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GRAMMAR AND POWER IN WITTGENSTEIN AND FOUCAULT[1]

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Abstract

Foucault criticizes modern discourses on power such as Marxism, Freudianism, and liberalism in which power is understood as a repressive negative force that radiates from modern political institutions to the whole society from above. For him, modern power, with the involvement of the discourses of the humanities, sustains and maintains itself by producing subjectivities and the modern subject is simultaneously an object of knowledge and of domination. There are philosophically significant similarities between the ways Wittgenstein describes language games and grammar as formative elements of our sociality and Foucault's understanding of power as a productive and dynamic grid of strategic formative relations. From this perspective, Peter Winch's and David Bloor's accounts of social constructive interpretations of Wittgenstein are analyzed and criticized, then a Wittgensteinian interpretation of the concepts of the crime and the criminal is presented on the basis of Arnold I. Davidson's and Ian Hacking's arguments on historical ontology.

***Keywords*:** language games, Ludwig Wittgenstein, Michel Foucault, political philosophy, subjectivity

WITTGENSTEIN VE FOUCAULT'DA GRAMER VE İKTIDAR

Öz

Foucault, iktidarı modern politik kurumlardan yayılan, toplumun bütününe yukarıdan nüfuz eden, baskıcı, negatif bir güç olarak anlayan Marxizm, Freudçuluk, ve liberalizm gibi modern iktidar söylemlerini eleştirir. Onun açısından, modern iktidar öznellik alanlarını, insan bilimleri disiplinlerinin söylemleri çerçevesinde, inşa ederek var olur ve modern özneler aynı anda hem bilgi hem de tahakküm pratiklerinin nesnesidir. Wittgenstein'ın dil oyunlarını ve grameri toplumsallığımızın kurucu öğeleri olarak tanımlaması ile Foucault'nun iktidarı üretken ve dinamik bir stratejik kurucu ilişkiler ağı olarak görmesi arasında anlamlı benzerlikler vardır. Bu çerçeve içinde, Peter Winch ve David Bloor'un Wittgenstein felsefesini toplumsal inşacı bir

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perspektiften okumaları analiz edilmiş, eleştirilmiş ve ardından Arnold. I. Davidson ve Ian Hacking'in yaklaşımları çerçevesinde Foucault'da suç ve suçlu kavramlarının Wittgenstein felsefesi perspektifinde bir yorumu yapılmıştır.

***Anahtar Sözcükler*:** dil oyunları, Ludwig Wittgenstein, Michel Foucault, öznellik, politik felsefe

Introduction

As opposed to the idea of power as a repressive force originating and radiating unidirectionally from a sovereign political agency, Foucault's portrayal of modern power as a historically established grid of strategic relations underlines the productive (i.e. constructive) character of these power relations. Foucault is specifically concerned with the discourses of human sciences on this grid of strategic relations. He argues that these historical forms of rationality establish various spaces of subjectivity like madness, sexual perversions, and criminality, and thereby bound the field of human experience in the name of truth and knowledge. Foucault claims that the terms and concepts of subjectivity produced by human sciences are pervasive in our practices outside these institutions.

Foucault's conception of the authority of human sciences and the consequent power effects should be understood as similar to in terms of Wittgenstein's depiction of the authority of grammar. In Wittgenstein, intricate grammatical agreements among language users are the primary medium in which language users construct and change the world they share. A sophisticated network of these grammatical agreements among language users contains the multiplicity of language users' linguistic engagements. In this context, Wittgenstein's grammatical inquiries and Foucault's genealogical works reveal a level of limitations and struggles in the field of human experience that are not reducible either to legal constraints or to struggles in institutionalized politics.

Such an understanding of grammar and power steers Wittgenstein and Foucault towards an incessant questioning of the limits and constraints imposed on our lives by grammar and the discursive order. Both specifically seek those moments in our speech and actions where grammatical and discursive limits and constraints are established and articulated in accordance with some necessities perceived as inevitable. Wittgenstein and Foucault question this sense of necessity that accompanies our speech and actions and claim that most of the time what is given to us as necessary and universal is in fact arbitrary and contingent. In this sense, politics is an ongoing struggle against false necessities that deny us a wide range of possibilities available in our human form of life. Both Wittgenstein and

Foucault point to the level of the grammar of our concepts as the site in which these false necessities are formed and sustained. Accordingly, they both suggest that a critique of the grammar of our concepts is a critique of our form of life shaped by the constraints of our grammar.

