RESISTANCE TO INSTITUTIONAL POWER:
Positionality, Modality, and the Statement

by

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Abstract

The main objective of this study is to theorize a possible method of compatibility between macro-rhetorical analyses and micro-dynamic analyses of power, discourse, and the subject. The vehicle for application is conflict over privacy rights, and the proposed bridge between the two levels of analysis is the grammatical-pragmatic relation of modality and positionality. This investigation thus draws upon key theoretical elements from conventional structuralism, post-structuralism, and pragmatics. These form the framework for discussion of a number of analyses of selected textual features that reflect moves to truth and power, and the shifting status of the subject. Two general sets of analyses emerge. One focuses on rhetorically-motivated constructions of the subject, and the other on the uses of modality as indices of subject position.

I have chosen the example of the conflict over privacy rights because the strongest instances occur in power struggles between individuals and institutions. The samples for analysis are drawn from the discourse of individuals and institutions involved in this conflict. My investigation focuses on power relations involved in control over the hermeneutic authority that influences the determination of speaking subjects and the establishment of truth. At the center of this discussion is the philosophical question of the subject, not only in terms of power over subject
construction, but also in terms of the status of subjecthood per se. The relationship between the self and discursive constructions of the self is thus examined. At issue is an ethical concern: the individual seems to need both conventionally approved constructions of herself in social contexts, and a measure of independent control over her self such that she has subject integrity.

Three types of analyses, corresponding to the three levels of theoretical orientation identified above, inform this investigation:

1. conventional rhetorical analyses (structuralist), as they are exemplified in Kenneth Burke's dramatistic and logological calculus (at the level of global power struggle)
2. micro-analyses (post-structuralist), as they are exemplified in Foucault's archaeological approach to power, knowledge, and the speaking subject (at the level of local relations of force and their indices in "statements")
3. grammatical-pragmatic analyses of modality, evidentiality, and the "statement," informed by studies in social semiotics (at the grammatical level of modality as a linguistic index of power and positionality)

This work is intended to contribute to speculative research on how the three levels of analysis might be integrated.

The results of this study show correlations between grammatical features of modality and subject status. Where there is a positive correlation, the uses of modality indicate conformity and acceptance in terms of institutional norms. Where there is a negative correlation, modality is not aligned with subject construction, and the "subject" involved is therefore institutionally powerless. She cannot receive a serious audience for her discourse. In the former case the authority invested in
speaking subjects also sanctions credibility in the construction of truth and facts. Both reinforcements of, and changes in, the status quo occur only where modality and subject status are aligned with each other in terms of a specific organizational structure and situation. In the latter case where discourse is divorced from salient positionality, the speaker can utter only empty rhetoric.

Resourceful individuals, however, may manoeuvre within the these institutional constraints to both utilize the conventions of discourse and to activate resistance to these restrictions in a field of low-level detectability. Such individuals (bricoleurs) are able to play with the aletheic phenomenon of truth: they retain the social character of convention and at the same time exercise a certain degree of independence or freedom in order to protect the ethical core or integrity of the self. This play is rhetorical strategy par excellence: the individual finds a way of co-existing with the institution. Resistance is thus survival by troping the world. It involves using the modality of the situation and moving the self strategically in and out of position. The bricoleur constructs resourceful faces that please yet deceive, that bend to discursive technology yet serve the self, and that disclose yet conceal. The modality of strategic aletheia is non-canonical and ordinary. One constructs the truths that protect, however temporary. And, however transitory, one makes a self that is at home in the world.
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Chapter One: Introduction

I. Suggestions for theoretical integrations

In this study of power and discourse, a series of approaches to and analyses of a certain "crisis of control" over the self are intended to constitute a situated exploration of the double nature of truth and subject identity, and of the dynamic of their related instabilities. This discussion draws together three major theoretical frameworks and methods of discourse analysis: Foucault's analysis of the micro-physics of power, traditional modern rhetorical criticism (exemplified in the theory of Kenneth Burke), and grammatical-pragmatic analyses of speaker modality in constructions of truth and identity. Of these, Foucault's meticulous scrutiny of power, discourse, and freedom constitutes a pivotal and enabling element for an integration of the three.

The main point of departure leading to a mutual contextualizing of these discourses is a focused discussion of how Foucault's thought is situated in a certain strain of current theory. Like many other theorists, he has worked to develop the general postmodern project of the dismantling of the ontology of being. Foucault's work has now become particularly salient, and with it so has the closely associated work of Deleuze and Guattari.
II. Overview

1. Foucault's analysis of truth, power and the subject.

Foucault's concepts of power, truth and the subject can be theoretically and historically cast in the context of the theory of desire and power as it is set out in Deleuze and Guattari's Anti-Oedipus: Capitalism and Schizophrenia (1983). Much post-structuralist thought works to expose the fabricated quality of what Deleuze and Guattari call "organized products" or "blocks" in the flow of human desire.¹ Like Deleuze and Guattari, Foucault (and others like Derrida, though with a very different methodology) theorizes alternatives to structuralist versions of how interpretation and power are related. This theorizing includes a methodology of "historical" investigation that pursues inductively an alternative dynamics to that of institutional power formation, in terms of diversions and blocks to the flow of power and desire, and to prescribed or "oedipalized" constructions of the subject. The Anti-Oedipus further suggests alternatives for how the individual might wish to be constituted, ranging from the identity-less non-subject to heavily invested institutional role-identities.

Deleuze and Guattari urge a balance, in the oscillating blocks and flows of desire, between institutional and disciplinary blocks to the forces of desire (rules and regulations, the forbidden and permitted) and the free flow of non-subjective and non-modalized desire. In other words, they promote a tense and changing balance between investments of desire in institutionally constituted
subjects and investments of desire in nonpersonal, nonsubjective being. They diagnose the former, structured desire, as productive of a surplus that exceeds itself and is unconstrained under capitalism and psychoanalysis; the latter flow of desire they conceive as unharnessed and mis-recognized by institutions.

