lastly, he studies how a human turns himself into a subject and he studies this experience of recognizing ourselves as subjects of *sexuality.* In these three modes we clearly see his work on *knowledge*, *power* and *ethics.* We also see that his approach is both constant and constantly evolving. Even though it is not clearly stated in his early works, games of truth are always present where subjects and discourses are assessed by constant true or false games –which is obviously another dividing practice. When a person defines himself as man, he also objectifies himself and divides/separates himself from all other humans who are not defined as man. But where does this objectification come from? Is this another way that power is exercised?

Foucault felt obliged to expand the definition of power since he needed this notion to write the history of objectivizing of the subject. But where does one start to

---

[8] M. Foucault, ''Subject and Power'' in *Critical Inquiry, Vol. 8, No. 4 (Summer, 1982, University of Chicago Press),* 777-795.
[9] Ibid, 785.

analyze the power relations? We don't have a specific science exclusively dealing with power: ''It may be wise not to take as a whole the rationalization of society or of culture but to analyze such a process in several fields, each with reference to a fundamental experience: madness, illness, death, crime, sexuality, and so forth.[10]

What is problematized is the relation between rationalization and power but Foucault offers to start working on the forms of *resistance* against forms of *power* by stating that we can investigate the field of insanity to understand what we mean by sane, which is a work on norm and normativities. Or let's look at the illegality to understand what we accept as legal. He offers to take certain series of oppositions as a starting point like the power of man over woman, medicine over population, parents over children, psychiatry over the mentally ill and administration over the ways people live. He starts by defining more precisely what opposition movements have in common. ''1- These struggles are not limited in one country,'' (a recent example is the "ME TOO" movement) ''2- they aim the power effects as such, like the medicine exercising uncontrolled power on people's life and death.''

> 3. These are "immediate" struggles for two reasons. In such struggles people criticize instances of power which are the closest to them, those which exercise their action on individuals. They do not look for the "chief enemy" but for the immediate enemy. Nor do they expect to find a solution to their problem at a future date (that is, liberations, revolutions, end of class struggle).[11]

''4- These struggles are against *government of individualization*. ''5 – … struggles against the privileges of knowledge. But they are also an opposition against secrecy, deformation, and mystifying representations imposed on people.''[12]

> What is questioned is the way in which knowledge circulates and functions, its relations to power. In short, the regime du savoir. 6. Finally, all these present struggles revolve around the question: Who are we? They are a refusal of these abstractions, of economic and ideological state violence, which ignore who we are individually, and also a refusal of a scientific or administrative inquisition which determines who one is. [13]

---

[10] Foucault, *Subject and Power*, 779.
[11] Ibid, 781.
[12] Ibid, 781.
[13]. Ibid, 781.

So, the struggle of resistance is not against an institution of power but forms of power. How do these forms of power work or how are they exercised?

> This form of power applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects. There are two meanings of the word "subject": subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to.[14]

If we need to elaborate, according to Foucault, how power is exercised is not about how it manifests itself, but it is about the means by which power is exercised and also about what happens when individuals or groups exert or practice power over others. So, he studies the power relations but what are the specific attributes of power relations? Where does *consent* stand in power relations?

> Power exists only when it is put into action, even if, of course, it is integrated into a disparate field of possibilities brought to bear upon permanent structures. This also means that power is not a function of consent. In itself it is not a renunciation of freedom, a transference of rights, the power of each and all delegated to a few (which does not prevent the possibility that consent may be a condition for the existence or the maintenance of power); the relationship of power can be the result of a prior or permanent consent, but it is not by nature the manifestation of a consensus.[15]

So if we are talking about power relations – not excessive/abusive domination – between a man and a woman or between a master and an apprentice, in some cases we might say that these relations continue due to a prior or permanent consent; but it cannot be just a manifestation of a consensus alone that is applied to the whole sum of the relation. In the case of professor Ronell and her graduate student Reitmann, we can say they had power relations, sometimes based on intimacy, yet the dialog of sharing knowledge continued between the adviser and advisee. Therefore, also in this case, consent is not a functional tool to evaluate the relation. Instead, we should ask if

---

[14] Foucault, *Subject and Power*, 781.
[15] Ibid, 788.

the *freedom* of the student was blocked by the professor and if the professor exercised *abusive domination* over her student which is a question of ethics. And a third question would be to detect if there was an *act of violence* which can be verbal or physical.

> In effect, what defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future. A relationship of violence acts upon a body or upon things; it forces, it bends, it breaks on the wheel, it destroys, or it closes the door on all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance, it has no other option but to try to minimize it. On the other hand, a power relationship can only be articulated on the basis of two elements which are each indispensable if it is really to be a power relationship: that "the other" (the one over whom power is exercised) be thoroughly recognized and maintained to the very end as a person who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up.[16]

We can say that professor Ronell and the student Reitmann had power relations until, as the student claimed, the professor touched him, kissed him and pushed his hands towards her body. First, what is described is action upon a body, therefore it can be defined as an *act of violence*. But how does it come to be called sexual harassment and not just an act of violence or just harassment? Arguably, the reason might be found in the constituted moral approach of society that, compared to other types of criminals, sexual criminals should feel the most embarrassed. So, as it is clear, morality works by constituting a norm of *shame* which in turn constitutes the sexual criminal whom should be excluded from decent society. Shame norms vary depending on different cultures and periods of time. Therefore, constitution of a sexual crime might become a form of domination disguised as a struggle against power.

If we avoid the term sexual for a while, could we ask this question in the case between the professor Ronell and student Reitman: After this act of violence, could the student still consider himself as a free and recognized subject by his professor? Their relations went on for a while during which time we might be able to say that

---

16 Foucault, *Subject and Power*, 789.

although the student had certain freedom, he couldn't find the ethical way to practice his freedom. What I mean is that he chose to go on with his academic and personal – it is always hard to distinguish the barrier – relation with his professor although he had the freedom to change his adviser. Despite the possible consequences of this specific power relation, he could have also talked openly with his adviser. Arguably, he might have chosen not to risk his academic career by not creating a problem and again arguably he might have preferred to keep such an international academic star as his adviser when he considered his future reputation in the academy. At the same time, professor Ronell could have questioned the ethical relationship that she has with herself and her student regarding her position as an adviser. If she felt a certain intimacy with her student, she could have chosen to offer him the opportunity to work with another adviser and still help him with his thesis since she cared for him. It seems that both parties have a possibility of action field to determine the power relations. But as Foucault adds: ''In itself the exercise of power is not violence; nor is it a consent which, implicitly, is renewable. It is a total structure of actions brought to bear upon possible actions; it incites, it induces, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely; it is nevertheless always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action. A set of actions upon other actions.''[17]

In educational institutions, when we look at the power processes *(''*enclosure, surveillance, reward and punishment, the pyramidal hierarchy''*)*[18], maybe we can see that these power processes help in creating more fields of power relations and sometimes abusive dominations, too. Do we truly need to close the students away from outside life, to constantly survey them, to make them do something and learn with rewards or punishment in a highly competitive atmosphere which could be cooperative instead? American academy is famous with its competitive and neurotic character which is adopted without much question by the academics, both advisers and advisees. We may argue that this might be creating a jungle atmosphere where academics feel that they need to do anything to survive despite others. And do we have to define the education as a vertical action? It can well be a horizontal exchange of knowledge. On the other hand, when we think of the adviser and advisee dialogue,

[17] Foucault, *Subject and Power*, 789.
[18] Ibid, 787.

the power relationship can be balanced with the contribution of other professors assessing and evaluating the paper or thesis of the advisee. The adviser could be the authority and the guide while preparing the work, but when it comes to evaluation, the adviser should not be a part of the evaluation committee but could be present during thesis defense, if a student requests this. This is already an applied practice in many academies. One claim could be that this can lead to other power relations between the advisers, but this is still a field in which both parties can act upon and in response to each other's action in freedom.

Foucault uses the notion of ''governing as to structure the possible field of action of others.'' And for him, power is a question of governing in the above sense, therefore, when one mentions governing, it also includes an important element, which is freedom. Power is applied on free subjects or as long as they can practice freedom. So, we cannot talk about power when a slave is chained since his field of action is blocked and constrained; but we can talk about power when a slave is able to move and escape. So, freedom is a precondition of power. However, what freedom might do is to object to power since power has a tendency to fully determine the freedom. In this case, freedom is the struggle, resistance, and combat.

If we go back to our professor Ronell and student Reitmann case, we can imagine that the professor wants to fully govern and control the field of action of her student by trying to impose her so called method by using intimacy as one of the methods of teaching which dates back to the relation between Ancient Greek philosophers and their young male apprentices. What can the student do in such a case? He can freely accept this method, or he can question this method since he is not chained. And if he finds the method abusive and unethical – even if he thinks that he cannot prove anything because of the difficulty to produce concrete factual evidence when the actions of two people in private spaces are concerned – he can still decide to quit working with his adviser regardless of the consequences. We may say that this would be an ethical act. So, in such cases, the ethics of both sides' actions should be questioned, not just the ethics of the superior. Otherwise, it may become a dogmatic way to see the so-called inferior, not as a free individual, but only as a victim.

Ethics is a practice of freedom which helps us to question and practice the possible acts which we find ethical. On the other hand, one of the possible actions is

to do as Reitmann did. He concluded his work with his adviser and then he filed a complaint with NYU to investigate the actions of professor Ronell towards him during the thesis work. Arguably, we may say that both parties in this power relations had certain freedom in this relation, like to quit working with each other – which would not be an irreversible loss for either of them. But when one does not fully practice an ethical approach, then a professor can use her/his position for intimacy or for another goal and the student can agree to this in order to reach his goal so both sides commit unethical acts. When professor Ronell and her student Reitmann shared the same flat several times in different cities during their academic relation, this is also something that should be considered since both parties had the freedom not to do it. We cannot just blindly follow the popular discourse by saying that victims might not be aware of their victimization during the acts or that we cannot find it reasonable when any free individual abuses the ethical limits in favor of themselves by using their position as an authority or finally by using the discourse of victimization in their favor when they also committed unethical acts, without problematizing all the aspects of power relations and verbal-physical actions.

Academy or an institution with its limits is a legitimate field to analyze power relations. Naturally, it is inevitable to limit time and space when conducting any kind of work or investigation. ‘‘In any case, to live in society is to live in such a way that action upon other actions is possible and in fact ongoing. A society without power relations can only be an abstraction.’’[19]

> For to say that there cannot be a society without power relations is not to say either that those which are established are necessary or, in any case, that power constitutes a fatality at the heart of societies, such that it cannot be undermined. Instead, I would say that the analysis, elaboration, and bringing into question of power relations and the "agonism" between power relations and the intransitivity of freedom is a permanent political task inherent in all social existence.[20]

Therefore, in fact it is both a political and ethical task to question power relations and not only to question them but to act ethically. It is impossible to have a

[19] Foucault, *Subject and Power*, 791.
[20] Ibid, 791-792

universal definition of ethics, therefore, I prefer to use the definition of ethics as a practice of freedom – in a sense when one has the freedom – to question the personal acts in order to be good for the self and for others without undermining the terminal truth and without accepting them as absolute, dogmatic norms to govern the modes of social existence.

1.3. Ethics: Permanent Games of Truth with the Self

For Foucault, the problem has always been truth and subjectivity as he states once more in the interview[21] *The Ethic of Care for the Self as a Practice of Freedom*. He studies how the human subject is incorporated into *games of truth* in the form of science, institutions or any practices of control. Games of truth is the main tool of problematization and the problematization ‘‘is the totality of discursive or non-discursive practices that introduces something into the play of true and false and constitutes it as an object for thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.)’’[22]

This is why he named his chair in College de France as the history of systems of thought. Then, what is *thought* according to Foucault?

> The task was to bring to light the domain where the formation, development, and transformation of forms of experience can situate themselves-that is, a history of thought. By "thought," I mean what establishes, in a variety of possible forms, the play of true and false, and consequently constitutes the human being as a knowing subject [sujet de connaissance]; in other words, it is the basis for accepting or refusing rules, and constitutes human beings as social and juridical subjects; it is what establishes the relation with oneself and with others, and constitutes the human being as ethical subject. "Thought," understood in this way, then, is not to be sought only in theoretical formulations such as those of philosophy or science; it can and must be analyzed in every manner of speaking, doing, or behaving in which the individual appears and acts as knowing subject [sujet de connaissance], as ethical or juridical subject, as subject conscious of himself and others. In this sense, thought is understood as the very form of action.[23]

Until *History of Sexuality*, he states that he investigated the relationship between subject and truth through coercive practices as in psychiatry and prison systems or in the theoretical or scientific games like in the analysis of language for

---

[21] M. Foucault, ‘‘The Ethic of Care for the Self as a Practice of Freedom : an interview with Michel Foucault on January 20, 1984. *Raúl Fornet-Betancourt, Helmut Becker, Alfredo Gomez-Müller and J. G. Gauthier’’ in Philosophy Social Criticism 1987.*

[22] M. Foucault, ‘‘Concern for Truth’’ in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*1988 by Routledge, Chapman & Hall, Inc.), 257.