Grammar, Subjectivity, and Power

In *Philosophical Investigations*, Ludwig Wittgenstein says that "grammar tells what kind of object anything is. (Theology as grammar)." (Wittgenstein, 1997, p. 373).[3] This statement points to grammar as a source of authority which shapes the ways things become available and accessible to language users as objects. For example, there are meaningful ways to use the concept of tomato in our language games, and these ways are enmeshed with the established ways we use the object of tomato in our practices. Tomatoes are publicly available and accessible to be bought, cut up, and eaten, or thrown at people as a political protest in demonstrations, or as an expression of festivity exemplified in the Spanish tomato festival. In each of these instances of the use of the object in our meaningful practices, the grammar of the concept of tomato tells us what kind of an object a tomato is by indicating what possible spaces the tomato can occupy in our lives. These possible spaces are the forms in which the tomato is known, recognized, and used by language users. In this sense, the grammar of the concept of tomato governs both our uses of the concept and what we do with and to tomatoes. Wittgenstein's account of language allows us to articulate these spaces of objectivity in historical terms, because, in Wittgenstein, the authority of grammar is nothing but a historically formed community of language users' collective attachment and commitment to shared forms of life. However, the historicity of the authority of grammar also means that it can be challenged, criticized, and transformed on the basis of disappointments, dissatisfactions, and discontents a given form of life systematically, i.e. grammatically, produces.

How is it possible that grammar disappoints and brings dissatisfaction in language users' life? A possible Foucauldian answer points to the ways in which grammar tells what kind of subjects we are because modern subjectivities are established on the basis of asymmetrical power relations. As I will elaborate more fully, Arnold I. Davidson, in his book, *The Emergence of Sexuality*, addresses Stanley Cavell's philosophical elaboration of the concept of object in Wittgenstein, and argues that what Wittgenstein means by the concept of object sheds light on what Foucault means by the concept of sexuality, because, Davidson

[3] References to the *Investigations* are given to paragraph numbers.

claims, "sexuality is a Wittgensteinian object" (Davidson, 2001, p. 39). Needless to say, a tomato and sexuality are quite different 'objects'. While the grammar of the concept of tomato tells what kind of objects tomatoes are, the grammar of the concept of sexuality tells mostly what kind of subjects we are.

The grammars of subjectivity, similar to that of objectivity, render language users available and accessible in the public realm to each other. The accessibility and availability of objects mean that they are intelligible parts of our world constituting the scene and the stage of our language games. The subject's availability and accessibility, on the other hand, is mostly a matter of her ability and capability to respond to the calls, invitations, requests, and sometimes compulsory orders by other language users to participate in and become a part of our language games. While there is a general consensus about what tomatoes are and what to do with them, concepts like sexuality invite and provoke disputes and disagreements as well as struggles. This is because the forms of availability and accessibility of language users as subjects can be forms of dissatisfaction and discontent felt and experienced by the very same subjects. In other words, forms of availability and accessibility of language users can also be asymmetrical power relations in which some subjects are dominated, silenced, and excluded. In this sense, being in a relation of power is to be in a state of a certain form of availability and accessibility to others. The grammar that renders us available and accessible as subjects also contains the grammar of power relations.

The fundamental relationship between Foucault's concept of power and the authority of grammar in Wittgenstein is that power in Foucault, like grammar in Wittgenstein does not point to a form of capability that reaches its objects from without. Foucault's claim that power produces reality and Wittgenstein's claim that grammar tells what kind of object anything is point to the same existential level as the locus of our moral and political responsibilities. In short, the politics of Wittgenstein's and Foucault's thought comprehends power and authority to be formative and immanent for, as opposed to repressive and anterior to, those under its rule.

The World of Language Users

Peter Winch's seminal work *The Idea of a Social Science and its Relation to Philosophy*, is one of the earliest arguments to show how Wittgenstein's account of language points to formative capabilities of language over the social space (Winch, 2008). For Winch, the question of the intelligibility of reality is a question about the relationship between thought and reality, which boils down to the relation between language and reality.