In terms of their critique, not only scientific truth construction but even the Kantian assumptions which make up common sense (sensus consensus) are analyzed as simply more indices of certain investments of desire in organizational values, practices and beliefs, and are seen to reinforce the dominance of institutional structures or "molar aggregates" in the construction of subjects. Neither scientific reason, nor common sense, nor the subject-self can be defined except in terms of their respective contingencies and seams of manufacture. There is no idealized concept; there is instead the suspect closure of institutional or disciplinary discourses and objects.

While Deleuze and Guattari focus on the paranoiac and neurotic subject as the oedipalized subject, their critique of the institutional constitution of the subject is general. It is a hopeful critique and promotes the alternative of "revolution as schizophrenic process" whereby a balance of blocks and flows of desire can be achieved. Seeking the schizzes and breaks in blocks of social and political power can work to desexualize or liberate the powerful energy of the libido. This revolutionary project, although now considered idealistic and the product of an out-of-date Marxism, is nevertheless rooted in this general critique of
hegemony, with a focus on its corollary of contingency. In this way the *Anti-Oedipus* functions as part of the postmodern development of philosophy's autocritique of metaphysical truth.

The individual, or "desiring-machine," is caught into the structures of power by lines of filiation, inheritance, and evolution: all effects of ideologically and institutionally based choices motivated by the desire to perpetuate and reproduce organizational structure and discourse which "connect or encaste (encaustent) the flows [of production and chains of inscription]" (149). The status quo is thus reproduced through the application of institutionally prescribed discursive rules. A counterforce to these "fixed stocks," however, operates through lateral "blocks of alliance that cause the chains [of production] to flow" (*Anti-Oedipus* 149). Both the reduced and non-reduced co-exist:

There are no productive connections without disjunctions of filiation that appropriate them, but there are no disjunctions of filiation that do not reconstitute lateral connections across the alliances and pairings of persons. Not only the flows and the chains, but the fixed stocks [of filiation] and the mobile debts [of alliance]--insofar as they in turn imply relations between chains and flows in both directions--are in a state of perpetual relativity: their elements vary--women, consumer goods, ritual objects, rights, prestige, status. (149)

Just as Deleuze and Guattari's paranoiac subject, who is shaped and disciplined by these codes of institutional power, finds its prototype in Nietzsche's slaves or "backworldsmen," the opposing forces of Nietzsche's self-creating free spirits may be cast as prototypes for the schizo-being who decodes the blocks and flows of ideological structures, and releases schizzes-flows of uninvested
desire. The manipulation of this mutually dependent oscillation of blocks and flows, codings and decodings, constraints and freedoms, is the revolutionary means in Deleuze and Guattari. Foucault calls this fluctuation of blocks and flows the "micro-physics of power"; its dynamics, if strategically understood, can be reconceptualized as a domain for the practices of resistance or freedom. Such practices aim to reclaim (temporarily) a measure of power from the burgeoning institutional edifices of postmodern disciplines and constraints.

Foucault’s approach entails a shift from strictly philosophical and literary texts as the object of analysis to texts in general, and a description of the effects of the will to truth at increasingly micro-levels of analysis. Here, Foucault says, one can begin to articulate the local relations of force by relating the discursive mechanisms of power to "two limits":

on the one hand, to the rules of right that provide a formal delimitation of power; on the other, to the effects of truth that this power produces and transmits and which in their turn reproduce the power [structures of recoded sovereign power].
(Foucault "Two Lectures" 93)

Foucault thus conceptualizes as the object of his analysis a "triangle" constituted by "power, right and truth" (93).

In this study, the discursive rules for constructing truth (established by "right" and reinforced through the reproduction of power) and their textual indices are the objects of a micro-analysis aimed at describing the double operation of truth: as aletheia it is both the disclosure and the concealment of truth. It is in the "discursive regime" ("Truth and Power" 113), in
discourse practices and rules, that this operation of truth is carried out:

Each society has its regime of truth, its "general politics" of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true. (131)

The analysis of these discursive practices and rules can also unravel certain less visible relations of force that contribute less predictably to the construction of truths, entities, events, and subjects; and, to some degree, it can illuminate in these counterforces the role of uncertainty and contingency in truth construction. Such analysis enables, however, not only the achievement of reflexivity about truth construction, but also a focusing of the same question on the status of the subject as a unitary being and enunciator.3

What links truth and the subject is discourse itself, for it obeys the structures of language that are already in place when they are utilized in constructions of truths and subjects. Foucault notes that, "To observe ... is to be content with seeing--with seeing a few things systematically"; with seeing things now in a manner that excludes all uncertainty" (The Order of Things 134). It is the structure of language that enables such ordering and certainty: "By limiting and filtering the visible, structure enables it to be transcribed into language" (135); "what [unsystematic] representation provides in a confused and
simultaneous form is analysed and thereby rendered suitable to the linear unwinding of language" (136). In the example of eighteenth century natural history, Foucault points to the reductive nature of the results:

At the institutional level, the inevitable cor-relatives of this patterning were botanical gar-dens and natural history collections. And their importance, for Classical culture, does not lie essentially in what they make possible to see, but in what they hide and in what, by this pro cess of obliteration, they allow to emerge: they screen off anatomy and function, they conceal the organism, in order to raise up before the eyes of those who await the truth the visible relief of forms, with their elements, their mode of dis tribution, and their measurements. (137)

Truth is thus achieved by a process of systematic exclusion of what is inconsistent with those structures that have been selected for organizing the objects of knowledge. The critical repercussion of this analysis of language, knowledge, and power is an undermining of the power of the individual as agent. Independent motivation and intention in this scheme have a decidedly diminished effect on the shaping of events and the construction of truths.