[23] M. Foucault, ‘‘Preface to the History of Sexuality’’ in *The Foucault Reader*, ed. P. Rabinow (New York: Pantheon Books, 1984), 334.

example. But with *History of Sexuality*, he changes direction and studies how one *governs* oneself:

> Yes, I have changed direction. When I was dealing with madness I set out from the "problem" that it may have constituted in a certain social, political, and epistemological context: the problem that madness poses for others. Here I set out from the problem that sexual behavior might pose for individuals themselves (or at least to men in Antiquity. In the first case, I had to find out how madmen were "controlled"; in the second, how one "controls" oneself. Though I should add that in the case of madness, I did try to approach, from that starting point, the constitution of the experience of oneself as mad, in the context of mental illness, psychiatric practice, and the mental institution. Here I would like to show how selfcontrol is integrated into the practice of controlling others. They are, in short, two opposite ways of approaching the same question: how is an "experience" formed in which the relationship to oneself and the relationship to others are linked together?[24]

Foucault studies the *practice of self* in Greek and Roman Times, in Christianity and in the eighteenth and nineteenth century but he finds out that the practice of the self had greater importance in Greek and Roman civilizations until, in time, they were besieged by religious, pedagogical, medical or psychiatric institutions. What does Foucault mean by *practice of the self*? It is *asceticism* in a wider sense which is ‘‘an exercise of self upon self by which one tries to work out, to transform one’s self and to attain a certain mode of being.’’[25] This exercise of self is ethics for Foucault and he sees ethics as a practice of freedom, not in a sense to obtain freedom but more about how to conduct/exercise freedom as a practice for the self. His main concern is how one would work constantly to constitute new truths and new ways of being/existence after abolishing the prior truth or identity or thought. That is why he does not use the term freedom but uses practice of freedom. For example, the phase of liberation is not enough alone for colonial people to establish the practices of liberty which they will need after liberation to decide upon the forms of their new existence. When Foucault directs the same approach to sexuality, he signifies that the real question is to determine the loving, passionate, erotic relations with others to intensify our sexual pleasure, therefore sexual liberty is not the main issue.

Since Christianity till today, certain behaviors which are called sexual are not

[24] Foucault, *Concern for Truth*, 258.
[25] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 113.

only oppressed but in fact mostly verbalized, articulated and circulated as discourses. A person is imposed upon to know and articulate the sexual desires to himself, to the priest or to the psychiatrist in order to attain an identity and individuality through his sexuality. And institutions like the church or the psychiatric hospital collect testimonies to constitute further power relations, strategies, scientific models – science of sexuality/sexology for example – that will be our guide to define the truth about ourselves. But power exists with freedom which is the possibility for subjects to use practices of freedom to have a new relation with the self. When there's no freedom or liberty that is the state of ''domination in which the relations of power, instead of being variable and allowing different partners a strategy which alters them, find themselves firmly set and congealed.''

Foucault underlines that he does not say there's no oppression but there's the truth or discourse about oppression that still aims to keep sexuality as something mysterious and embarrassing but in fact, power keeps everyone constantly talking about sexuality and defines ourselves through sexuality. ''It is certain that a number of liberations regarding the power of the male were needed, that it was necessary to free one's self from an oppressive morality which concerns heterosexuality as well as homosexuality. This liberation does not manifest a contented being, replete with a sexuality wherein the subject would have attained a complete and satisfying relationship. Liberation opens up new relations of power, which have to be controlled by practices of liberty.''[26] And here comes the ethics (moral) problem: ''How can one practice freedom? Ethics is the deliberate form and practice of liberty. Liberty is the onthological condition of ethics.''[27]

Foucault emphasizes once more that the practice of self as an ethical manner of civic and individual liberty had greater importance in Greek and Roman civilizations. In order to practice freedom properly, it was necessary to care and be concerned for self, in order to know, improve and surpass one's self, to master the appetites that risked engulfing one's self. Not being a slave of another city or someone or one's own passions was a fundamental theme of ethics. Ethics was not just a mere care for self, it was a care for self in order to be useful both for yourself

[26] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 114-115.
[27] Ibid, 115.

and for others at the same time with your acts-thoughts. ‘‘Ethics as a liberty practice in Ancient Greece was formed around this basic imperative: *Care for yourself.’’*

And what was the relation between ethos, logos and truth in Ancient Greece? ‘‘One can not care for self without knowledge. The care for self is of course the knowledge of self in Socratic-Plantonic aspect but it is also the knowledge of a certain number of rules of conduct or of principles which are at the same time truths and regulations. To care for the self is to fit one’s self out with these truths. That is where ethics is linked to the game of truth.’’ [28] *‘‘*And then it (ethos) has a political model, in the measure where being free means not being a slave to one’s self and to one’s appetites, which supposes that one establishes over one’s self a certain relation of domination, of mastery which was called arche-power, authority.*’’*[29] Therefore, since a professor/superior should have enough knowledge, if she/he has even the slightest hesitation that sexual desire is not mutual or doubts whether her action is ethical – or simply put right or wrong – then she/he should govern her sexual appetite over a student. The student/inferior can question if it is ethical to follow the demands of the professor when he/she thinks it is not right. For all of us to be freer individuals, we must know and learn more. In this sense, if we are taught the history of the constitution of gender, history of economy-politics, history of harassment or inequality in society or in the workplace – basically philosophy – we can act more freely in dual-social and wider social relationships. Additionally, the knowledge we already have can give us an opportunity to be critical and to find our own ethical acts, mode and existence. This type of learning starts from an early age at home and at primary education and it should last a lifetime. It could even be a part of punishment methods like being obliged to take a history course of the constitution of gender – a common practice in some leftist organizations.

The care for self as an ethos of liberty in Ancient Greece was not just only about the self but was also about caring for others. Ethos governs the rules on how to conduct oneself in the city, in the family, or when one is concerned about self truth, while in dialog with a master, guide, or friend to hear their teachings about truth. ‘‘Thus, the problem of relationship with others is present all along this development

[28] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 116.
[29] Ibid, 117.

of care for self.'' [30]

We have just mentioned the master. This could be the philosopher, academic or professor in the university. What could be the ethical role of the philosopher which is a bit more advanced than the citizens? It should be the role of constantly asking the ethical questions to citizens or students or colleagues by governing the power relations without dominating the thought. This is what Socrates does. Throughout his life and most clearly in *the Apology*, he conducts ethics as a freedom practice and for others as a truth-telling practice even despite the threat to his life. This is the notion of *parrhesia* which means thinking and conducting truth even in the matter of life and death situations or in other words, the statements and actions of a person who practices parrhesia are in harmony in all conditions. We can say that this Ancient Greek ethos called parrhesia is one of the ultimate forms of ethical conduct in which a person or philosopher practices freedom to tell the truth, even against an excessive domination which might take his life but can't kill his thoughts which circulate after his death, just like in the *Apology* written by Plato about Socrates' statement of his actions-thoughts of his life as a defense declaration speech in public court. The philosopher is concerned for the self and cares for others. This ethos might argue that, though not in Ancient Greece but later in history, a free citizen who cares for himself truthfully will behave in the same measure in his relations with others and for others. ''It can be at the same time, if not care for others, at least a care for one's self which will be beneficial to others.''

Foucault was working on parrhesia in Ancient Greece both at the College de France and in his seminars, Discourse & Truth, at California University and his student's class notes of this seminar were published as a book called *Fearless Speech*. Foucault is another truth-teller practicing parrhesia by depolarizing the terminal truths about thought, sciences, institutions, and discourses. This is obvious in his body of work and thought. In the scope of this thesis, we will once more clearly see his truth telling not only in his works, books, interviews, and articles but in his action/thought about the age of consent penalty law in France in 1978 without fearing to be condemned by the dominant morality in society. This was two years after the

[30] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 118.

publishing of the first volume of *History of Sexuality*.

So, can one practice the ethics in a way to govern, control and limit power relations? Why should it be necessary to govern, limit and control the power relations and what happens when there is an abuse of power which I call abusive domination?

> In the abuse of power, one goes beyond what is legitimately the exercise of power and one imposes on others one's whims, one's appetites, one's desires. There we see the image of the tyrant or simply of the powerful and wealthy man who takes advantage of his power and his wealth to misuse other, to impose on them undue power. But one sees – at least that is what Greek philosophers say – that this man is in reality a slave to his appetites. And the good ruler is precisely the one who exercises his power correctly, i.e., by exercising at the same time his power on himself. And it is the power over self which will regulate the power over others.[31]

When Foucault talks about knowing the ontology of self as part of ethos, he mentions our knowledge of our finitude. Thus, if one does not fear death, then he would not abuse power over others. The question of death is the main anchor of our existence; therefore, power uses it in different ways to constitute its own truth. During the Christian era, but not just in the Christian world, care for self ''was denounced as being a kind of self love, egoism or individual interest in contradiction to the care one must show to others or to the necessary sacrifice of the self, and also was seen as one of the possible roots of diverse moral faults.'' And Christianity presented death as the salvation and invested the care for self to afterlife by the renunciation of the self in this life.

As it is once more visible, for Foucault, the main question is: How does the subject enter a certain game of truth? To answer this question, he used the knowledge/power problem as an instrument which seemed to him as the most exact one as he also used it in how madness was problematized as a sickness by medicine and was constituted as a subjective experience called mental illness via knowledge called psychiatry and practice of power which is confinement; ''How has the mad subject been placed in this game of truth defined by knowledge or a medical model?''

Therefore, the subject is not a substance but a form, not always identical to

[31] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 119.

itself.

> You do not have towards yourself the same kind of relationships when you constitute your self as a political subject who goes and votes or speaks up in a meeting, and when you try to fulfill your desires in a sexual relationship. There are no doubt some relationships and some interferences between these different kinds of subject but we are not in the presence of the same kind of subject. In each case, we play, we establish with one's self some different form of relationship. And it is precisely the historical constitution of these different forms of subject relating to games of truth that interest me.[32]

So, a professor has a different kind of relationship when she constitutes herself as a political and social subject while she teaches a group in the class. The subject or subjective experience is different when there is any kind of flirting in a dialogue between two people, regardless if this flirting is sexual or not. Now two subjects are not merely constituted as a professor and student only. They might seduce and incite each other and might enjoy playing power games to a certain extent since we have freedom in this field of power relations at the moment. Because different experiences of subjectivity of the same person in different kinds of relationships and in different fields of communication exist, we cannot truly say, 'I know this person, she/he would never conduct that unethical behavior' since we don't know this person as a subject in her intimate dialogues with others which we are not part of. Therefore, trying to defend someone by claiming that you know that person is not legitimate and if the defender is trying to use his/her title/position – as a celebrated professor for example – in society to back up his/her defense, this is an attempt of abuse of power. When similar behaviors are constantly conducted in society, they might come to be accepted as the norm. We can say that the mass of this abuse of power behaviors might lead to an excessive/abusive domination, thus something illegitimate becomes a norm and is used as a moral or official way to judge situations. This norm is then incorporated in games of truth to become a discourse of truth.

This is what mostly happens in sexual harassment cases and statistically speaking, pre-dominantly men use this abuse of power. Or people who use this discourse to defend men are mostly men and patriarchal women. Also, in several examples, we see the same kind of behavior regardless of genders. This again shows

32 Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 121.

that there are no absolute, stable, universal limits or definitions to define so called terminal truths or identities, it is about how to constitute new power relations and truth. But we also see that for centuries in society men, professors and some other identities/positions have privileges and these people sometimes feel entitled to use those privileges, in fact, they are almost encouraged to do so in society or in their social environment. This is the part ethics should play prompting the person to question herself on every act in order not to abuse power regardless of his/her title, despite the so-called terminal truth allowing it.

We mentioned the importance of authority before and it should be expressed since we live in the era where authorities are disappearing. We tend to believe that every knowledge and truth is accessible on the internet which is such an illusion of freedom. Knowledge is somewhere there, but we don't have the guidance to reach it. Therefore, the need for authorities should be declared. Authorities themselves should also express what they do, why they do it, and how they do it through their works and through declarations-statements to society, yet their statements, acts and works should be coherent and convincing. In the example of this defense letter of academics, the academics might have aimed to withdraw attention on constant attack to all authorities in society nowadays, but the discourse they used was not plausible since they claimed to know who professor Avital Ronell is in all her different subjectivities. We will get back to this letter in the next chapters.