Accordingly, how one understands the relationship between language and reality has a direct impact on how one formulates what philosophy can say about society and what kind of knowledge claims social sciences can produce. In one understanding, reality exists independently from language and language is a neutral means to describe it. This distinction also draws a line between scientific and philosophical tasks of rendering the world intelligible. The philosophical task is to remove linguistic confusions while the scientific task is to produce empirical knowledge about the world. For Winch, such a clear-cut distinction is not available for language users. Because "in discussing language philosophically we are in fact discussing *what counts as belonging to the world* [emphasis in the original]. Our idea of what belongs to the realm of reality is given for us in the language that we use. The concepts we have settle for us the form of the experience we have of the world" (Winch, 2008, p. 14). The concepts through which we think and speak about the world are not passive and neutral instruments to make reality intelligible. On the contrary, they actively shape what we take to be reality.

For Winch, the intelligibility of reality is not a matter of representing it in the medium of language, for reality shows itself nowhere but in the medium of language. Our concepts do not get their meaning through a mysterious connection to an extra-linguistic reality. The meaningfulness of our concepts, (and hence the intelligibility of the world) is a function of our ability to follow rules in our uses of concepts. "…the question: What is it for a word to have a meaning? leads on to the question: What is it for someone to follow a rule?" (Winch, 2008, p. 26). To understand the meaning of a concept is equivalent to using it meaningfully. In this sense, there is a close connection between the intelligibility of reality and our ability to follow grammatical rules. It is in the context of the intelligibility of our grammatical rules that the question of the intelligibility of reality can emerge.

Such arguments open a path to a philosophical inquiry into the rules of our grammar in which the intelligibility of reality must include our investments and commitments to the world. In other words, Winch's arguments imply that reality reflects not only how the world is, but also our interests, desires, commitments, dissatisfactions, and discontents as inevitable elements of reality. This is because the rules of grammar do not come into being in a vacuum. On the contrary, the historical formation of grammatical rules and conventions point to the fact that our desires, interests, and motivations are integral elements in their formations.

David Bloor, in his book, *Wittgenstein, Rules and Institutions*, focuses on the relations between what we take to be real and grammatical rules, and builds his arguments on

Wittgenstein's remark that a rule is an institution. He gives examples of institutions such as money, marriage, and private property and explores the implications of Wittgenstein's remark in these examples. A coin, he says, comes into existence as a direct result of an agreement in a certain community to use certain metal disks for exchange and circulation of goods. In the same fashion, what we call private property exists because a community of language users agrees on the way the concept is used and acts according to the grammar of the concept. (Bloor, 1979)

Bloor directs our attention to the self-referential and self-creative character of these institutions.

> Property has been defined in terms of agreement, but the agreement (i.e. the *content* of the agreement) can itself only be defined by reference to the notion of property. The content and the object of the agreement are defined in terms of one another, and so we are going round in circles. There is no way to rationalize or justify the pattern of behaviour without circularity. This logical circle derives from the fact that the whole discourse, the whole language game of calling something 'property', is a self-referring practice. In virtue of it being a self-referring practice it is also a self-creating practice (Bloor, 1979, p. 31).

One of the conclusions of Bloor's arguments is that a concept is not a tag that we attach to pre-linguistically existing entities. Our use of a concept, our activities associated with that concept, and the existence of the object categorized under that concept are enmeshed in such a way that isolating them from each other for the sake of intelligibility leads to the utter unintelligibility of all. The agreement among language users that is the basis to use a concept more or less consistently and with a certain degree of stability is not a meta-agreement that can verify our use of the concept by virtue of being independent from our actual uses of the concept. On the contrary, the agreement is formed and transformed in actual uses of the concept. This is the reason why the content of the agreement that makes possible meaningful uses of a concept can be defined only in reference to the use of that very concept.

The agreement is not the explanation of the meaning of a concept. Nor is it a potential rationality of the concept which gets activated in each moment of the use of the concept. The agreement to share words and the world is not prior or anterior to our actual practices of sharing of them. Bloor refers to Austin's concept of 'performative utterances' to sum up what he means by the self-referential and self-creating character of institutions. "[The concept of performative utterances] gives us a simple way to sum up the foregoing analysis of social institutions. We can treat them like giant performative utterances, produced by the social collective" (Bloor, 1979, p. 32). Performative utterances bring into existence what they state

and Bloor thinks that what he calls 'social kind of things' emerge in our world through such performative utterances. Social kinds of things exist on the basis of a net of grammatical rules that compel us to speak and act within certain limitations. However, when we question these limitative rules in terms of their formation we find that what gives them substance, what makes them actual forces in our lives, are the very practices that they limit.