Foucault taunts those who would still deny the dominant constructing force of discourse: those who "are determined to misunderstand discursive practices," who out of "fear . . . reply in terms of consciousness," and who prefer to "treat discourses in terms . . . of the gentle, silent, intimate consciousness that is expressed in them, [instead] . . . of an obscure set of anonymous rules" (The Archaeology of Knowledge 209-210). Metaphorically, the speaking subject as primary agent "disappears," or flows into the stream of discourse as one of its temporary and fleeting
productions, one possibility among many effects:

How unbearable it is, in view of how much of himself everyone wishes to put, thinks he is putting of "himself" into his own discourse, when he speaks, how unbearable it is to cut up, analyse, combine, rearrange all these texts that have now returned from silence, without ever the transfigured face of the author appearing. (210)

This powerful dismantling of the originary, metaphysical subject is, however, tenaciously resisted and the belief in the subject as being-in-itself, through the will to unitary truth, is sustained:

So many things have already eluded [such people] in their language (langage): they have no wish to see what they say go the same way; at all costs, they must preserve that tiny fragment of discourse—whether written or spoken—whose fragile, uncertain existence must perpetuate their lives. (211)

Stripped of its metaphysics, the truth of being is not comfortably tolerated. For some it is the problem of identity-anxiety, for others it is more practical. Individuals live their lives thoroughly mediated by their institutions—by rules and standards that drastically reduce the choices they might make in how they nurture and construe the "being" of their subjecthood: yet they insist on their own valuing and identification as individuals, on the freedom to construct their own selves and to do so as true and original subjects.

Foucault thus focuses on evidence in discourse that reflects the practices individuals choose and reproduce to construct their institutional selves. And he de-privileges the individual as agent, emphasizing instead the phenomenon of the speaking subject positioned strategically at certain institutional junctures. He explores "modalities of enunciation" (Archaeology of Knowledge 50),
a concept he applies broadly and thematically to objects of study ranging from the criminal subject of the penal system to the phenomenon of mental illness and the medicalization of madness. As we shall see, Giddens' discussion of positionality (xxiv-xxv) provides a helpful extension from Foucault's general idea of modality to rhetorical stance and grammatical modality.

2. Rhetorical Criticism: power and agency.

Possible approaches for relating the analysis of positionality and modality to traditional rhetorical theory receive tentative and preliminary, but necessary attention in this dissertation. The debate over the differences and similarities between rhetorical and critical theory is briefly outlined: the different philosophical orientations--Aristotelian versus Nietzschean; and the pronounced difference in emphasis on agency and motivation--the focus in rhetoricians like Kenneth Burke on the individual agent and motivation versus the postmodern concept of the speaking subject. These differences have implications for how truth and identity are conceived, for how power is analyzed and theorized, and for meanings of rhetorical strategy. While these seem paramount divergences among some critics, others are seeking a possible common framework, or at least a compatibility of domains.

There has been a recent shift in rhetorical criticism to embrace or incorporate the contingency model of truth construction into its adversarial model of power struggle. It offers some promise, especially given the poststructuralist tenet that deconstructive strategies can work towards dismantling power at a
local level, illuminating a space of contingency where there is potential for resistance to institutional power. It may be possible to reconceive rhetorical strategies at this local level as practices of everyday troping that succeed in creating desired temporary micro-effects, yet impinge not at all on institutional power configurations. And at the global level, it may be possible to reconceptualize rhetorical strategy as one force among many, its effects a matter more of institutional competence than of heroism, more of reflexive cooperation with institutional forces and authorities than of individual action.

The poststructuralist focus on the micro-physics of power, by its deliberate omission of higher level operations of power, clearly invites reconsideration of the larger, macro-level of power, rhetoric and ideology and its place in this new topology of power. Although the emphasis on the local and multiple aspects of power has displaced focus on the more global, rhetorical level, it is still operative. Giddens has postulated that the functionalist micro versus macro dualism is misguided and inaccurate, and should be reconceived in terms of the "duality of structure" and "social [micro] and "system [macro] integration" (xxvi), which he points out "is never complete" (143). A rhetorical framework may thus offer a way of theorizing the apparent but false disjunctions between two sets of oppositions: local power versus global rhetoric, and discursive forces of power-knowledge, typified by Foucault's concept of the statement, versus non-discursive but reflexive (practical) knowledge which has operated in rhetorical
theory, through the ethos of both folk and grand heroism, as a magical and mysterious force.


The linguistic choices of speakers provide evidence that may help integrate rhetorical considerations, postmodern concepts of the truth and the subject, and the micro-analysis of power. In particular, indices of grammatical modality can be analyzed in relation to positionality, the social construction of truth, and constructions of the subject, as well as the intentions and purposes of individuals engaged in rhetorical strategy. The series of analyses pursued in Chapter Four focuses on the politically paramount relationship between individuals and institutions, and their respective manoeuvres for power.

An individual's use of modals, evidentials, and other strategies for protecting or expanding her authority can be aligned or misaligned with other critical factors involved in power struggle: position in or outside a hierarchy, moves to establish unitary truth and identity, unintended consequences, and other lines of force hospitable and inhospitable to her intentions and purposes. This investigation suggests that the power of individuals is quite eclipsed in most direct disagreements with institutions, but that there may be alternative or transversal positionalities and strategies that can create effective though temporary resistance to institutional power.
4. The Subject: the philosophical question and the anxiety of the individual.

The premises and direction of this work owe much to certain key elements of the philosophy of language. These have emerged from the autocritique of the metaphysics of truth. As this critique has developed along the Nietzschean and Heideggerean line, truth and being have been put into question in an increasingly "non-scientific" and non-essentialist context. This line follows the development of the subject in terms of the questions of truth and being, from its privileged acceptance as the foundation of truth and judgment to its postmodern interrogation. Of general relevance to this study is the analysis of the nature and status of the subject from Descartes, through Kant, Nietzsche, Heidegger, and postmodern theorists such as Derrida, Foucault, and Deleuze and Guattari.