Also, in similar cases, the act of the harassers is not the only act of abuse of power. Since these dialogues don't have a physical witness and since these acts and claims were being repeated, with time, another truth is constituted with the intention to protect the victim which is also a constituted subject. This truth says that what the victim claims should be taken as the fundamental principal to start the investigation process. And with time, this started to be interpreted in such a way that if the accused one can't prove that he/she is not guilty, then the claim of the victim should be accepted as true in order to punish the suspect. There is a danger that this course might turn into a moral norm. (I prefer not to use legal terms since I don't have comprehensive legal knowledge and social relations can't just be the concern of the legislative regime.) This truth also has the potential to turn into an act of abuse of power and excessive domination later on. People might claim to be victims since they

are aware of this constituted subject and there's a potential that the victim-subject can abuse this truth for his/her favor. So, we can argue that, like the division of man vs. woman, sane vs. insane, east vs. west, in dual-social power relations, there is the division of victim vs. abuser or dangerous vs. endangered. Just as Foucault says that madness existed before it was constituted as mental illness, also in this case, harassment, abuse, victimization, abuser and victim exist even before they are constituted as such but I would like to argue that constituting these subjects and truth also makes the people define themselves by applying this truth to themselves. Therefore, this truth might help to constitute more abusers and more victims, regardless if they are really abusers or really being victimized. Thus people start to see themselves as victims or abusers:

> If it is true for example, that the constitution of a mad subject can in fact be considered as the result of a system of coercion- that is the passive subject- you know full well that the mad subject is not a non-free subject and that the mentally ill constitutes himself a mad subject in relationship and in the presence of the one who declares him crazy. Hysteria, which was so important in the history of psychiatry and in the mental institutions of the nineteenth century, seems to me to be the very illustration of the way in which the subject constitutes himself as mad. And it is not altogether a coincidence that the important phenomena of hysteria have been studied exactly where there was a maximum of coercion to compel these individuals to consider themselves mad. On the other hand and inversely, I would say that if now I am interested, in fact, in the way in which the subject constitutes himself an active fashion, by the practices of self, these practices are nevertheless not something that the individual invents by himself. They are patterns that he finds in his culture and which are proposed, suggested and imposed on him by his culture, his society and his social group.[33]

Whenever Foucault uses the term *power*, he means the *power relations or relationships of power*. So obviously, he does not mean a ruling class, government etc. when he mentions power. Power is present in all relationships of society where one wishes to govern or direct the behavior of another. This can be any basic dialogue, a love relationship, an act of lovemaking, a political or economic relation. In the interview *The Ethic of Care for the Self as a Practice of Freedom* , the interviewer is younger than Foucault and Foucault uses this situation as an example for this thought: ''The fact for example, that I am older and that at first you were intimidated can, in the course of the conversation, turn about and it is I who can become

33 Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 122.

intimidated before someone, precisely because he is younger. These relationships of power are then changeable, reversible and unstable. One must observe also that there cannot be relations of power unless the subjects are free.''[34]

Foucault adds that these power relations can create acts of violence – for example, a person may feel he has no choice left other than to commit suicide or kill the one exerting excessive power. This means there is still the possibility of resistance even when there's the state of domination. There are few examples that Foucault gives for the relation between excessive/abusive power or domination, but he underlines that what matters is how to organize the resistance:

> To take an example, very paradigmatic to be sure: in the traditional conjugal relation in the society of the eighteenth and nineteenth centuries, we cannot say there was only male power; the woman herself could do a lot of things: be unfaithful to him, extract money from him, refuse him sexually. She was, however, subject to a state of domination, in the measure where all that was finally no more than a certain number of tricks which never brought about a reversal of the situation. In these cases of domination-economic, social, institutional or sexual – the problem is in fact to find out where resistance is going to organize. Will this be for example, a working class which is going to resist political domination -in the trade union in the party – and under what form – a strike, a general strike, a revolution, a parliamentary struggle? In such a situation of domination, one must answer all these questions in a very specific fashion, in function of the kind and the precise form of domination.[35]

Foucault indicates that a care for self is like a pedagogical, ethical and ontological condition for a good leader and we can add the same for a good professor, educator, ruler, subject of power or any citizen or person. Socrates states this openly in the *Apology* which we can consider as his declaration of his philosophy despite facing death. Compared with Ancient Greece, Foucault adds that contemporary political thought mostly considers people as subjects to law or subjects to daily politics, therefore ethical subject does not really have much place in contemporary political thought, however he tries to make it possible again. But as he adds and as we know, everything is done with the concern for truth: ''After all, why truth? And why are we concerned with truth, and more so than with the self? And why do we care for ourselves, only through the care for truth?.....Things being what they are, nothing has,

[34] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 123.
[35] Ibid, 123-124.

up to present, proved that we could define a strategy exterior to it.''[36] But how can we use truth or games of truth in power relations as a form of resistance-act and political strategies to change things?

> To say these things very schematically, we can find many examples: there has been an ecology movement –which is furthermore very ancient and is not only a twentieth century phenomenon –which has often been, in one sense, in hostile relationship with science or at least with a technology guaranteed in terms of truth. But in fact, ecology also spoke a language of the truth. It was in the name of knowledge concerning nature, the equilibrium of the processes of living things, and so forth, that one could level the criticism. We escaped then a domination of truth, not by playing a game that was a complete stranger to the game of the truth, but in playing it otherwise or in playing another game, another set, other trumps in the game of truth. I think it is the samething in the order of politics, where we could criticize politics –beginning for example with the effects of state domination of this undue politics –but we could only do this by playing a certain game of truth, showing what were the effects, showing that there were other rational possibilities, showing people what they ignore about their own situation, on their conditions of work, on their exploitation.[37]

Earlier we mentioned and explained what games of truth mean for Foucault, which is problematization, investigating things by testing them with true or false games –games of truth. When he says game, it is ''an ensemble of rules for the production of the truth. … it is an ensemble of procedures which lead to a certain result, which can be considered in function of its principles and its rules of procedures, as valid or not, as winner or loser.''[38] If games of truth are key factors to determine the power relations, there will always be a struggle to define and control the games of truth, therefore, a society without power or power relations looks like a utopia, says Foucault and he adds that individuals will try to conduct and to determine the behaviors of others constantly, so power relations are not something bad in themselves. What matters for Foucault is ''to give one's self the rules of law, the techniques of management, and also the ethics, the ethos, the practice of self, which would allow these games of power to be played with a minimum domination.'' [39]

Foucault developed his definition of power relations to this level while he was

---

[36] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 126.
[37] Ibid, 126.
[38] Ibid, 127.
[39] Ibid, 129.

writing *History of Sexuality* by working on the perception and practices of sexuality in Ancient Greece, and Christianity from the sixteenth till the twentieth century. He also gave examples of power relations in love or sexual relationships and shows the direction in which these power relations might be governed ethically:

> Take for example, sexual relationship or love relationships. To exercise power over another, in a sort of open strategic game, where things could be reversed, that is not evil. That is part of love, passion, sexual pleasure. Let us also take something that has been the object of criticism, often justified: the pedagogical institution. I don't see where evil is in the practice of someone who, in a given game of truth, knowing more than another, tells him what he must do, teaches him, transmits knowledge to him, communicates skills to him. The problem is rather to know how you are to avoid in these practices –where power cannot not play and where it is not evil in itself –the effects of domination which will make a child subject to the arbitrary and useless authority of a teacher, or put a student under the power of an abusively authoritarian professor, and so forth. I think these problems should be posed in terms of law, of relational techniques of government and of ethos, of practice of self and of freedom.[40]

So when we consider the three levels in Foucault's analysis of power, which are strategical relationships, the techniques of governing, and the levels of domination, we also reach to new ethics defined by him: ''I think that in fact there is the point of articulation of the ethical preoccupation and of the political struggle for the respect of rights, of the critical reflection against the abusive techniques of government and of the ethical research which allows individual liberty to be founded.''[41] Well, Foucault deals with subjectivity, power, domination, truth and therefore he keeps defining what is philosophy, the role of the philosophy –which can be applied to academy and the academician: ''On the critical side –I mean critical in a very broad sense –philosophy is precisely the challenging of all phenomena of domination at whatever level or under whatever form they present themselves – political, economic, sexual, institutional, and so on. This critical function of philosophy, up to a certain point, emerges right from the Socratic imperative: ''Be concerned with yourself, i.e., ground yourself in liberty, through the mastery of self.'' ''[42]

---

[40] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 129-130.
[41] Ibid, 130.
[42] Ibid, 131.

Thus, being concerned with the self is a concern for truth which every person should care about, but especially the philosophers. The philosopher should question the domination of knowledge and identities which are governed by power relations with discourses of experiences of subjectivity and they should come up with new ethics as a concern for self, which is inevitably a concern for truth. The problem is to constitute new truths by using the same tools in a critical-ethical-political way. When a philosopher is concerned with truth, she must come up with new games of truth as she investigates the power relations to govern them ethically with the least domination possible. Shortly, concern for self is a concern for society and therefore it is a concern for truth.

PART 2
SEXUAL MORALITY AND ACADEMY

2.1. Genealogy of Sexual Truth & Re-Constitution of Morality

> *I tried to locate three major types of problems: the problem of truth, the problem of power, and the problem of individual conduct. These three domains of experience can only be understood in relation to each other, not independently.*[43]

With *History of Sexuality*, Foucault adds a very crucial notion to his methodology by adding the missing link which is ethics; which he calls the problem of individual conduct. First, in order to make an archeology, he chose a limited field where he could study an objectivization process of subjectivity called sexuality. He wanted to find out how sexuality became a truth of our individual conduct: ‘‘I try to make an archaeology of discourse about sexuality, which is really the relationship between what we do, what we are obliged to do, what we are allowed to to, what we are forbidden to do in the field of sexuality, and what we are allowed, forbidden, or obliged to say about our sexual behavior. … It’s a problem of verbalization.*’’* [44] He means it is problem of constituting verbalized and non-verbalized discourses like behaviors, strategies, relations, institutional practices which makes his definition of discourse, later dispositif.

He starts to work on the eighteen and nineteenth centuries first, then he goes back to the sixteenth and the fifth centuries to study sexuality in Christianity which was the time that today’s moral codes on sexuality were formed but this was not the starting point of this morality. Certain sexual behaviors in Ancient Greece, in time, turned into the moral codes of Christianity in an opposite way. Therefore, Foucault feels the need to make the genealogy of sexuality and sexual conduct of individuals of some societies and actors during Ancient Greece and Christianity from the fifth and sixteenth centuries to the end of nineteenth century. He does this work to define the

---

[43] M. Foucault, ‘‘The Return of Morality’’ in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*Routledge, Chapman & Hall, Inc. 1988), 243.
[44] M. Foucault, ‘‘An Interview by Stephen Riggins’’ in E*thics: Subjectivity and Truth* (The New Press, 1997), 125-126

new power relations formed during the nineteenth century which he calls biopolitics – which is a power exerted on a body and on survival by which individuals are invited to consider their self-conduct through sexuality: ″Tell me your desires, I'll tell you who you are.″[45] Therefore he claims that sexuality is not only repressed but mostly articulated or manifested, imposed or incited to be manifested, verbalized, to be put into discourse with certain strategies, institutions and relations. ‘‘The way in which sexuality in the nineteenth century was both repressed but also put in light, underlined, analyzed through techniques like psychology and psychiatry shows very well that it was not simply a question of repression. It was much more a change in the economics of sexual behavior in our society.’’[46] Sexuality is still accepted as a truth which is the manifestation of what is the most secret in our individuality[47] and this is why Foucault works on this notion, first to understand and then to come up with new ethics. Because just like any conduct of humans, sexuality is not a mystery deep in the self, but it is a behavior and conduct that is historically constituted, created. But for centuries after the sixteenth century, it is defined as something to be ashamed of and something that should only be confessed to the priest and later in the nineteenth century it shall be confessed to the psychiatrist, too. As it is clear, there are power strategies and institutions to govern, control and record the sexual behaviors of ourselves to create a mystery and also a sexuality science or regime to govern people and also for a person to govern himself with the normative codes he’s been given as truth, which is biopolitics.

> I am trying to respond to a precise problem: the birth of a morality, a morality in so far as it is a reflection on sexuality, on desire, on pleasure. It should be clearly understood that I am not writing a history of morals, of behavior, a social history of sexual practices, but a history of the way in which pleasures, desires, and sexual behavior were problematized, reflected upon, and conceived in Antiquity in relation to a certain art of living. … But I do believe that the fact that those things were said about sexuality, that they constituted a tradition that is to be found again, transposed, metamorphosed, and profoundly revised in Christianity, constitutes a historical fact.[48]

And he defines ‘‘an ethics of pleasure: … But if by ethics you mean the

[45] Foucault, *An Interview by Stephen Riggins*, 128.
[46] Ibid, 126.
[47] Ibid, 128.
[48] Foucault, *Concern for Truth*, 256.

relationship you have to yourself when you act, then I would say that it intends to be an ethics, or at least to show what could be an ethics of sexual behavior. It would be one that would not be dominated by the problem of the deep truth of the reality of our sex life. The relationship that I think we need to have with ourselves when we have sex is an ethics of pleasure, of intensification of pleasure.''[49] In Ancient Greece, he studies the males, also male philosophers and their behaviors in the family and their sexual relations with other males who are mostly younger boys. In Ancient Greece, there was a discourse and thought regarding the allowed practices of sexuality. Greeks were concerned with sexuality not in terms of prohibition. Prohibition of course existed mostly for women but they came up with certain ethical behaviors for a man to govern himself and his relations with the young boys, his wife, and his children in order not to be unfair to himself, his wife, his children and young boys who are the men of the future. Foucault detects and argues that sexuality was never thought about only within the terms of law and prohibition:

> What struck me about Antiquity was that the points of most active reflection on the subject of sexual pleasure were not at all the points representing the traditionally accepted forms of prohibition. On the contrary, it was where sexuality was most free that the moralists of Antiquity pursued their questions with greatest intensity and succeeded in formulating the most rigorous doctrines. Let us take the simplest example: the status of married women prohibited them from any sexual relationship outside marriage; yet there is hardly any philosophical reflection or theoretical concern with this "monopoly. " On the other hand, men were quite free to love boys (within certain bounds) and it was on this kind of love that a whole conception of self-control, abstinence, and the non-sexual relationship was elaborated.[50]