To reformulate Bloor's remarks about circularity: the practices through which we share words and the world are self-sustaining. The normative dimension of our practices of sharing is embodied within those practices – meaning that there is no separate body of norms that govern our practices of sharing from without. To use his own example, our uses of coins as coins constitute the normative grounds on which we recognize and use them as coins. Any normative evaluation of what coins are must refer to our uses of them as coins, Outside the framework of our uses of coins, such a normative evaluation would not be possible simply because the object of the evaluation, coins, would be absent in such a context.

The Politics of Subjectivity and Grammar

There are historically privileged ways to share words and the world. Some of these privileged forms to share the words and the world put some of us in underprivileged social positions and some of them exclude and silence the underprivileged. Yet, in Bloor's argument, the grammatical surface of the social fabric is smooth and flat as if the shared world were indifferent to our interests. There is room for struggles and conflicts in the way he imagines the social collective but these struggles and conflicts are wrinkles on the smooth surface of a grammatically formed world. For example, one can be a dedicated Marxist and engage in oppositional political activities to erase the institution of private property from the social order. However, even in her opposition to private property, she has to initially conform to the rules of grammar of the concept of private property to define what she opposes. Only after such an initial conformity, can she start claiming that private property is a result of systemic historical inequalities as opposed to the liberal understanding that it is a natural right. The Marxist and the liberal must share the grammar of the concept of property to encounter each other on the platform of politics. They have to inhabit the same world to oppose each other and the condition to inhabit the same world is the conformity to the same, or at least greatly overlapping, sets of grammatical rules. In other words, in Bloor, politics cannot touch the grammatical authority by which both the Marxist and the liberal feel constrained in equal proportions in the way they use the concept of property.

With respect to grammatical authority, Bloor rightly argues that '…rules and meanings considered in themselves do not possess any agency; all agency and action associated with them derives from their human users and creators' (Bloor, 1979, p. 22). Yet, the fact that we experience the authority of grammar as an external force under some conditions points to this authority residing in our historically conditioned relations to the other language users. In this sense, whether a rule enables us to exercise our freedom or obstructs our freedom to act depends on the features of our relation to those others that compel us to speak and act in a certain way. Yet, in Bloor, the agency behind grammatical rules is not historically differentiated. Therefore, in his understanding of rules, the authority of grammar is a manifestation of the force of the social collective. The individual language user, in return, is a part of that social collective and thus she is also the source of the authority which compels her and the other language users as well. "We are only compelled by rules in so far as we, collectively, compel one another" (Bloor, 1979, p. 22). Bloor, in this sense, accepts the alienation of the individual language user from her community for she feels that what compels her in her speech and actions is something other than her own will. She uses words that do not belong to her to the extent that the world she lives in does not belong to her, and *vice versa*. Yet, for Bloor this is not a problematic issue because the individual language user is a participant in the authority of grammar due to her place as a member in the linguistic community. He does not make any critical distinctions between different degrees and forms the individual language user participates in the authority of grammar. Therefore the possibility to challenge and transform the oppressive grammatical constraints does not become a distinguishable theme in Bloor.

Bloor assumes an undifferentiated social collective to which everyone equally belongs and by which everyone is equally compelled, and therefore he imagines Wittgenstein's idea of agreement among language users as a kind of social contract. Whether we belong to the social contract as equals is not a question Bloor addresses and therefore his understanding of linguistic agreement is confined within a liberal interpretation of social contracts as projections of the idea of a totally inclusive society. The idea of a totally inclusive society is a picture of our social conditions in which each individual member is fully integrated in public life by conforming to the norms of the social contract. However, Bloor's understanding of the authority of grammar as a projection of the agency of a monolithic and undifferentiated social collective goes against Wittgenstein's understanding of our language as an irreducible multiplicity of different language games played in different contexts. In this sense, there is no Language for Wittgenstein. It follows that there is no Society but a dense network of various

practices language users engage with in historically established ways. There is no singular social collective, as Bloor suggests, hovering over this network, but only conjunctions and disjunctions of practices. In Wittgenstein, there is no general working of language that manifests itself in the singular instances of linguistic practices. Even if these practices are, to a certain extent, re-iterable as the condition of possibility of their sociality, each linguistic performance is still a unique event.