This critique of the essentialist and unitary subject, of the assumptions of its originary presence and integrity, and the counter-thesis of dislocation and arbitrariness, have now become important and familiar in critical theory. This theory is drawn upon here to inform the ensuing discussion of the anxiety of the contemporary subject and the discursive strategies that are used both to resist the implications of the self as a creation out of multiplicities and contingencies and, paradoxically, to construct the self as a strategy of self-preservation. In other words, resistance to the notion of the self as contingent occurs as two apparently opposed actions: resistance to institutional constructions of the subject which are seen as untrue or arbitrary,
yet in the name of resistance, concealment of the same arbitrariness and plurality in one's own construals of the originary self. One disbelieves unwanted institutional representations of the self, yet embraces an originary self that has been constructed through the appropriation of these same institutional types. Both actions are applied in moves to identity and truth.

The postmodern concept of being is theorized in terms of an ongoing and necessary oscillation between the reflexive awareness of being as a temporary aggregate of parts—changing, multiple, and transparent, and an unreflexive belief in a substantive, unitary subject. The status of the subject is an unstable concept determined by the effects of this tension. It is an oscillation between a resistance to reflexivity and an iconoclastic, defensive insistence on autocritique. The subject as a conceptual entity is susceptible to both the pursuit of unitary truth and knowledge and reapplication of a reflexivity that repeats the deconstructive move.

The focus of this critique on institutional structures emerges from postmodern responses to the intellectually unmediated apprehension of contingency, and the consequent positing of the untruth of truth. At an emotional level there seems to be an ambivalent response: first there is an attraction to these structures as edifices against contingency, and second a concomitant resistance by the individual whose sense of subjecthood cannot survive certain experiences of institutional power. The
exertion of this double pull or force is a manifestation of the ambiguity of truth as aletheia. On the one hand, in terms of the subject as a free individual, this "truth" is seen as contingent and suspect when the subject is constructed by others or institutions (for example, as categorized objects in the reductive tables of the classical age or as contemporary "data-subjects" of computer programs). On the other hand, the free subject also asserts herself as absolute and grounded, at a distance from institutional influences and freer to construct herself, even though this construction may ironically be an assemblage of those very same structures imposed on individuals by institutions.

One's distance from the matrices of institutional power, in time and space, may seem to produce an ultimate imbalance of power, an ultimate disadvantage to the individual whose strategies will be seen to be applied in vain. Self-constructions then may go unrecognized by institutional power since the individual is not appropriately "positioned" within a conventional framework. Such invisibility, however, as Foucault and others like Giddens maintain, does not necessarily imply ineffectiveness.

In this dissertation, the question of (mis)recognition of speaking subjects by their interlocutors becomes focal. This key concern emerges as the exploration of the constructedness of the subject gives way to a contextual analysis of the different strategies and resources utilized by speaker and would-be speaker, by the subject who is "positioned" to be heard, and the non-subject who is not. This discussion leads to a description and evaluation
of their respective effects. Constructedness and contingency are the resources and means that, if analyzed carefully, can help illuminate how structures operate and what subject constructions achieve for individuals. As both rhetoricians and sociologists of institutions affirm, different locations imply different strategies, including those of both positionality and its corollary resistance.

The double nature of truth and the subject, and the (re)actions of individuals in this aletheic bind, can be explained in part as the legacy of Cartesian doubt, as it affects both the intellectual and lay dimensions of human action. On the one hand, the combination of the interrogation of truth and its response of self-reflexivity produces an intellectual skepticism. On the other hand, in non-philosophical, everyday discourse, there can often be a more dominant, negative emotional response. In individuals it can be manifested as an anxiety about their status as subjects, and as a reaction of resistance to intimations of contingency and arbitrariness. The effects of this resistance are often transmitted through strategies of human rights rhetoric and legislation in an atmosphere of a crisis of control over how and by whom one is constructed as a subject. This particular response provides the context for a series of discourse analyses utilized throughout this study.

III. A Preliminary Analysis

In many situations, the institutional construction of the subject is experienced as a threat to the individual's sense or
interpretation of herself as subject. Insecurity is evoked by the intrusions and control of administrative, disciplinary practices. The force of such insecurity will be explored later in a more developed discussion of the anxiety of the subject (Chapter Three). Nevertheless, it is important at the outset to speculate on why such acute insecurity seems a fairly recent and pressing phenomenon, and to illustrate with an example a discursive manifestation of institutional control.

To some extent this fear is related to the secularization of the care of the individual, and subsequent changes in the relationship between the state and the individual. As Foucault has argued in his discussion of pastoral power, a major change occurred with the transformation of pastoral or religious protection into secular security:

> It was no longer a question of leading people to their salvation in the next world, but rather ensuring it in this world. And in this context, the word salvation takes on different meanings: health, well-being (that is, sufficient wealth, standard of living), security, protection against accidents. ("The Subject and Power" 215)

The psychic effects of this substitution are often manifested as the perception of a threat to the security of one’s person. It can be especially threatening at the level of subject-construction which has its metaphysical equivalent in the soul, the threat to which would indeed be serious cause for fear and alarm. Such anxiety can be attenuated where the control over one’s subject-construction is transferred, through a legislated shift, from a pastoral context to a state institution. This is the situation of
employees and clients of corporations where owners and managers have a great degree of control over individuals in the practices of their everyday working lives and in how they are constituted as subjects. In a commentary on Foucault, Colin Gordon cites Donzelot who explains this shift when it occurred in nineteenth century France. In addition to an economic relationship, there is also

a contractual tutelage of employer over worker, by virtue of the employer’s total freedom in determining the code of factory regulations, among which he may include—as is most often the case—a whole series of disciplinary and moral exigencies reaching well outside the sphere of production proper, to exercise control over the habits and attitudes, the social and moral behaviour of the working class outside of the enterprise ... (Donzelot L’invention du social 145-46 in "Governmental rationality: An Introduction" 23-24)

Centralized sovereign control thus devolved to managers of industrial institutions in the form of disciplinary rules and regulations aimed at controlling (and eventually constructing suitable) individuals.