Foucault studies the era of Ancient Greece based on the thought of the contemporaries of that era -not by looking back from today- that's why, ''art of living, techniques of self and stylization of existence are the notions he researched. It was a question of knowing how to govern one' s own life in order to give it the most beautiful possible form (in the eyes of others, of oneself, and of the future generations for which one might serve as an example). That is what I tried to reconstitute: the formation and development of a practice of self whose aim was to constitute oneself

[49] Foucault, *An Interview by Stephen Riggins*, 131.
[50] Foucault, *Concern for Truth*, 259.

as the worker of the beauty of one's own life.''[51]

Practices of the self form morality but this morality can turn into constricting codal structures or into an art of living or the art of self which is independent of moral legislation. ''Early Christianity brought several important changes to the asceticism of Antiquity: it intensified the form of law, but it also diverted the practices of self towards the hermeneutics of self and the deciphering of oneself as a subject of desire. The articulation of law and desire seems to be fairly characteristic of Christianity.''[52] So ethics as a style of self, living, and existence was central in behaviors in Ancient Greece but a unity of style of morality started to form in the Roman Empire in the second and third centuries, a unity that is concerned with the moral codes and truth.[53] And Ancient Greeks arrived to a point of the contradiction of morality, which is between the relentless search for a certain style of existence on the one hand and the effort to make it available to all on the other. [54]

Today we can ask this question: Do societies still consider, mind, think or problematize the contradiction of morality? Contradiction of morality is constituted by certain power relations based on transforming certain ethics into moral codes of human behavior in society which then turns or might turn into an oppression of free speech and free conduct. Basically, moral codes try to govern the field of ethics so that people do not constitute new truths or new styles of existence because power would like subjects to fit into certain schemes, so they are easily governed or controlled. Let's imagine any person, regardless of the gender, who would like to analyze the power and domination relations in sexual harassment. Contemporary morality and truth, based on the notion of shame and shameful sexual acts, is trying to dominate the field of action and speech in a way that, in many cases, accused people feel threatened if they talk about or articulate thought or actions. Nevertheless, there is still the possibility of freedom to talk, despite the danger of being lynched in different ways. But, also, let's look at the ways we talk. Society is basically divided into two very opposite poles. On one side, there are those who defend the alleged accuser

---

[51] Foucault, *Concern for Truth*, 259.
[52] Ibid, 260.
[53] Foucault, *The Return of Morality*, 244.
[54] Ibid, 243.

blindly, the ones who can't know the subjectivity of the accused one during these incidents. On the other side, there are the those who believe that the claim of the victim should primarily be regarded as true unless the opposite is proven. So basically, both sides use similar methods: they lean on the impossibility of factual evidence in such incidents and use it for their agenda and they both base their claims on a stable human nature – as if one can know all the different subjective experiences of a person or as if no one by nature would blame anyone by claiming to be sexually harassed since moral society might usually blame the sexually harassed one by assuming that the incident took place due to an inappropriate behavior of the harassed one. Both sides lean on *a priori* and stable human nature. The starting point of the analysis could be to evaluate and to critique these discourses.

Harassment, which is an act of violence, exists. How did it come to be called sexual harassment? First, man wrote the history and separated woman from man, to make the man the superior one. And this discourse was constituted as truth as if this is natural and absolute. In terms of ethics, one can be aware of the biological features she or he has, but one could possibly constitute oneself as a singular being sharing a limit or common field with others or with society. But the ones who exert power would prefer not to let the possibility of endless singularities be thought or realized. By dividing, by primitivizing, by creating dualities, it is easier to govern, control and create totalities instead of singularities. Man has excessively dominated the history of truth; therefore, different thoughts were ignored. Nevertheless, in today's society, there's still a possibility to articulate new discourses despite morality. Being a man is a burden just like being a woman is a burden and being queer is a burden, too. Unfortunately, at the moment, we are unable to think of identities regardless of sexual acts or sexual choices. One should be able to work on the self and should be able to communicate by saying I am myself, with my conduct toward myself and toward others, as a part of society and despite society.

Can any act be discussed and problematized only with notions of law, prohibition, crime and punishment? Obviously, these practices exist but if these are the only tools, then we only keep fighting the visible enemy but not the chief enemy and the chief enemy keeps its position. Going back to man vs. woman, this might be where the chief enemy lies, this dividing discourse. A discourse starting from infancy

to constitute us as boys or girls with certain codes of clothing, behaviors and constraints. Toilets are not separated according to genders at home but are separated in schools which is a tool to create mystery about the body of the other sex. Then with these certain conduct codes, gender identities are constituted, and subjects are imposed on to identify themselves according to these codes. Additionally, whoever does not belong to these codes is abnormalized. Subjects are imposed on and inclined to think, imagine, desire, talk and act about sexuality, this is how power is exercised through our body and mind in the age of bio-politics. But when someone writes the genealogical history, then it is visible that truths are changeable and not terminal. Therefore, new ethics with a new way of thinking and acting could be possible by being aware of the existing social truths, not by totally ignoring them or attributing them to ourselves without problematizing them with new true or false games and by imagining new horizons of existence.

A society without a system of morality would probably be a utopia since morality is a discourse to exert power and society without power doesn't seem possible. But to change the power relations is possible. Parallel struggles, parallel forms of resistance can be constituted. How can struggle be formed against the return or re-constitution of a dominant morality? In sexual harassment cases, the first acts of violence became visible in workplaces at the end of the eighteenth century. Since then, and still today, men are predominantly in superior positions in work chains. They feel entitled to harass others inferior to them, mostly women and they violate the freedom of body of others by acts of violence. Therefore, as one method, we can look at the economic politics to spot the chief enemy.

People should be given the chance to attain equal positions regardless of their sex, gender, beliefs, religion, or nationality. People should earn the same, regardless of their sex, gender, beliefs, religion, or nationality. This can be accomplished by educating society and can be guaranteed by making laws. Breaking a law can also be a form of resistance in a positive or negative way, yet these laws and manners should be constituted, just like it is done in Iceland to avoid economic discrimination as a main starting point. On January 2018, Iceland became the first country to make it illegal to pay men more than women for the same job. If people get paid the same for the same labor, there's a chance that the number of harassments might decrease. This

would influence the gender roles at home thus influencing the traditional values of families, therefore the first education at home would be constituted differently. Problematization should be ethically applied to all social discourses; people need to come up with new games of truth to constitute new truths.

Another important notion that has been taught since childhood is the feeling of shame. Again, this is not an innate given feeling or an absolute notion but a constituted one. In Ancient Greece, shame was related to ethics in the sense that a man should not do wrong in his deeds so he would not feel shame towards society. In time, shame could create guilt. Shame is used as a tool of morality for society to punish people. However, for the most part, it does not lead individuals to consider the actions of the self nor does it generally restrain people from doing things. Some scholars argue that in Ancient Greece, one would not feel shame if his deed was only seen by himself. But he would be aware of his act and he should govern his deeds to govern himself. Where the notion of shame can be used in ethical practice, it should not turn into a moral truth of the society because what is shameful changes in different cultures and eras. Therefore, one should still evaluate his acts according to games of truth which are historical, social and ethical. Thus, one should question if the act is good for the self and society.

Because it is considered a shameful thing even to be accused in a sexual harassment case, there is the potential that people might use this as a retaliation or that society might shame and exclude the accused even when there is only an allegation of sexual harassment. Even worse, the one who is harassed is still widely condemned in some cultures by morality because of not following what is accepted as the proper normal decent social behavior that caused the incident. Both sides are condemned by the discourse of shame. This notion of shame could be another chief enemy next to labor equality and form of education. Shame does not stop us from doing things but it does stop us from problematizing things; therefore the notion of shame should be abolished and the notion of *ethical behavior* could be the norm. Not morality but ethics as a practice of freedom should be regarded as a constant creation of ethical conducts for the self and society.

Then a new truth can be constituted via power relations, strategies,

institutions, practices and discourses. How and by whom? Court cases are also places like churches or psychiatric institutions where actions are verbalized to be recorded. There are also committees of ethics in certain institutions like universities where investigations take place. When all these experiences, thoughts, history, and institutions exist, who shall be the ones to constitute the new truth? Specific intellectuals who don't follow the terminal truths in their fields like philosophy, law etc. These could be jurists and philosophers who have critical approaches. States will strongly oppose but the Iceland example of equal pay shows us that equal honorarium for equal labor can become law. On the other hand, intellectual statement-thought should be re-established and re-positioned in society. Philosophers or intellectuals should share their knowledge of truth in the field of their expertise, not out of it, so it shall become a usual practice for social thought, statement and knowledge to be circulated throughout society. But academics, philosophers or intellectuals should be convincing and truthful with their discourses in order to re-establish the necessary positions of authorities in society. The acts of academics/philosophers should not be done just to keep their positions. That's why I compare two academic texts in the last 40 years as a case study.

The field of Philosophy should be concerned about the relation between truth, politics and private life just as in antiquity. But with time, questioning the political power via truth turned into people asking themselves moral questions and the conception of truth began to regress starting from the second century B.C. [55] And with Christianity, the formation of morality progressed with a new system which was set up to verbalize and then record private experience: ''Christianity introduced some perversions, some quite considerable modifications, when it organized extremely extensive penitential (related with remorse) functions which involved taking account of oneself, telling about oneself to another, but without anything being written. On the other hand, at the same time or shortly afterwards, Christianity developed a spiritual movement connecting individual experiences - for example the practice of the diary - which made it possible to gauge or in any case to estimate the reactions of each person.''[56] In the opposite situation in Ancient Greece, the problematization of the

[55] Foucault, *The Return of Morality*, 245-246.
[56] Ibid, 245-246.

constitution of the self as subject was missing.[57] This is why Foucault had to draw out the genealogy of how sexual experience was practiced, manipulated, modified and lived by certain actors, tracing back from Ancient Greece and his main question was: ‘‘why had we made sexuality into a moral experience?’’[58]

> Beginning with Christianity we have the opposite: an appropriation of morality by the theory of the subject. But a moral experience essentially centered on the subject no longer seems satisfactory to me today. Because of this, certain questions pose themselves to us in the same terms as they were posed in antiquity. The search for styles of existence as different from each other as possible seems to me to be one of the points on which particular groups in the past may have inaugurated searches we are engaged in today. The search for a form of morality acceptable to everybody in the sense that everyone should submit to it, strikes me as catastrophic. But it would be a misunderstanding to want to base modern morality on the morality of antiquity without considering the morality of Christianity.[59]

We can say that *History of Sexuality* is a genealogical history of ethics in the field of sexuality which is an attempt to create new and historical games of truth to find new methods to govern our conduct with ourselves and with society. Ethics should be problematized together with power relations, freedom practices and knowledge, in the service of constituting new truths.

[57] Foucault, *The Return of Morality*, 253.
[58] Ibid, 252.
[59] Ibid, 253-254.

2.2. On Sexual Morality, Decency, Child Sexuality, Harassment and Law

On April 4, 1978, philosopher Michel Foucault, playwright/actor/lawyer Jean Danet and novelist/philosopher Guy Hocquenghem took part in a radio debate in the program ‘‘Dialogues’’ broad-cast by France-Culture. The discussion was about the petition that suggested abolishing the age of consent laws in France. Therefore, two philosophers and a lawyer discussed the legal-ethical aspects of sexual relations between children and adults. ‘‘They argue that the decency/indecency paradigm that has been articulated by jurists, doctors, and psychologists since the nineteenth century has functioned not so much to punish offenses, but rather to target individuals whose sexuality reaches criminal proportions because it is thought to endanger an entire segment of the population.’’[60]

What is the notion called *targeting the individuals*? Targeting the *dangerous individual* is a collective behavior or gesture based on the morality or decency defined by the society, which does not evaluate and analyze the acts but instead targets the individuals who are potentially dangerous to a segment of society. The gestures could be dangerous or could be unjust or unethical. What we call human values are historical and change with time but acts are the things which should be assessed. Yet, legislation regime mostly works based on social morality a big part of which are sexual practices.

Foucault starts the debate with brief historical information mentioning the penal code in France that was promulgated in 1810, which defines crimes, offenses, misdemeanors. At that time it appears that sexuality was not the business of the law. It might still have been the business of the church. But towards the end of the nineteenth century and especially in the twentieth century, law starts to define sexual crimes and condemn them under the notion of acts against public decency. The Mirguet amendment in 1960 to the 1958 French constitution ‘‘declared the necessity to fight against all threats to public hygiene and specifically names tuberculosis, cancer,

[60] M. Foucault, G. Hocquenghem, J. Danet ‘‘Sexual Morality and the Law’’ in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*Routledge, Chapman & Hall, Inc. 1988), 271.

alcoholism, prostitution and homosexuality as objects of attack.''[61] First of all, we need to indicate that three debaters here are all subject to the experience of subjectivity called homosexuality. It is very obvious that public hygiene starts from the self and how the self interacts with others. For example, to have an anal intercourse, one does not need to be or identify himself as a homosexual as this amendment implies and one would know or find out the precautions for a healthy anal intercourse. As it is clear here, this law aims for discrimination and to control the identities by limiting them with two main sexual identity options in order to be able to govern them easier. Or we can say that it tries to keep the marginals out of society, to practice their gestures inside their homes, to make them feel they are doing something wrong and guides them to verbalize their acts in psychiatry clinics or practice their sexuality in secret. Religious institutions like churches are also institutions where sexuality is verbalized and also practiced in some cases in secret abuses by priests.