Ian Hacking develops an interpretation of Foucault that is in some respects similar to Bloor's interpretation of Wittgenstein. Hacking, however, is able to avoid using a generalizing concept like 'social collective' in showing how forms of rationality bring into existence new 'social kind of things'. Also, Hacking does not take 'deviations' as a marginal linguistic error. He thinks that 'deviations' are produced within linguistic space as systematically as normalcy is. Hacking calls his approach 'dynamic nominalism' the basic argument of which is 'that numerous kinds of human beings and human acts come into being hand in hand with our invention of the ways to name them' (Hacking, 2002, p. 113). Hacking invokes the discussion of realism and nominalism to clarify his own position. The realist claims that by creating categories and classes we simply recognize features and properties of objects that exist regardless of our naming them. As opposed to the realist, the nominalist thinks that the relationship between words and things is the other way around. The things that are defined under a concept have nothing in common other than being defined under the same concept. Hacking thinks that such vulgar realism and static nominalism are both misleading because the relationships between words and things are more complex. Drawing on Foucault's arguments, he claims that a concept is not a passive sign of recognition of a natural distinction. Nor is it the case that the thing classified under a concept does not participate in the formation of the concept in any ways. Hacking's dynamic nominalism (which, he says, can be also dubbed 'dialectical realism') boils down to the claim that objects come into being in the medium of interactions between what there is and our concepts. In other words, what there is cannot exist in our world as objects without our conception of it, and, at the same time, concepts are not completely detached from what there is.

What Hacking calls dialectical realism is similar to what Bloor calls the self-referential character of language games. In Bloor, meaning is possible on the basis of the interplay between a concept and the agreement that gives substance to that concept. In a similar fashion, Hacking argues that a concept and an object classified under it mutually create each other in a dialectical way such that the question which one has epistemic and ontological

priority over the other is not intelligible. Hacking thinks that crude realism and static nominalism make the exact same mistake from opposing directions. Crude realism assumes an ontological realm existing independently from our linguistic conventions while static nominalism assumes a pure linguistic realm to which no natural distinction can enter. The question is not to choose between two different purities: the purity of the thing and the purity of the concept. Such purities are not only equally unavailable to language users but also equally misleading. Neither is a concept the manifestation of immanent natural properties of an object, nor is an object a complete stranger to its concept. It is not the case that objects exist and, then, we attach meaning to them. Nor is it the case that our invented meaning claims arbitrarily find their objects. On the one hand, meaning is the form, that is, the condition of possibility, of a thing to emerge in our world as an object. On the other hand, a concept gets its liveliness, that is, its materiality in linguistic circulation and exchange, from the historically shaped space of possibilities an object occupies in our lives.

In Hacking's dynamic nominalism, the emergence of things as objects in our world is fundamentally different from the emergence of human beings as subjects in history. How is it, then, we can understand what concepts do in the formation of subjectivities? For Hacking the answer is in the concept of possibility. A concept opens up a space of possibility for a thing to be an object in our world. Even if this space of possibility puts contingent historical limits to what we do with that object, the object in question has a life of its own regardless of how we name it. Objects are definitely significant elements in our language games, but they are not participants in our language games in the way language users are. It is needless to say that the limits a concept activates in our interactions with the world and with each other also affect the life of beings in our world that are not language users. However, for language users those limits are internal to their actions and consequently who they are.

> Who we are is not only what we did, do, and will do, but also what we might have done and may do. Making up people changes the space of possibilities for personhood…But our possibilities, although inexhaustible, are also bounded…What could it mean in general to say that possible ways to be a person can from time to time come into being or disappear? Such queries force us to be careful about the idea of possibility itself (Hacking, 2002, p. 107).

Hacking thinks that both Foucault's early archeological works and his later genealogical texts point to the discursive space where the interactions between concepts and subjectivities occur. Foucault's concept of power/knowledge, basically refers to specific historical forms within which these discursive acts of formation occur.

Arnold I. Davidson points to the kinship between Wittgenstein's understanding of grammar and Foucault's analyses of forms of rationality in his book *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts* (Davidson, 2001). He refers to Stanley Cavell (Cavell, 1979), for whom knowing the grammatical criteria of the concept of an object is not only a pre-condition for language users to name and talk about that object but also the condition of possibility of that object to be part of the world of language users. If a community of language users lacks the criteria of an object, that object is not there to be named and talked about. Hence, Davidson argues that:

> sexuality is a Wittgensteinian object and that no one could know the grammatical criteria of this object before the emergence of the psychiatric style of reasoning, which is to say that before this time there was as yet no object for us to attach the name "sexuality" to (Davidson, 2001, p. 39 – 40).