As Foucault explains, the element of fear in the face of such control is directly related to an opposing perception of the threat of the "dangerous individual," whose variability would consume much of the state's energy in individualizing measures to maintain its own security. These two perceptions result in a deep investment on both sides to engage in a power struggle for control. It is important to validate at the outset the anxiety of the individual who senses this as a losing battle. The bureaucratic mechanisms and practices that construct the "dangerous" (non-normal) individual can be fiercely resisted by those who wish to protect
the practices of their everyday lives from such scrutiny. This desire becomes a privacy argument, to defend both the freedom of the individual and the individual per se from misconstruals of subject type and status. The defensive moves of privacy advocates and the fear that engenders them, even when no immediate threat presents itself, are fuelled and reinforced by institutional authorities who appear to treat their constructions of individuals with cavalier disregard. This perception of potential threat is real. For example, a recent study of patients in B.C.'s health care system (1991) reported the following:

Approximately one in four people reported that they knew of times when the confidentiality of their records was breached by health care staff. However, many respondents pointed out that such breaches in confidentiality are committed in a way which would often go undetected by the patient, and this left them feeling vulnerable to unknown abuses of their privacy. (Access to and Confidentiality of Health Care Records in British Columbia 17)

Such feelings of vulnerability are not alleviated by invested authorities such as Dr. Short whose study of his own patients' records (1986) revealed that "42 out of 100 sets of notes contained at least one comment likely to give rise to alarm or anxiety--an effect which might persist despite explanation and reassurance" (1318). Moreover, Short concedes that "the patients concerned would not like to see themselves so described in perpetuity" (1317). The permanence of such subject descriptions in institutional documents goes to the heart of the matter.

The following two examples are provided not just to demonstrate what happens to individuals when they are absorbed into
institutional discourse (which is well known), but more important to indicate how this occurs at the discursive level of subject construction.

1. **An institutional construction of the self as legal object.**

The first example, the text of a judge’s trial decision, has been selected to help illustrate why this anxiety is increasingly pervasive among ordinary people and why they are resisting or challenging institutional control over personal information. In the *Federal Trial Reports* for the case of "Bombardier v. Commission de la Fonction Publique du Canada" (PSC), a short summary explaining the case precedes the record of the judge’s decision:

Bombardier applied under the Privacy Act to obtain the originals of a test taken by him as part of job competition. The Federal Court of Canada, Trial Division, dismissed his application. (July 1990)

In addition to the test itself, Bombardier was also requesting "related documents and the correction grid" (39). He wanted to examine these in the hope of finding support for his protest that the Public Service Commission’s decision not to promote him had been unfair. He took the PSC to court to legally obtain the records in question. The following is the English translation of the judge’s decision on the case.⁵

[1] Addy, J.: This is an application by the applicant pursuant to the Privacy Act to obtain the originals of the "in basket" test taken by him on December 14, 1988, and the related documents, whatever their form and support, including the correction grid.

[2] The "in basket" test was developed and is administered by an agency within the Public Service, namely the Personnel Psychology Centre, Program Development, Staffing
Programs Branch.

[3] Among the many tests for assessing management skills, the middle management "in basket" test (820) which the applicant tried has been used to date as a selection tool for assessing various candidates in a number of different competitions throughout Canada. It is also anticipated that this test will continue to be used with increasing frequency. The test has always been kept confidential.

[4] I accept the following statements in paragraphs 5 to 14 of Mr. Grant's affidavit, entered in the record by the respondent, which are not contradicted:

"5. The 'in-basket' Exercise (820), as a selection tool for appointments to middle management positions in the federal Public Service, has to date been administered to 1,816 persons in 180 different competitions. (Since April 1, 1988, 1,250 persons have taken this test, in 110 different competitions.) The rate of use of this test may be expected to continue to increase in the coming years.

"6. Candidates taking the 820 Exercise receive two envelopes. One of them (A) contains instructions and basic documentation, such as the organization chart and description of duties for the simulated position, and whatever office supplies are needed. The other (B) contains some 6 documents of the type that piles up in a manager's basket, such as letters, reports, memoranda and other pieces of correspondence. Candidates are then asked to deal with current matters contained in the basket as if they were really performing the duties of the simulated position, namely that of district chief of a federal agency.

"7. The actions and decisions taken by candidates are then assessed in qualitative and quantitative terms by a scorer specially trained for the purpose by the Personnel Psychology Centre. Scoring is done by a Correction Manual containing an exhaustive list of actions regarded as effective by a control group of qualified managers. The results are entered in the Personnel Psychology Centre's computer system and then sent to the selection board, which in turn must pass them on to the candidates.

"8. Only one version of the Middle Management 'in-basket' Exercise (820) exists. So as to reduce the effects due to practice, when the same person takes the same test on more than one occasion, the Personnel Psychology Centre imposes the following rule: a minimum period of six months must elapse before the test can be administered to the same
The Personnel Psychology Centre uses computerized controls to ensure that this rule is uniformly applied.

"9. Use of Exercise 820 for a given competition is subject to certain strict rules and conditions, so that the confidentiality of the test is maintained at all times:

(a) the manager responsible for the competition must contact a consulting psychologist at the Personnel Psychology Centre and give him the description of duties for the position to be filed; 

(b) if the duties of the simulated position and those of the position to be filled correspond, the consulting psychologist authorizes the test material to be sent by registered mail, priority courier or messenger and marked confidential; 

(c) candidates are summoned to an examination where the examiner takes all the necessary steps to ensure that the security of the examination material is maintained at all times; and 

(d) the examination material is then returned to the Personnel Psychology Centre marked confidential for correction. Regular mail is never used.

"10. All the rules and conditions stated in the preceding paragraph were observed in the use of Exercise 820 in connection with competition 88-TC-GCC-RL-CC-158, in which the applicant participated.

"11. Only the following persons have access to the examination material relating to the Middle Management 'in-basket' Exercise (820):

(a) authorized officers of the Personnel Psychology Centre, namely consulting psychologists, markers and clerks handling examination material; 

(b) authorized members of the selection board, namely the manager(s) responsible for the staffing operation; 

(c) the officer authorized to administer the examination, generally the assistant to the staffing officer.