Power sets up a system of institutions, strategies, relationships and discourses to govern again. But as the public opinion and common sense on sexual morals change, laws need to be regulated. Who should take part in making laws, at least in the debate phase? Philosophers and lawmakers might work together in an ideal world to constitute the constitution, but the state does not really include the philosophers. Then, as in this case, philosophers or intellectuals sign a petition which is a form of declaring a discourse, opinion and resistance. Circulation of the discourses or the statements by intellectuals or philosophers is a must for the debate in society which might lead to participatory democracy. This is very essential because society needs the philosophers to speak up, especially when people call for the murder of homosexuals or harassers. From time to time, in both police and legal practice, a return to stricter positions is visible. When morality is being constituted, press campaigns also take their part on stage to circulate certain information. Mainstream press is always aware of homosexuality or harassment cases but starts to publish them or put them in discourse only when the sexual morality of the public changes. So, the press functions to distribute the new moral codes. But philosophers as the truth tellers feel a need constantly and act in certain times: ''And this movement, observable in police and legal practice, is unfortunately supported very often by press campaigns, or

[61] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 272.

by a system of information carried out in the press. It is therefore in this situation, that of an overall movement tending to liberalism, followed by a phenomenon of reaction, of slowing down, perhaps even the beginnings of a reverse process, that we are holding our discussion this evening.''[62]

Guy Hocquenghem starts by stating the content of the petition they signed and who signed it. The ones who signed it belong to a wide range of political positions from communists to certain psychoanalysts. He states that these petition signers are not suspected of being pedophiles and they practice law, philosophy and psycho-analysis. Here, he wants to build an ethical credibility in the eyes of the public by saying that these people are not defending their interests but they raise a voice for the good of society and he wants to emphasize the need for the statement and position of authority by implying they are specific intellectuals.

These people, the intellectuals in society, are mostly against the constant criminalization and age limit definition of relations between minors and adults in the name of incitement of minors to debauchery. The term debauchery is very vague and full of morality and normativity connotations. It does not really refer to acts but mostly to people whose sexuality forms a threat for others in the eyes of the public's common sense. These changes in the law ''in fact does not amount to a profound transformation in the legal system, either in the way a case is investigated or in the way it is judged in court. But, furthermore, at the level of public opinion, at the level of the mass media, the newspapers, radio, television, etc., it is rather the opposite that is beginning to take place, with new arguments being used.''[63]

In this case, this new argument is the sexuality of the child which sounds like horror for public morality. Foucault also talks about child masturbation in *History of Sexuality* and how it was first denied as if it does not exist and then later it was to be controlled by parents. So for parents it is shocking to find out that their children masturbate and most parents find pleasure in making children feel ashamed of masturbating when they are caught doing so. At the same time, parents don't share knowledge about sexuality with them or give children space and time to practice their

[62] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 272.
[63] Ibid, 273.

sexuality. It should be either governed or oppressed until they become adults. And in sexuality, when does childhood end and adulthood start? At 14, 16, 18 or 21? It changes historically and it depends on the country and the law and this is another rupture-division between the adult and the child. In this way society prefers to govern as much as it can by constituting moral or juridical crimes or moral codes of unacceptable behaviors instead of the more complex and difficult to govern approach of leaving this field with certain freedoms, sharing knowledge with children, and then evaluating on a case by case basis.

Hocquenghem talks about child pornography and prostitution, he does not advocate these acts and shows the hypocrisy of society in these fields:

> This whole campaign about pornography, about prostitution, about all those social phenomena, which are in any case controversial (nobody here is advocating child pornography or prostitution), only leads to one fundamental question: it's worse when children are consenting and worse still if it is neither pornographic, nor paid for, etc. In other words, the entire criminalizing context serves only to bring out the kernel of the accusation: you want to make love with consenting children. It serves only to stress the traditional prohibition and to stress in a new way, with new arguments, the traditional prohibition on sexual relations without violence, without money, without any form of prostitution, that may take place between majors and minors.[64]

So, a gesture being constituted as a crime does not profoundly work to punish or educate or make the individuals ethically question their acts but to create more criminals or discourses to say that people want to make love with consenting minors. In François Ozon's 2013 film Jeune & Jolie, 17-year-old student Isabelle discovers the act of having sex and would like to experience it with different men of different ages and men start paying her. The police interfere, parents are informed, and Isabelle is interrogated. The mother asks Isabelle if she plans to continue, she answers: It was just an experience. Her mother replies: A dangerous one. The sexual act of a 17-year-old person with majors is constituted as a dangerous act. When it comes to prostitution, this indecency should be joined into the economic life by turning it into a labor in brothels, in secret places away from the eyes of the high moral society. By hiding it, it is incited to be verbalized or put into action elsewhere, in many places.

64 Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 273-274.

This is how sexuality is constituted as a truth and a device, a regime in order to have a social control over sexuality as Foucault argues in *History of Sexuality*.

Jean Danet starts with the psychiatric claim that sexual relations between adults and minors are always traumatizing. For a second, let's just mention that the other debater, Guy Hocquenghem, began an affair with his high school philosophy teacher when he was 15 years old and they remained life-long friends, this shows that it does not necessarily have to be traumatizing all the time. But psychiatry claims that it is always a traumatic experience and this trauma sometimes remains in the subconscious but nevertheless marks the child with a lifelong emotional disturbance. With this discourse, Jean Danet argues that psychiatrists intervene in court to manipulate the words or consent of the minor. So, psychiatry uses the notion of consent to manipulate the judgement of the cases, sometimes making the minor say certain things to prove that consent was not there, in order to punish the adult. Taking consent as the starting point is the big mistake here since consent is a contractual notion and it is not something that can be proved to use as evidence, therefore all sides or anyone who can, manipulate the notion of consent to prove his side of the argument. But how can one reach a right truth with a wrong tool or starting point? If we look at the cases of sexual harassment, consent is the biggest card on the table. Psychiatry again claims that in all cases, the harassed one is traumatized and sometimes cannot realize it or speak about it for a long time and cannot even realize that she/he is victimized. Therefore, even in some cases where harassment might not have actually occurred, later on, due to the constituted discourse, one might take on the subjective experience of trauma and being a victim. On the opposite side, the accused might define his/her acts as harassment even if there was a regular flirt or intercourse and can start identifying himself as a criminal without actually grasping what the crime is.

What can be suggested instead of consent? Since these cases are about abusive domination, what should be investigated is to see if there's abusive domination or power relation. To be able to detect this, another aspect that should be considered is freedom; Is the freedom of any party totally blocked by the other party? This could be in terms of an act of violence or it can be an unfair termination of a work contract by the superior. Thirdly, even in courts, ethics should be questioned. Prosecutors should

ask both parties if they think their acts are ethical according to themselves and why. So instead of consent, abusive domination, blockage of freedom and ethical duties of certain identities can be investigated in such cases. These three aspects I suggest are all forms of action but consent is not always a form of action as we expressed before, it is a contractual notion and not all human relations are contractual but they are power relations.

Danet gives one example from 1976 in Nantes when a teacher is tried for inciting minors to immoral acts when he only gave contraceptives to the boys and girls in his charge. This demonstrates what happens when legislation does not define the acts but tries to form a certain moral code, then judges look for criminals not crimes. They couldn't come up with the definition of the crime yet but they still tried to constitute the characteristics of a criminal. Danet gives an example from a penal code in the middle of the nineteenth century in France and claims that the legislation is ultimately looking for places where perverts likely slip in to corrupt young people.[65] He adds that when legislation couldn't come up with the definition of perversion, then medicine and psychiatry were to do it for them. Notions of trauma which regards the child as incapable of many things are used to define perversions. In the case of sexual harassment, again trauma and regarding the victim incapable of being sure what she-he wants are used by jurisdiction, legal medicine, psychiatry and also by other discourses out of the state jurisdiction system. Danet adds that the obsession in the mid-nineteenth century was to track down the perverts in most dangerous institutions which are at risk or among the populations at risk, though the term had not yet been invented.[66] The interesting part in this debate is that all of the debaters both give a historical context based on their historical analysis, and they make predictions about the future which can be considered as warnings of philosophers or specific intellectuals:

> If it has been possible to believe for a time that there was to be a withdrawal of legislation, it was not because we thought we were living in a liberal period but because we knew that more subtle forms of sexual supervision would be set up - and perhaps the apparent freedom that camouflaged these more subtle, more diffuse social controls was going to extend beyond the field of the juridical and the penal. This is not always necessarily the case, and it is quite

[65] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 275.
[66] Ibid*,* 275.

> possible to believe that traditional repressive laws will function side-by-side with much more subtle forms of control, a hitherto unknown form of sexology that would invade all institutions, including educational ones.[67]

Looking back from 2019 to 1978, to the time when the lines above were stated, today we clearly see the sexual morality both taking its place in law and also in public opinion about the crimes that are called 'shameful'. A lot of sexual crimes with and without violence are covered in legislation. There are also a lot of discourses accepted as a truth outside of legislation and applied in political parties or unions for example. And, every educational institution starts having its own ethical regulations to govern social relations, which can be a positive thing depending on the practices.

Foucault also mentions the legislation in France since the nineteenth century till today and it is characterized by the odd fact that legislation was never capable of saying exactly what it was punishing. The intention of the law was to defend decency but no one ever knew what decency was. He argues that all the legislation on sexuality introduced since the nineteenth century in France is a set of laws on decency.[68] And this notion of acts against decency has been used strategically. Foucault addresses that in the new age, it's not about defending the universal decency of mankind anymore but to protect certain vulnerable parts of the population. Therefore, these vulnerable populations, like women and children, should stay vulnerable for the legislative system to function and psychiatry helps to define that they are vulnerable.

What the legislator says in the new penal-legislative system that started to emerge in the last quarter of the twentieth century is: ''there are people for whom others' sexuality may become a permanent danger.''[69] These are children in the case of this radio debate, and these could also be women or young boys whom power is exerted on in other cases. So, psychiatry constitutes the norm of the vulnerable or *high-risk population* and in this way, it can intervene twice. First, as if psychiatry explored that children have sexuality, psychiatry says that children have sexuality and

---

[67] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law*, 275.
[68] Ibid, 276.
[69] Ibid, 276.

they know or have ideas about what sexuality is. But psychiatry or education defines the sexuality of children as a territory that adults must not enter with the discourses that it has its own maturation and latency periods, and specific drives. This way, the sexuality of children is limited, governed and controlled since it would be a disaster if children come up with or explore something that adults would not allow or even imagine. Since this territory is kept virgin, then the adult can enter there as a guarantor in order to protect it. We again have a division and rupture that constitutes crimes. Let's remember that no one advocates that harmful acts don't exist, they do exist, but for cases that should be dealt with singularly, legislation is trying to set up moral laws in order to be able to govern the field of child sexuality – a field which was claimed not to exist for ages. But the constituted morality hence will be able to say that the adult is bringing his own sexuality into the child's sexuality in particular cases. Therefore, Foucault points out the constitution of legal medicine as a new form of power that is medical power. Because even in a case where a minor may have desired an adult and even consented, psychological knowledge is constituted that even a seducing minor runs the risk of being damaged or traumatized due to sexual dealings he or she has with an adult:

> Consequently, the child must be protected from his own desires, even when his desires orientate him towards an adult. The psychiatrist is the one who will be able to say: I can predict that a trauma of this degree of importance will occur as a result of this or that type of sexual relation. It is therefore within the new legislative framework - basically intended to protect certain vulnerable sections of the population, with the establishment of a new medical power - that a conception of sexuality and above all of the relations between child and adult sexuality will be based; and it is one that is extremely questionable.[70]

Before moving on, let's again consider where to form the resistance and the struggle to fight the chief enemy in such cases? It may be the constitution and education policies that start in the home or within families. First of all, if a society or state predominantly just recognizes marriage as the norm, this is something to abolish, but of course it is easier to govern society in the forms of families with clearly identified sexual identities. Again, we need to struggle for our singularities that will form the society of pluralities. If we realize that the heteronormative family is

[70] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 277.

constituted as the form of legal-moral sexual act and the bedroom of the parents as the moral space of the act, we need to start by abolishing this.

One needs to think about the possibilities of sexual acts within the framework of an ethical relationship with the self and with others. And from a young age, children need to be taught that sexuality is a gesture that people can practice, not a form of truth that we identify ourselves with. Children should also be educated about various sexual-power relations that might occur, so they would have knowledge beforehand and be aware that what they might have encountered is not just unique to them, then they would not feel ashamed to share what happened. Human beings can grasp things with knowledge and experience. If we are informed, we can handle some experiences easier. Therefore, this sexual regime that tries to mystify and mostly verbalize the sexual acts at the same time creates the possibility of certain incidents. On the other hand, knowledge might of course create a will to explore certain acts which are inevitable. So, let's just remember that society without power relations, without truth, without knowledge would be a utopia and our biggest form of resistance is to create new ethical truths in order to change power relations. And constitution of truth is done by free individuals or groups, therefore new truths can go in endless ways which makes the journey of human existence an endless struggle via power relations.