Davidson's argument should be understood as pointing to different schematisms these two concepts have. For Cavell, the ability of concepts to make sense relies on their ability to be connected and related to other concepts (Cavell, 1979), The schematism of a concept, in Cavell, is the range of the concept's ability to be combined with other concepts. In this sense, the possibilities of the world are manifested in the schematism of concepts. For example the absence of the concept of sexuality in Ancient Greece does not mean that their acts of sex were totally alien activities to us. In retrospection, we are likely to subsume what is subsumed under the concept of *eros* under our own concept of sexuality. However, by doing so we would not enrich our understanding of these two concepts. On the contrary, we would reduce the depth of our comprehension of these concepts by rendering invisible so many distinctive aspects of them. The concept of sexuality has a range of use which is determined by its ability to be combined with other concepts and used in different contexts. The absence of it means that the possible connections and relations that we establish through the concept of sexuality are not there as discursive possibilities.

The Grammar of Crime

In Foucault, the criminal is simultaneously an object of knowledge and of domination. The social space opened up by the concept of the criminal is not just a space bounded by the criteria of obeying or disobeying the law. The criminal as a subject is a product of sophisticated disciplinary mechanisms within prison. The discursive regime that creates possible ways to be a criminal establishes criminality as an object of knowledge the truth of which mirrors itself in punishment as a necessary corollary of the crime. In Hacking's terms,

what Foucault's genealogy of modern discourses on crime reveals is the process of 'making up' the criminal as a subject which is enmeshed in the process of producing crime as an object of knowledge. These discourses create a new grammar of the concepts of crime and punishment. While this new grammar of crime and punishment is locally materialized as specific disciplinary mechanisms within the walls of prison, outside prison, what language users mean by crime and punishment is shaped by this new grammar as well. It is this new grammar that tells what crime is and what punishment is.

In the very beginning of *Discipline and Punish*, Foucault describes a bloody language game between the criminal and his executioner that happened right before the emergence of modern practices of punishment. (Foucault, 1979) In this language game, the sovereign's power is injured in the act of crime and the sovereign reinstates his power by representative acts of violence on the body of the criminal. Soon after the episode Foucault describes, the practice of public torture almost completely disappeared and disciplinary language games played within the walls of prison started constituting the practices and meaning of the concept of punishment. In this new grammar of crime and punishment, crime is not violation of the rights of sovereign but of the whole society. In the language of the new discourse on crime, the criminal violates the terms of the social contract which is the substance of the individual's membership in society. Consequently, the punishment now is to isolate the criminal from the social body. By violating the social contract, the criminal destroys the very basis of her rights and liberties. The punishment depriving her of these rights and liberties is the direct effect of her criminal acts.

This is the emergence of modern punitive reason that reshapes the power of the sovereign to punish. The sovereign's object of punishment is the body of the criminal where the sovereign inscribes signs of punishment through bodily injury and destruction. Modern punitive reason, on the other hand, takes the soul of the criminal as the object of punishment. To do so, modern punitive reason does not destroy the body of the criminal but subjects it to various disciplinary mechanisms. The body that is disciplined is the bridge between punishment and the soul of the criminal. In the way the sovereign punishes the crime, there is a one to one correspondence between the acts of crime and the kind of pain and injury the body of the criminal endures. (Damiens' hand, the criminal in the above mentioned public torture scene, is cut, because it held the knife in his crime.) Modern punitive reason, on the other hand, invents calculative systems to translate various acts of crime into lengths of incarceration. In this sense, modern punitive reason does not seek justice in concrete

similitude between crime and punishment, but in an abstract system of equivalences between crime and the length of incarceration.

By comparing Damien's execution with modern disciplinary practices, Foucault shows how two different grammars of crime give rise to different practices of punishment. Modern punitive reason not only changes the relation between the crime and the corresponding punishment, but redraws the limits of what to do to and with the criminal, and hence forms a new space of possibility for the criminal subject. The promise of modern punitive reason is to punish on the basis of scientific knowledge of the crime and the criminal which is produced by a network of juridico-scientific discourses. For Foucault, what the juridico-discursive complex does is more inventing than discovering. What it invents are new descriptions and criteria to tell what crime is and the corresponding punishment should be. In this sense, the power of the juridico-scientific discourses lies in their ability to effectively shape the grammar of language games that we play using concepts of crime and punishment.

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