"No person other than those mentioned above can have access to documents relating to Exercise 820 without authorization from the Personnel Psychology Centre.
"12. No person other than those mentioned in paragraphs 11(a) to (c) of this affidavit had access to the documents relating to Exercise 820 that was administered on December 14, 1988 in connection with competition 88-TC-GCC-RL-CC-158.

"13. When someone submits an application for access to the 'in-basket' Exercise 820 following his participation in a competition in which that test was administered, the Personnel Psychology Centre applies the following procedure:

(a) the consulting psychologist familiarizes himself with the answers given to Exercise 820 by the applicant and prepares a written summary evaluation of the applicant's strengths and weaknesses in relation to the qualifications measured by the test;

(b) at a personal meeting with the applicant, the consulting psychologist gives a verbal account of the summary evaluation thus made.

"14. In giving the account of the test mentioned in paragraph 13(b) above, the consulting psychologist applies the following procedure:

(a) the applicant may consult the documents contained in envelope A which has the basic documentation (such as organization chart, description of duties and so on);

(b) the consulting psychologist may use one or two items of his choice (such as a letter or memorandum) from among the 26 items in envelope B in order to support his evaluation; if necessary, the applicant may visually inspect the time by taking the time [sic] necessary to identify the action taken by him in respect of that item;

(c) the applicant is not authorized to make personal notes at this meeting;

(d) the applicant is not authorized to consult the Correction Manual."

[5] The purpose of the Privacy Act is described in s. 2. It reads as follows:

"2. The Purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that
provide individuals with a right of access to that information."

[6] The expression "personal information" is defined in general terms in s. 3 as being information recorded in any form about an identifiable individual. In accordance with the provisions of s. 12 of the Interpretation Act, the sections of the Privacy Act, must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

[7] However, s. 22 of the Access to Information Act (R.S.C. 1985, c. A-1) authorizes government institutions to protect the confidentiality of information relating to tests such as the "in basket" test and the correction grid. This section reads:

"22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits."

[8] The legislature's intent to authorize refusal to disclose tests or audits is clearly and irrefutably stated in this section. It was also clearly established in evidence that the "in basket" test and correction grid relating to it are regularly used in connection with a number of competitions throughout the country. It is equally important that the confidentiality of this exercise be preserved, otherwise certain candidates could be given an unfair advantage.

[9] I have examined a copy of the documents worked on by the applicant in the "in basket" 820 test and the related correction grid. The documents were filed with the Court in a sealed envelope in accordance with an order by Denault, J., dated January 17, 1990. My examination has only confirmed these statements in Mr. Grant's affidavit to the effect that the confidentiality of these documents must be maintained.

[10] The applicant stated that the test itself and the correction grid are documents which represent "le support" for the personal information disclosure of which he is seeking. He sought to argue that s. 22 is not applicable since his application was made pursuant to the Privacy Act, not the Access to Information Act.

[11] I cannot accept this argument. Every statute must be
interpreted in the light of other legislation dealing with the same or a related subject.

[12] If in the case at bar I gave the words "le support" the construction suggested by the applicant, so as to take in the complete text of the "in basket" test and the correction grid, the intention of the legislature as stated in s. 22 of the **Access to Information Act** would not only be contravened but defeated and this section would become inoperative, since anyone who takes a test or examination would have an absolute right to have it fully communicated to him under the provisions of the **Privacy Act**. In order to be covered by that Act the information supporting the personal information must itself be of a personal nature. There is nothing personal about the test or correction grid. This interpretation seems to be much more in keeping with the English text, which contains no reference to supporting information and reads as follows:

"3. In this Act, . . . 'personal information’ means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing, . . . ."

[13] I accordingly dismiss the application.

[14] At the hearing counsel for the respondent gave the applicant an opportunity to consult an officer of the Personnel Psychology Centre so he could get further information regarding the assessment of his test results and certain assessment criteria, without in so doing allowing him to examine the precise text of the "in basket" test or assessment criteria.

[15] In the circumstances, I award no costs.

Application dismissed.

The professional status of a federal judge confers an irrefutable and nearly absolute authorization on Judge Addy's discourse. A judge is regarded as the epitome of socially sanctioned, secular authority. In the courtroom context utmost formality prevails, both in actions and words, and reinforces the formal elements of the "trial decision" as a rhetorical genre. Of these elements perhaps the entitlement of the speaker to hold the
floor is the most empowering. This authorization is perhaps most noticeable in the use of "pronouncements" or "performatives" which, like the "royal we," make something so merely by uttering that it is so ("I accept", "I do not accept", "I dismiss"). However, Addy also adopts a number of other authorization strategies which are available and salient in legal discourse. The judge cites at length the written statement submitted by the PSC representative, explaining its testing procedures and policies. Addy reads this document verbatim and utilizes it as a basis for interpreting the procedures and policies as coincident with this interpretation of the law. Part of the support the judge derives from this reading includes the appropriation of the authority invested in those experts named in the PSC's official procedures: "a scorer specially trained for the purpose by the Personnel Psychology Centre," "a consulting psychologist," "authorized officers," "authorized members," and "the officer authorized to administer the examination." The recitation of this official document and its authorities then becomes a scaffolding for the judge's own reading of the testing documents. Moreover, in accordance with the practices of legal discourse, Addy's decision notably comes afterwards, with the appearance of the merest stamp of authority:

My examination [of the test documents] has only confirmed these statements in [the defendant's] affidavit to the effect that the confidentiality of these documents must be maintained.

The judge incorporates a number of additional strategies to construct the decision as irreproachable. First, Addy builds up a series of facts and repetitions that develop into a version or
"story" of the procedures and policies that ensue during the testing procedure. The narrative form is given in the defendant's affidavit which the judge recites. It is a narrative of fair testing given in the language that the federal PSC has chosen to describe its own rules and procedures, and it implies a fair and equitable testing process. The judge reinscribes these self-descriptions in the decision:

So as to reduce the effects due to practice, . . . the Personnel Psychology Centre imposes the following rule: a minimum period of six months must elapse before the test can be administered to the same person. The. . . Centre uses computerized controls to ensure that this rule is uniformly applied.