Foucault mentioned the constitution of new medical power. Hocquenghem furthers the debate by mentioning the fabrication of crime with the notion of *offence against decency* or we can say the offences against the moral codes that are constituted based on a vague notion called shame which is presented as a universal value of human beings. For example, this morality also consists of religious prohibitions like sodomy or it seems to know the total difference between the world of the adult and the child. So, since moral codes realize that these relations can be isolated in the form of a crime without any need for a clear definition of the act, the real tendency is to create a certain category of the population called perverts who tend to indulge in certain pleasures. To be honest, do we know what perversion is, or does it have to be defined or does it even exist at all? This is a set of acts that might or might not be harmful for part of the population. Again, labeling, capturing and verbalizing these relations as a crime is a strategy to govern.

> There then exists a particular category of the pervert, in the strict sense, of monsters whose aim in life is to practice sex with children. Indeed they become perverts and intolerable monsters since the crime as such is recognized and constituted, and now strengthened by the whole psychoanalytical and sociological arsenal. What we are doing is constructing an entirely new type of criminal, a criminal so inconceivably horrible that his crime goes beyond any explanation, any victim.[71]

Hocquenghem refers back to the notion of *attack without violence* and *legal monster:*

> an attack without violence that is unprovable in any case and leaves no trace, since even the anuscope is unable to find the slightest lesion that might legitimate in some way or other the notion of violence. Thus, in a way, outrage public due to decency also realizes this, insofar as the offense in question does not require a public in order to be committed. In the case of attack without violence, the offense in which the police have been unable to find anything, nothing at all, in that case, the criminal is simply a criminal because he is a criminal, because he has those tastes. It is what used to be called a crime of opinion.[72]

And this might lead to a manhunt or lynch campaign by press or any sort of public condemnation in the name of morality or the outrage of the public in order to defend decency, even when a crime is nowhere to be found, like in the example of the teacher who was handing out contraceptives to students in 1976 in Nantes:

> The police report notes with interest that the population took part in the search, that people used their cars to look for the satyr. In a way the movement feeds upon itself. The crime vanishes, nobody is concerned any longer to know whether in fact a crime was committed or not, whether someone has been hurt or not. No one is even concerned any more whether there was actually a victim. The crime feeds totally upon itself in a manhunt, by the identification, the isolation of the category of individuals regarded as pedophiles. It culminates in that sort of call for a lynching sent out nowadays by the gutter press.[73]

The manner of the public debate about sexual harassment today is very similar. There are of course voices from various political backgrounds who'd like to

[71] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 277.
[72] Ibid, 278.
[73] Ibid*,* 278.

investigate each singular case based on its own merits, however in the major picture, there is another big division in that one is pushed to be on the side of a certain truth or against it. Third ways or new roads are not welcome. Babies are thrown out together with the bathwater. Even if a person admits what he/she does and is found guilty, society does not want to accept these ones since they committed what is viewed as shameful crimes. Therefore people have a lifelong sentence in the eyes of society because of so called shameful crimes. These shame regimes do not leave any chance for people to confess because they are afraid of being lynched for shameful acts. People who carry on dialogues with criminals guilty of shameful crimes –even those who paid their penalties or served their time- are seen in the light of supporting those crimes and criminals and they are even viewed as continuing to hurt the victims. So basically, morality condemns.

Again, we come back to the importance of using parrhesia – truth telling even under a life threatening situation – because this is the most crucial way to offer new ethics or new ways to discuss specific issues that concern the public opinion as these three debaters do here, despite the danger of being labeled as the advocators or defenders of pedophilia or in other cases, sexual harassment. First of all, they draw attention to the danger of legislating vague acts into fabricated crimes and criminals which does not profoundly help to punish the harmful or unethical acts. Each case should be evaluated on its own and maybe not only by the law regime but also by certain ethical committees that aim to govern and regulate social relations. This way, we don't just rely on the legislative institution of the states. Additionally, the actions of these ethical committees might then cause effects and changes in the legislation of the state. These committees might consist of critical and specific intellectuals from different fields like philosophy, law, psychology etc. I underline critical and specific intellectuals since ''just because one is involved in a struggle against some authority, in this instance, the legal authorities, this does not mean one is on the side of those who are subjected to it.'' [74]

Jean Danet refers to the German penal code in 1870, a law that was aimed at homosexuals. Danet states that if one studies the literature published by the doctors or

[74] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 280.

psychiatrists who were against this law, one would see the obvious thing that this science did not oppose the law for the sake of individuals but wanted to take over the perverts to be able to treat them with the knowledge they claim to have acquired since then. This is just an example to show how two authorities could be in competition to get hold of that population of so-called perverts.[75] Therefore, it is not an easy task to govern and regulate social relations via several authorities, but it seems to be the only way at the moment where several institutions should ideally be able to work in ethical harmony which would not prevent all authorities involved of being critical of each other and of themselves at the same time. As we witness in the case of harassments, the changes in the workplaces or universities or the autonomous ethical regulations, help to change the legislation of the state.

The role of the philosopher, specific intellectual or academic should be to critique in depth, analyze and also warn about the possible dangers ahead of us. Therefore, Foucault indicates that acts or behaviors should be condemned, not the individuals, but the acts of the individuals or groups. And in 1978, he warns about the present and future danger:

> In the past, laws prohibited a number of acts, indeed acts so numerous one was never quite sure what they were, but, nevertheless, it was acts that the law concerned itself with. Certain forms of behavior were condemned. Now what we are defining and, therefore, what will be found by the intervention of the law, the judge, and the doctor, are dangerous individuals. We're going to have a society of dangers, with, on the one side, those who are in danger and, on the other, those who are dangerous. And sexuality will no longer be a kind of behavior hedged in by precise prohibitions, but a kind of roaming danger, a sort of omnipresent phantom, a phantom that will be played out between men and women, children and adults, and possibly between adults themselves, etc. Sexuality will become a threat in all social relations, in all relations between members of different age groups, in all relations between individuals. It is on this shadow, this phantom, this fear that the authorities would try to get a grip through an apparently generous and, at least general, legislation and through a series of particular interventions that would probably be made by the legal institutions, with the support of the medical institutions. And what we will have there is a new regime for the supervision of sexuality; but in the second half of the twentieth century it may well be decriminalized, but only to appear in the form of a danger, a universal danger, and this represents a considerable

[75] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 280.

change. I would say that the danger lay there.[76]

Foucault gives an example from his conversation with a judge that 18-year-old girls are forced to have sex with their fathers. This example also states that it is about the committed acts by constraint, it is not about the age, age difference or the authority difference, but the acts that matter. That's why the petition signers were exclusively talking about acts without violence in order to point out the moral aggression being born in society. Hocquenghem refers to the demands which call for chemical castration of the rapists: ''There is the problem of rape in the strict sense, on which the women' s movement and women in general have expressed themselves perfectly clearly, but there is the other problem of the reactions at the level of public opinion. One triggers off secondary effects of man-hunting, lynching, or moral mobilization.''[77] And Danet demonstrates how the notion of consent is manipulated in two different ways in the cases of rapes or in pedophilia in the 1970's in France. In rapes, judges start with the presumption that there was consent and that the opposite must be demonstrated. In the cases of pedophilia, presumption of non-consent by the child is the starting point with the opposite having to be demonstrated. So again, it is not about the acts as it should be, even when we use the same notion of consent, but it is about the individuals. Foucault underlines another abuse that is committed when evaluating such cases when he answers the question regarding what should be the method of legislation on such cases. There are two postulates that he criticizes. The first one is that children only have a sexuality that can never be directed towards an adult. And the second one is that children are incapable of talking lucidly about themselves.

> They are thought to be incapable of sexuality and they are not thought to be capable of speaking about it. But, after all, listening to a child, hearing him speak, hearing him explain what his relations actually are with someone, adult or not, provided one listens with enough sympathy, must allow one to establish more or less what degree of violence if any was used or what degree of consent was given. And to suppose that a child is incapable of explaining what happened and incapable of giving his consent are two abuses that are intolerable, quite unacceptable.[78]

[76] Foucault, Hocquenghem, Danet, *Sexual Morality and the Law,* 281.
[77] Ibid, 283.
[78] Ibid, 284.

We can say that the same approach should be followed in harassment cases. Both sides, victims and those accused, should be listened to with enough sympathy that they are able to declare securely the details regarding which acts have really been committed. Prosecutors, police or the people who interrogate individuals should have the calm and reliable approach to make people feel secure and they should not try to victimize the people or make them feel ashamed. This way, we can fight the discourse that the victim is traumatized and that telling what she/he experienced causes a second trauma. We need to be able to establish the methods to make people feel secure regardless if they are accused or they are the accusers. We need to put people in front of people willing to listen to them and in such conditions that they can say what they feel. Ethics requires it to be this way. It is not an issue that can be solved by legislation or penal regime alone.

2.3. Morality of Contemporary Academics

A title can never refer to all. We perform our study in a limited field, to define and expand the limits of the field of thought. So, first we can detect and analyze, then we can raise questions on the possibilities of new ethics. I will try to interpret, analyze and critique the support letter of academics for professor Avital Ronell. An analysis is in fact a re-writing, therefore I will use language to re-phrase what the sentences of the letter say, or rather what I perceive the letter is trying to say.

We earlier mentioned that NYU investigated this incident. Ronell was found guilty of sexual harassment by the university's investigation, suspended without pay for a year from school and returned to her teaching position after a year. In the meantime, she taught seminars in European Graduate College. So, in this case, the courts of the state were not involved yet but the ethics committee of the university's jurisdiction unit investigated the incident confidentially. The student, Nimrod Reitmann, is not satisfied with Ronell coming back to teach and he is now considering suing NYU in the court of the state. He doesn't seem to be satisfied with the amount of punishment. This raises a few questions. How should the sexual harasser be punished and for how long? Does the harasser need to be punished for a lifetime with the moral codes of society calling certain acts 'shameful'? Why is Reitmann not satisfied with a one-year punishment? Is it because of caring about other *vulnerable* individuals in society that Ronell is still considered a *dangerous individual*? Obviously, every case, not just sexual harassment, should be investigated separately based on certain guidelines; but these guidelines or laws or morals are historical and they evolve due to exceptional cases where people implement or apply strategies or changes that are beyond the framework of guidelines. Therefore, case studies or studies of limited fields are so essential for us to understand history and widen our horizons for the present and future. I would like to focus on the subjective and collective experience and thought of academics in this defense letter, not the whole case.

Let's start by indicating that the signers of this letter are prominent philosophers or professors of Human Sciences from all over the world. Just like in any society, academia does not only consist of highly critical thinkers but it also

includes people who like to keep their comforts, positions or pleasures. It might also be that some academics don't want to share their power over students with a university committee, they might prefer the status quo - for things to stay as they have been since ancient times. Or maybe they are worried that the university is only concerned about its own reputation and not about their workers, who in this case is a professor. So, this letter might also be addressing a power struggle between the institution and the professors. The institution concerned here is NYU, a highly acclaimed legendary university. The professor is Avital Ronell, who is accepted as fostering the German and Comparative Literature department of NYU, an international academic star. NYU and Ronell exist together, and they make the education better but when NYU considers terminating the contract of such an acclaimed scholar, then it causes professors to struggle, regardless of the allegation in this case, unfortunately.

The letter starts with academics saying that they are the long-term colleagues of Avital Ronell. Basically, they try to claim that they know her. Let's just remember that Foucault mentioned that one is a different subject, for example when teaching in a class and talking with colleagues, and another subject when having an intimate one-to-one relation of any sort. So, could these academics know the subjectivity of Ronell when she has a one-to-one relation with any student or anyone? This defense mechanism of academics is the same with the majority of people in society, when they hear that someone they are close to is accused, they say that they know this person and he/she would not do anything shameful. As it is clear, this discourse makes no sense and it just reproduces the logic of the moral code again and again without even knowing that it is a moral reference. This is one of the points made by professor Judith Butler, who later apologized about this defense letter.[79]

This incident was talked about in conjunction with the "Me Too" movement which arose after the allegations about film producer Harvey Weinstein. "Me Too" became a big movement for people, mostly women, to talk openly about what they

[79] Letter is downloaded from the following link and is available at appendix: https://leiterreports.typepad.com/blog/2018/06/blaming-the-victim-is-apparently-ok-when-the-accused-is-a-feminist-literary-theorist.html

experienced. So at least the barrier in front of the harassed one to talk publicly is being overcome, but still, sexual harassment cases are dealt with confidentially. Why? There should not be the fixed practice of handling all the sexual cases confidentially. It should be evaluated case by case. This approach exists because of the discourse of traumatization of the victim and the morality of shame which might condemn both sides. It is time to overcome this, to talk about certain cases openly, to encourage a public debate and a university can be the first place to start this. Academics and university boards should be willing to talk about all domination issues taking place in academia publicly, their task or responsibility is not limited to studying things outside of academic life. NYU investigated this case in such times that it is not very welcome to leave any accusers without punishment and it is not very welcome to talk critically. Therefore, NYU might also be concerned about the reputation of the institution. Nevertheless, they found the professor guilty and the professor returned to her chair after a year of unpaid leave as punishment. In this sense, the professor with her own will decided to get back to an institution which found her guilty. This act of the professor could be interpreted as a sign that she found the treatment of NYU fair.

Academics and everyone found out that professor Ronell was under investigation by the Title IX office of NYU. ‘‘Title IX, clause of the 1972 Federal Education Amendments, signed into law on June 23, 1972, which stated that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”[80] This title regulates sexual discrimination. And sexual harassment was defined by legislation in the 1970’s. It was defined predominantly in the limits of the workplace and it was the result of abuse of superiors over workers, mostly men over women. This regulation was first limited in the workplace because biopolitics wanted to increase the profit and efficiency of labor and tried to minimize any act which would impede more labor or more profit.

‘‘Sexual harassment, unsolicited verbal or physical behavior of a sexual nature. Sexual harassment may embrace any sexually motivated behavior considered

[80] https://www.britannica.com/event/Title-IX

offensive by the recipient. Legal recourse is available in cases that occur in the workplace, though it is very difficult to obtain convictions. In 1994 the Supreme Court of the United States ruled that behavior can be considered sexual harassment and an abridgment of an individual's civil rights if it creates a hostile and abusive working environment.''[81] The chief enemy lies in the first sentence of the definition. What is sexual nature? Individuals are imposed upon to define themselves with certain sexual subjectivities. Instead of talking about the vague norm called sexual nature, we can talk about constituted sexual identities and work to understand how and why they were constituted and what they govern and how. This way, there is a possibility to offer new methods to regulate and govern social relations.

The second sentence underlines that any sexual behavior may be embraced as sexual harassment if it was considered offensive by the recipient. Feelings or the interpretation of the recipient can constitute a criminal or crime. The recipient being offended should not alone be enough to define a crime since otherwise we end up living in a cruel society of crime and punishment, as it is today, unfortunately. Arguably, the majority of people are mostly uninterested in fundamental changes, therefore fabricating crimes and all kinds of punishments, especially moral ones, are the easiest methods to deal with issues in the short term. These offense cases do not necessarily have to be sexual all the time, but since sexual crimes are considered the most shameful in society, there is also a possibility or danger for sexual harassment to be used as a retaliation element. As we all know, in such cases, it is so hard to obtain convictions and to have evidence and therefore it becomes a huge topic of discussion in society, because it offers an endless field of manipulation.

What is the just way to handle the cases? In all other legal cases, one is not guilty until being proven, but in sexual cases, there is a struggle to form a public opinion to say that the accused one is guilty until the opposite is proven. Both discourses are historical and therefore not absolute. This reminds us of the manipulation and different recognition of consent in pedophilia cases vs. rape cases in the 1970s. It is clear that all sides try to manipulate the morality of the public by using the notion of shame in order to gain certain things. But, is it possible to establish

[81] https://www.britannica.com/topic/sexual-harassment

something totally true and just by using the moral codes that made the exploitation available for centuries? It is very hard to offer just solutions but still it is a must to critique what is and what is not ethical in the legislative or penal structures and strategies.

The academics continue the letter by praising the works professor Ronell did as a scholar and teacher. This is an attempt to create intellectual credibility of a successful professor who raised many successful scholars. The notion of success is being used to create a moral support of the society. Again, the academics fail here since it seems like they are trying to keep their privileged positions that they have acquired with their works and they fall into a danger that it might be interpreted as their implication to call for a privileged treatment for privileged persons. And again, an academic and a lover are two different subjects of the same person. These academics are the ones who pointed out gender as the trouble and they expanded the horizons of social thought by being critical to terminal truths. Therefore, one would expect the same approach in all cases, even in the cases regarding people they know, this is what truth-telling (parrhesia) requires. Therefore, their power struggle is not justified by ethics. Disharmony between discourses and acts can't be considered ethical. Gender is a constituted norm to govern power relations and it leads to many abusive dominations, but gender is not the main issue, power vs domination, ethics as a practice of freedom and the relation of these two with knowledge is what matters. This is the exact field philosophers/academics are responsible for and this is the field where they should address the incidents and any acts of physical or verbal violence.

Next the academics state that they have seen Ronell's relationship with students. Is the relationship same with every student? Can they claim to know Ronell's specific intimacy with every student? And a striking expression follows saying that some of them know the individual who waged this malicious campaign against Ronell. First of all, the academics stated that they don't have access to the confidential dossier which means, assuming that dossier includes some acts, that the academics chose not to talk about acts but individuals since they admit that they don't have knowledge about the acts. This seems to me to be the biggest failure in their ethical approach. This is why I chose to compare the debate *Sexual Morality and Law* in 1978 and this letter in 2018. In the former, philosophers problematize the acts but,

in the latter, philosophers problematize the individuals. The academics even claim to know the intentions of the student and this claim might result in the division of blindly taking sides. What they need to do, as specific intellectuals, to offer new horizons of thinking in such cases is to base their approach on thoughts and acts, not on individuals. But they end up doing what they have been criticizing. They might just be worried and feel a need to warn society that this can be used as a retaliation against authorities just like J. Danet refers to in the 1976 case in Nantes but the discourse of academics in this letter and the argument they use simply fall short.

The academics express their sadness about the damages that the legal proceeding caused her. By saying this, they also show that they can't be thinking out of the notion of shame. Since we live in a society, when there is a dispute, there should be a form of communication or a legal or ethical proceeding and we need to start seeing and stating that these proceedings should be regarded as regular, not shameful. As it is clear, being prosecuted in shameful cases like sexual harassment is used in order to harm the reputation of the person, regardless of her/him being guilty or not. But in other cases, it is a regular procedure to sue someone or to be sued even for murder, which is a clear act of blocking someone's freedom by terminating their existence. All these power relations around harassment cases are still based on the notion of shame but maybe the approach of NYU might help us to consider a new way. We don't know the details, but we know that Ronell was found guilty and sent away from school for a year and came back to her teaching position after a year. We might claim that NYU interpreted the case as an abuse of power or excessive/abusive domination and gave this punishment so maybe we could say that the notion of shame was not the main issue in their investigation. Or is it the situation that the university had to give some kind of a punishment due to the social expectation in a sexual harassment case in order to satisfy the outrage of the public due to acts against decency?

We can't know these, all we can and are obliged to do is to discuss the constituted sexual identities and power relations and be aware that they are not our absolute natures and they are not absolute. This ethical concern for the self and society will help society. Yet, in the letter to NYU, in the same sentence about legal proceedings, the academics make an attempt at domination; they try to repress and

dominate the decision making process by using their positions as authorities for abuse by expressing their clear objection to any judgement against her. Basically they want to be the judges and they claim they take sides based on no evidence or acts – because they know very well that in such cases there is no actual evidence as they stated in the letter – in order to blame the student publicly, using the adjective malicious for the second time. Also, later in the letter, the academics try to point the finger and say that if Ronell is to be terminated of her duties, this would be an injustice that would be widely recognized and opposed. They use the same tool of public opinion in another way as another moral code to dominate the judgement process. This is exactly where they fall out of parrhesia, the books they wrote and the acts they did are not in harmony with their acts in this case.

The second paragraph starts by going on to explain who professor Ronell is. By talking about her exceptional works, academics try to ask for a privileged treatment for a privileged person. Do other acts of the individual justify all his/her gestures or behaviors? Do certain people deserve a different treatment due to their international standing and reputation? The academics probably make an attempt to underline the necessity of authority by also talking about the students Ronell raised. We might argue that the position and the privilege of the professor /philosopher is regarded as natural, and dates back to Ancient Greece which Foucault talks about the sexual behaviors of philosophers with young boys as their apprentices in *History of Sexuality*. We might also argue that there might be some professors who see that they are entitled to do certain things due to their position, but we can also argue that students are aware of the power relations since they have freedom in this relation with their professor. Therefore, both sides should govern themselves by taking into account the other person and the society. If a student or a professor is ethical in their relation or if a professor doesn't ask for anything in exchange – like sleeping with the student – for promoting the student or if the student would not commit unethical acts for a promotion or a diploma, then the problems would be minimized in this field. This is a clear example of how ethics is a notion to understand, govern and regulate the power relations and to constitute knowledge and truth.

As in the final part of the letter, the academics underline once more that the international reputation of Ronell should be considered. Once more, they consider the

individual, not the acts. The last sentence of the letter is exclusively written for Ronell but it is what Foucault suggests in all similar cases as the approach that should be followed towards all individuals, to the accused ones or accusers: ‘‘She deserves a fair hearing, one that expresses respect, dignity, and human solicitude….”[82] Who does not? This was another point that professor Judith Butler later apologized about the letter.

I tried critiqued the discourse these academics used in this letter and some of them, including Judith Butler, later stated that they should not have include many aspects in the letter. Presumably, the signers of the letter did this so that the professor would receive the minimum punishment. Who are the signers of this letter? They are international academic stars with a vested interest in spreading their name and fame to universities in order to have students and income from all over the world. Apart from that, most of them are feminist philosophers and their letter shows that they are very well aware of their power as they are defending a feminist philosopher in the “Me Too” era. They were worried about the rumors that NYU was considering firing the professor but they try to threaten the university so that it will not give any punishment to the professor. We can’t know everything but we can know that here we are faced with another power struggle where all parties had a certain freedom.

[82] Letter is downloaded from the following link and is available at appendix: https://leiterreports.typepad.com/blog/2018/06/blaming-the-victim-is-apparently-ok-when-the-accused-is-a-feminist-literary-theorist.html

CONCLUSION

Michel Foucault's main concern was always to draw out the history of thought in the sense of history of truth. So, it was about the relation between truth and thought, thought as the very form of action. He worked on acts, discoursive and non-discoursive practices, relations, strategies, institutions, and sciences. He kept asking: How did we get to know this or that? How was this knowledge constituted historically? When was the change and event that led to this form of truth? Event and change were his main tools in his history-writing methodology that uses archeology and genealogy together. But he came to a certain point in which he realized he had been analyzing everything only based on social, political and epistemological context. Then he started to work on how one governs oneself and he created his notion of ethics as a practice of freedom when he studied the history of sexuality since the times of Ancient Greece until the end of the nineteenth century. So, his new question was: ''how is an "experience" formed in which the relationship to oneself and the relationship to others are linked together?''[83] This question and study shows the link between knowledge, truth, power relations and ethics.

Foucault studied the ethics in the field of the subjective experience called sexuality because for ages sexuality became the mystery that we are imposed to attribute to ourselves and to define our identity. When sexuality became a truth and a regime, device, monarchy to govern power relations, it moved from personal to social and political and ethics moved to the form of moral codes and therefore societies started to accept certain sexual moralities as the terminal truths and social morals. How Foucault tries to write the absence or possibility of history is not to directly define the culture but to find out the limits of culture based on certain limit experiences. Experience, subjective experience or the experience of subjectivity was the notion he used since he wrote the history of how humans are made subjects, so the subject is not the starting point. Humans, via games of truth, are objectified to attain certain subjective experiences to themselves. In order to come up with new ethics, the same tool of the game of truths with new questions should be applied to acts and gestures. Therefore, we need to mention once more his power relations definition in

[83] Foucault, *Concern for Truth*, 258.

relation with practice of freedom. If we talk about power relations, we at least talk about two active sides who act upon each other. Therefore, both sides can practice freedom in a power relation until one side blocks the field of action and kills the freedom of the other side, then what we have is excessive domination. I use the term excessive domination since even in power relations we witness both sides allowing each other domination and the side that exerts domination can change in agreement so it is not a very clear point when power relation turns into a domination, abuse of power or an excessive domination. Since this is a very vague field open to manipulation and we live in a cruel society of evil, this is a perfect field to manipulate and to attempt to govern power relations for all sides in the form of harassment, assault, accusation, retaliation, slander, etc. And since sexuality became a regime, device, monarchy and the main truth of our identities, the notion of sexuality is used to shape the moral codes and so-called common sense and public opinion.

Foucault states that the Ancient Greeks arrived to the point of the *contradiction of morality,* which is between the relentless search for a certain style of existence on the one hand and the effort to make it available to all on the other. [84] It is catastrophic to impose certain ethics to all people of society, but this idea is so tempting as a way to govern all the social relations in the form of moral codes. The danger lies where moral codes start to be imposed in legislation or penal regimes. As it is clear, this is a chain of false truths since the starting point of moral codes for society is considered *a priori*, a vague absolute truth as the starting point and whole knowledge-truth is constituted on this wrong starting point. This clearly shows what Foucault opposed in the traditional philosophy. He changed the way we think about philosophy, therefore the way we behave to ourselves and others in terms of ethics as a practice of freedom.

His next concern was how to use this practice of freedom as a form of resistance in power relations towards the chief enemy, not only towards the immediate enemy. Therefore, in the scope of this thesis, under the guidance of Foucault, I analyzed two different cases of sexual morality and legislation relation in how academics discusses the two situations, in order to suggest what can be the

84 Foucault, *The Return of Morality*, 243.

ethical ways by which philosophers problematize social morality issues: ‘‘The problem is rather to know how you are to avoid in these practices –where power cannot not play and where it is not evil in itself –the effects of domination which will make a child subject to the arbitrary and useless authority of a teacher, or put a student under the power of an abusively authoritarian professor, and so forth. I think these problems should be posed in terms of law, of relational techniques of government and of ethos, of practice of self and of freedom.’’[85]

So, any type of abuser might be dominated by his own passions and become a slave of the passions. The role of the philosopher in an ethical sense should be to practice ethical care for the self and for others openly: ‘‘On the critical side –I mean critical in a very broad sense –philosophy is precisely the challenging of all phenomena of domination at whatever level or under whatever form they present themselves –political, economic, sexual, institutional, and so on. This critical function of philosophy, up to a certain point, emerges right from the Socratic imperative: ‘‘Be concerned with yourself, i.e., ground yourself in liberty, through the mastery of self.*’’*[86]

The philosopher should tell the truth no matter what the circumstances are; parrhesia (truth-telling) requires this and it is the only way to question the moral codes and offer new ethics. In this sense, Foucault’s other question was: ‘‘why had we made sexuality into a moral experience*?’’*[87] And how did Foucault link sexuality, ethics, morality and law starting from Ancient Greece? ‘‘A certain style of morality that is self-control. Sexual activity is represented, perceived as violence, and therefore problematized from the point of view of the difficulty there is in controlling it.’’[88] Later on, this ethics was reversed into a moral code in the Roman Empire and Christianity which became the foundation of moral society today and sexuality became the phantom and threat in all social relations as a form of governing.