Use . . . is subject to certain strict rules and conditions, so that the confidentiality of the test is maintained at all times.

. . . the test material [is] sent by registered mail, priority courier or messenger and marked confidential;

. . . security of the examination material is maintained at all times;

When someone submits an application for access to the 'in-basket'. . . at a personal meeting with the applicant, the consulting psychologist gives a verbal account of the summary evaluation . . .

Of interest here is the implied priority of institutional authority over judicial authority, of disciplinary procedures over the law, which apparently takes direction from a state institution. There is at the very least a comfortable relationship between legal apparatus and provincial government.

Another major strategy in the judge's decision is the implicit appeal to the sanctity of confidentiality (or secrecy) in opposition to the disclosure that access by individuals to their
personal test documents would entail. Again, in reciting the PSC's own version of its procedures, replete with references to confidentiality, Addy reinvests the social privileging of this concept. These repetitions establish confidentiality as a positively charged motif in the procedures and in the decision:

The test has always been kept confidential.

... the examination material is then returned to the... Centre marked confidential for correction. Regular mail is never used.

Only the following persons have access to the examination material... authorized officers... authorized members... the officer authorized to administer the examination... No person other than those mentioned above can have access to documents relating to [testing]...

No person other than those mentioned in paragraphs... had access to the documents relating to [Bombardier's test]...

confidentiality of the test is maintained at all times.

security of the examination materials is maintained at all times;

At the end of the decision, after confidentiality has thus been appropriated from the affidavit and established as a highly valued, given term in the judge's discourse, Addy constructs an argument against Bombardier based on the potential violation of confidentiality implied in Bombardier's petition. He argues that Bombardier's interpretation of "supporting" documents (le support), to which he wishes access, is too broad:

If in the case at bar I gave the words "le support" the construction suggested by the applicant, so as to take in the complete text of the "in basket" test and the correction grid, the intention of the legislature... would not only be contravened but defeated and this section would become inoperative, since anyone who takes
a test or examination would have an absolute right to have it fully communicated to him under the provisions of the Privacy Act.

A third strategy is the construction of factual status of the frequency of use of the test and its efficacy as an argument against Bombardier. From the defendant's written submission, the judge incorporates for his own argument repetitions and statistics referring to the frequency of use of the test in question. Like the privileging of confidentiality where no counter-argument is provided, the discursive construction of this "fact" of frequency of use--as an overriding justification for refusing access to the test--is never challenged. The judge thus reinscribes the defendant's information as part of his argument, as if merely reporting it:

It is . . . anticipated that this test will continue to be used with increasing frequency.

The 'in basket' [test] . . . has to date been administered to 1,816 persons in 180 different competitions. (Since April 1, 1988, 1,250 persons have taken this test, in 110 different competitions.) The rate of use may be expected to continue to increase in the coming years.

Given that the defendant asserts later in the affidavit that "Only one version of the [test] . . . exists," and coupled with the unchallenged arguments of confidentiality and frequency, the judge's decision can be seen to be based on the appropriated authority of the public service's representatives. From the beginning of the decision, the authorization of the judge as speaking subject would seem to be derived from the official discourse of the PSC and its representative.
In support of the decision, the judge also utilizes privileged, formal elements of argument: statutory clauses, a rule of legal procedure, and legal definition. Addy cites statutes which as laws strengthen the authority of the decision, an example of which is as follows:

However, s. 22 of the Access to Information Act (R.S.C. 1985, c. A-1) authorizes government institutions to protect the confidentiality of information relating to tests such as the "in basket" test and the correction grid. That section reads: "The head of a government institution may refuse to disclose any record requested under this Act . . . if the disclosure would prejudice the use or results of particular tests or audits." (Section 17)

The judge also cites as support the English version of the Privacy Act, perhaps assumed to be the "original" compared to the French, and therefore more authoritative:

This interpretation seems to be much more in keeping with the English text, which contains no reference to supporting information and reads as follows: . . . (Section 21)

Addy also refers to the section of the Privacy Act that governs Bombardier’s request, and that stipulates protection of

"the privacy of individuals with respect to personal information about themselves held by a government institution and that provides individuals with a right of access to that information." (Section 15)

In conjunction with this Act, Addy refers first to the Interpretation Act, and concludes that the Privacy Act "must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects." The judge also cites from the Access Act, stating that it supports the defendant’s claim for an exemption to the Privacy Act:

The head of a government institution may refuse to disclose any record requested under this Act that contains inform-
Another legal or formal mechanism activated in the construction of the judge’s decision is a "rule" of legal procedure: "Every statute must be interpreted in the light of other legislation dealing with the same or a related subject." This allows Addy to argue that the Access Act overrides the Privacy Act. Finally, from the English version of the Privacy Act, Addy cites the legal definition of "personal information" as "information about an identifiable individual that is recorded in any form..."; and so concludes that "[t]here is nothing personal about the test or correction."

The judge’s final decision derives its credibility and truth value from the effects that these strategies produce: the establishment of the fairness of the testing process, the privileging of confidentiality, the paramountcy of the frequency argument, and a procedurally sanctioned legal argument drawing on all of the above.

By virtue of the judge’s re-inscription of the defendant’s affidavit, which amounts to univocal support for the Public Service Commission in this dispute, and which is in sharp contrast to Addy’s cursory paraphrasing of the applicant’s argument, Bombardier is deprived of any effectual role as a speaking-subject. This is especially so since the defendant’s narrative tells a displaced version of Bombardier’s testing experience. In the PSC’s version of test-taking, the individual is replaced by the generic test-
taker in a generalized test-taking situation. This displacement is likely a strong factor in its attractiveness for appropriation by the judge, for both bureaucratic and legal discourse share this element of institutional discourse. Similarly, the judge's meager summary of "the applicant's" arguments is at once a re-construction of Bombardier's discourse and a corresponding reduction of the individual Bombardier. The reduction is complete when, having asserted that "[t]here is nothing personal about the test or correction grid," the judge makes the final pronouncement: "I accordingly dismiss the application."