At last, we have two main questions. The first is: What can the ethics of an intellectual, philosopher, academic be?

---

[85] Foucault, *The Ethic of Care for the Self as a Practice of Freedom*, 129-130.
[86] Ibid, 131.
[87] Foucault, *The Return of Morality*, 252.
[88] Foucault, *Concern for Truth*, 261.

> What can the ethics of an intellectual be – I claim this title of intellectual, though, at the present time, it seems to make certain people sick - if not this: to make
> oneself permanently capable of detaching oneself from oneself (which is the opposite of the attitude of conversion)? If I had wanted to be exclusively an academic, it would no doubt have been wiser to choose one field and one alone to work in, accepting a given problematic and trying either to implement it or to alter it in certain respects. I could then have written books like the ones envisaged in La Volante de savoir, six volumes of a history of sexuality, knowing in advance what I wanted to do and where I hoped to arrive. To be at once an academic and an intellectual is to try to manipulate a type of knowledge and analysis that is taught and received in the universities in such a way as to alter not only others' thoughts, but also one' s own. This work of altering one's own thought and that of others seems to me to be the intellectual's raison d'etre. (reason of being, reason of existence)[89]

The second and, for now, last question is: What can and cannot be the relation between ethics, morality and law? ‘‘Nothing is more inconsistent than a political regime that is indifferent to truth; but nothing is more dangerous than a political system that claims to lay down the truth. The function of "telling the truth" must not take the form of law, just as it would be pointless to believe that it resides by right in the spontaneous interplay of communication. The task of telling the truth is an endless labor: to respect it in all its complexity is an obligation which no power can do without - except by imposing the silence of slavery.’’

What I tried to do in the scope of this thesis is to suggest that the contractual notion of consent could not be the main asset used to assess harassment cases since these cases are the cases related with abuse of power or excessive/abusive domination.

> Power exists only when it is put into action, even if, of course, it is integrated into a disparate field of possibilities brought to bear upon permanent structures. This also means that power is not a function of consent. In itself it is not a renunciation of freedom, a transference of rights, the power of each and all delegated to a few (which does not prevent the possibility that consent may be a condition for the existence or the maintenance of power); the relationship of power can be the result of a prior or permanent consent, but it is not by nature the

[89] Foucault, *Concern for Truth*, 263-264.

manifestation of a consensus. [90]

Instead of using the notion of consent, I suggest using the toolkit of Foucault and his definitions of truth, power and ethics. It is possible to first question the terminal truths and discourses – like those related to adviser advisee relations, and trauma and victim scenarios – then to evaluate harassment cases focusing on the *acts* which governs the presence of freedom vs. *absence of freedom* or *excessive/abusive domination* which is the state when freedom is blocked. That is why I raised these three questions to evaluate the case between professor Ronell and student Reitmann: Was there any violation and *act of violence,* verbal or physical? Was the *freedom* of the student blocked by the professor where the only choice for the student was to go on with the same professor? Did the professor exercises *abusive domination* over her student by using her position in order to fulfill her desires when she had the ethical choice to quit being the advisor of this student? The first question is a question on domination but the last two are a matter of ethics as a practice of freedom for free individuals to minimize the domination as much as possible.

[90] Foucault, *Subject and Power*, 788.

BIBLIOGRAPHY

Foucault, Michel, ''Preface to the 1961 Edition'' in *History of Madness:* trans. Jonathan Murphy and Jean Khalfa (New York, London: Routledge, Taylor & Francis Group, 2006)

Foucault, Michel, ''Subject and Power'' in *Critical Inquiry, Vol. 8, No. 4 (Summer, 1982, University of Chicago Press)*

Foucault, Michel, ''The Ethic of Care for the Self as a Practice of Freedom: an interview with Michel Foucault on January 20, 1984. *Raúl Fornet-Betancourt, Helmut Becker, Alfredo Gomez-Müller and J. G. Gauthier'' in Philosophy Social Criticism 1987.*

Foucault, Michel, ''Concern for Truth'' in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*1988 by Routledge, Chapman & Hall, Inc.)

Foucault, Michel, ''Preface to the History of Sexuality'' in *The Foucault Reader*, ed. P. Rabinow (New York: Pantheon Books, 1984)

Foucault, Michel, ''The Return of Morality'' in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*Routledge, Chapman & Hall, Inc. 1988)

Foucault, Michel, ''An Interview by Stephen Riggins'' in E*thics: Subjectivity and Truth* (The New Press, 1997)

Foucault, Michel, and Hocquenghem, Guy, and Danet, Jean, ''Sexual Morality and the Law'' in *Politics Philosophy Culture Interviews and Other Writings 1977-1984 (*Routledge, Chapman & Hall, Inc. 1988)

Foucault, Michel, *The History of Sexuality Volume 1: An Introduction* (New York: Pantheon Books, 1978)

Foucault, Michel, *The History of Sexuality Volume 2: The Use of Pleasure* (New Vintage Books, 1990)

Foucault, Michel, *The History of Sexuality Volume 3: The Care of the Self* (New York: Pantheon Books, 1986)

Keskin, Ferda, "Büyük Kapatılma" in *Michel Foucault, Büyük Kapatılma, Seçme Yazılar 3,* (Ayrıntı Yayınları, 2011), 12.

https://www.britannica.com/event/Title-IX

https://www.britannica.com/topic/sexual-harassment

https://www.chronicle.com/blogs/letters/judith-butler-explains-letter-in-support-of-avital-ronell/

https://leiterreports.typepad.com/blog/2018/06/blaming-the-victim-is-apparently-ok-when-the-accused-is-a-feminist-literary-theorist.html

APPENDIX

The Defense letter of academics addressing NYU in the case of professor Avital Ronell and student Nimrod Reitmann is available in the next page:

May, 11, 2018

Andrew Hamilton
President, New York University

Katharine Fleming
Provost, New York University

Dear President Hamilton and Provost Fleming,

We write as long-term colleagues of Professor Avital Ronell who has been under investigation by the Title IX offices at New York University. Although we have no access to the confidential dossier, we have all worked for many years in close proximity to Professor Ronell and accumulated collectively years of experience to support our view of her capacity as teacher and a scholar, but also as someone who has served as Chair of both the Departments of German and Comparative Literature at New York University. We have all seen her relationship with students, and some of us know the individual who has waged this malicious campaign against her. We wish to communicate first in the clearest terms our profound an enduring admiration for Professor Ronell whose mentorship of students has been no less than remarkable over many years. We deplore the damage that this legal proceeding causes her, and seek to register in clear terms our objection to any judgment against her. We hold that the allegations against her do not constitute actual evidence, but rather support the view that malicious intention has animated and sustained this legal nightmare.

As you know, Professor Ronell has changed the course of German Studies, Comparative Literature, and the field of philosophy and literature over the years of her teaching, writing, and service. She is responsible for building the field of literary studies at New York University, but also throughout Europe as a result of her brilliant scholarship and spirit of intellectual generosity. Her students now teach at leading research institutions in the US, France, and Germany, and her intellectual influence is felt throughout the humanities, including media and technology studies, feminist theory, and comparative literary study. There is arguably no more important figure in literary studies at New York University than Avital Ronell whose intellectual power and fierce commitment to students and colleagues has established her as an exemplary intellectual and mentor throughout the academy. As you know, she is the Jacques Derrida Chair of Philosophy at the European Graduate School and she was recently given the award of Chevalier of Arts and Letters by the French government.

We testify to the grace, the keen wit, and the intellectual commitment of Professor Ronell and ask that she be accorded the dignity rightly deserved by someone of her international standing and reputation. If she were to be terminated or relieved of her duties, the injustice would be widely recognized and opposed. The ensuing loss for the humanities, for New York University, and for intellectual life

during these times would be no less than enormous and would rightly invite widespread and intense public scrutiny. We ask that you approach this material with a clear understanding of the long history of her thoughtful and successive mentorship, the singular brilliance of this intellectual, the international reputation she has rightly earned as a stellar scholar in her field, her enduring commitments to the university, and the illuminated world she has brought to your campus where colleagues and students thrive in her company and under her guidance. She deserves a fair hearing, one that expresses respect, dignity, and human solicitude in addition to our enduring admiration.

Sincerely,

Judith Butler, Maxine Elliot Professor, Department of Comparative Literature, University of California, Berkeley, President-Elect, Modern Language Association (2020)

Emily Apter, Julius Silver Professor of French and Comparative Literature
Chair, Department of Comparative Literature, New York University

Catharine Stimpson, University Professor, New York University, former Dean of the Graduate School

John T. Hamilton, William R. Kenan Professor of German and Comparative Literature Chair, Department of Germanic Languages and Literatures,
Harvard University

Isabelle Alfandary, Université Sorbonne Nouvelle, Présidente de l assemblée collégiale du collège international de philosophie, Paris

Jean-Luc Nancy, Professeur émérite, Université de Strasbourg

Edward J. Sullivan, Helen Gould Sheppard Professor of the History of Art
Institute of Fine Arts - Deputy Director, Department of Art History
New York University

Geoffrey Bennington, Asa G. Candler Professor of Modern French Thought, Emory University; Chair, Department of Comparative Literature

Laurence Rickels, writer and professor, European Graduate School; Visiting Professor,
New York University

Pierre Alfari, Professor, Paris School of Fine Arts

Peter Connor, Professor of German, Barnard College

Manthia Diawara, Professor of Cinema Studies, Tisch School of the Arts, New York University

Denis Hollier, Department of French Literature, Thought, and Culture,
New York University

Christopher Wood, Professor and Chair, Department of German, New York University

Susan Bernstein, Professor of German and Comparative Literature, Brown University

Cathy Caruth, Frank H.T. Rhodes Professor of Humane Letters, Cornell University

Cynthia Chase, Professor of French and Comparative Literature, Cornell University

Jonathan Culler, Distinguished Professor of French and Comparative Literature, Cornell University

Diane Davis, Professor and Chair, Department of Rhetoric, University of Texas-Austin

Hent de Vries, Paulette Goddard Professor of the Humanities, New York University

Bernhard Siegert, Professor for the History and Theory of Cultural Techniques
Bauhaus University Weimar

Joan W. Scott, Professor Emerita, School of Social Science, Institute for Advanced Study

Hans-Christian von Herrmann, Professor of Literature, Technical University Berlin

Suzanne Doppelt, writer and photographer, Paris; faculty, European Graduate School

Rudiger Campe, Professor of German, NYU and Frankfurt an der Oder

Vincent Broqua, Associate Professor of French at the University of Paris Est Créteil

Christopher Fynsk, Dean and Professor, European Graduate School

Elizabeth Rottenberg, Professor of Philosophy, DePaul University

Antje Pfannkuchen, Associate Professor of German, Dickinson College

Emanuela Bianchi, Associate Professor, Department of Comparative Literature
New York University

Mina Cheon, faculty, Maryland Institute College of Art

Michael G. Levine, Professor of German, Rutgers University

Paul North, Professor of German, Yale University

Elissa Marder, Chair, Department of French and Italian, Emory University

Nicola Behrmann, Associate Professor, German Languages and Literatures, Rutgers University- New Brunswick

Kristina Mendocino, Mellon Assistant Professor of Humanities and German, Brown University

Jeffrey Wallon, Professor of Comparative Literature, Hampshire College

Francois Noudelmann, Professor of Philosophy, University of Paris VIII

Jesus Mario Lozano Alamilla, Professor of Music, Universidad de las Americas Puebla, Mexico

Sam Weber, Professor of German, Northwestern University

Peter Fenves, Joan and Sarepta Harrison Professor of Literature, Department of German, Northwestern University

Shoshana Felman, Woodruff Professor of Comparative Literature and French, Emory University

Gayatri Chakravorty Spivak, University Professor, Columbia University

Slavoj Zizek, Distinguished Professor, Humanities Institute, University of London, Global Professor, New York University

Marc Redfield, Chair, Department of Comparative Literature, Brown University

Peter Szendy, David Herlihy Professor of Comparative Literature and Humanities

Anselm Haverkamp, Professor emeritus NYU and Honorary Professor of Philosophy, Ludwig Maximilians-University Munich/ Germany

Barbara Vinken, Chair of Romance Languages, Ludwig Maximilians-University Munich, Germany

Arno Böhler, Professor University of Vienna, Department of Philosophy and University of Applied Arts Vienna

Susanne Valerie Granzer, Professor, University of Music and Performing Arts Vienna

Elizabeth Weed, editor, *differences*, former director, Pembroke Center, Brown University