The dissolution of the personal has a double effect, first to render Bombardier faceless in the text of the decision and second to render his files non-personal and therefore not classifiable as "personal information" under the act. The text of the judge's decision is an example of how institutional discourse can construct its subjects. In this text, the depersonalizing reconstruction of Bombardier is instructive as to why, at the level of the ordinary citizen, concern runs so deep and the rhetoric of rights so high.

In a similar case, Tuck v. Lam and Calgary General Hospital, ex-patient Tuck is refused access to his personal records. The judge four times re-inscribes psychiatrist Lam's reasons for refusing access, cites three times from legal and health-related, official documents in support of the refusal, and three times repeats the fact that the applicant has given no "reason" for his access request ("Tuck v. Lam and Calgary General Hospital" 323-325).
The forces that operate here are the same ones that operate generally when structure is applied institutionally. They are described illuminatingly, in both their organizing and reproductive capacities, by Giddens in his comments on individual agency and institutional control (The Constitution of Society). Giddens ascribes to structure a duality, but not a dualism. Structural forces exist as knowledge of everyday routines in practical consciousness but are not fixed or isolatable except when instantiated through practice: "The structural properties of social systems are both medium [rules and resources] and outcome [reproduced relationships and conditions]." Giddens asserts this duality has the effect that "Structure . . . is always both constraining and enabling" (25), implying the possibility of some freedom and resistance to social systems. But he is quick to qualify the freedom an individual might have:

This, of course, does not prevent the structured properties of social systems from stretching away in time and space, beyond the control of any individual actors. (25)

So, while Bombardier may wish to challenge an institution's practice, in order to do so he must enter the arena of practice whose routine or structure is reinvoked and reproduced in the very act of challenge. The possibility of resisting such forces is seriously compromised in both the hegemonic practices of the court and of his workplace.

This description of structure as a duality, with its suggestion of the double nature of aletheia--its promise and the caveat--is consistent with much poststructuralist theory. Of
special relevance is Michel de Certeau's commentary on the structure and institutional organization of space, and how these can be potentially resisted by the individual. In The Practice of Everyday Life, he pursues the same forces that structure institutional practices, discourses, and subjects: on a larger scale they organize the city itself. The forces that propel the discourse of Judge Addy's decision propel the highly organized "text" of the contemporary city. Both are structured for the effective disciplining of individuals whose idiosyncracies and tactics of resistance must be controlled, and both seem to have stretched in time and space beyond the control of the individual:

The "city" founded by utopian and urbanistic discourse is defined by the possibility of a threefold operation:

1. The production of its own space (un espace propre): rational organization must thus repress all the physical, mental and political pollutions that would compromise it.

2. the substitution of a nowhen, or of a synchronic system, for the indeterminable and stubborn resistances offered by traditions; univocal scientific strategies, made possible by the flattening out of all the data in a plane projection, must replace the tactics of users who take advantage of "opportunities" and who, through these trap-events, these lapses in visibility, reproduce the opacities of history everywhere;

3. finally, the creation of a universal and anonymous subject which is the city itself: it gradually becomes possible to attribute to it ... all the functions and predicates that were previously scattered and assigned to many different real subjects--groups, associations, or individuals. (94)

The text of the judge's decision similarly presents itself as an anonymity pronouncing on other anonymities. The individual is subsumed in corporate policy which is subsumed in a public institution and then appropriated in a sanitized condition by the
Like Foucault and Giddens, however, Certeau still posits the possibility of individual resistance. He is especially concerned with the self-organizing and self-reproducing elements of action that elude formulation, inscription, and examination. These phenomena offer the individual the resources and locations of potential resistance. They are neither hidden nor strictly discursive, yet certain effects attest to forces somehow operational in the "practical consciousness" (Giddens) of humanity—trajectories, traces, inarticulable reasons, motives and maps. Such resistance is explored later; it is sufficient to say here that it would seem the tactics of users like Bombardier can find no opening in the judge’s discourse. This does not mean that useful openings do not exist elsewhere.

The irony, however, is that it often seems necessary for the individual to collude in and so reproduce this anonymization by requiring a lawyer to speak for him. The advocate (and advocacy group) submerges a client’s identity in a discourse that more strategically addresses legal institutions. In other situations, as an alternative strategy of resisting institution control, the individual substitutes for such pre-emptive advocacy the opportunity to personally address an institutional representative. The question then is how effective the lay individual can be in exerting more direct resistance to institutional policy. If she
chooses to present her own text, is she therefore able to "speak for herself"? Can she find an opening or "hearing" where the over-represented Bombardier cannot?

2. **An individual construction of the self as lay subject.**

This second example is the text of a letter sent by an individual (M) to a hospital to protest its policy on access by individual patients to their own personal information. Although progressive legislation has been proposed, currently in B.C. doctors have full control over patient records. According to the British Columbia Health Association's *Guidelines on the Confidentiality of Health Information* (1990), "The hospital [or physician] reserves the discretion at all times not to release the clinical record unless hospital [or physician] policy establishes otherwise." In the face of a refusal to access, a patient's only recourse seems to be litigation: "Patients may apply to court for an appropriate order" (cited in *Access to and Confidentiality of Health Care Records in B.C.* 4).

An ex-hospital patient, M wishes to persuade the hospital to liberalize the rules it applies when patients request access to their personal hospital records, such that patients would not have to access their own medical reports through their doctors. M writes to the chair of the board of trustees and eventually to a number of government officials. Her second letter to the chair, in response to his curt rebuff, is reproduced here.
Re: Personal Access to One's Hospital Medical Records


Your brief letter of response, regarding the matter of direct personal access to hospital medical records by patients, was a great disappointment. I expected considerably more than a cursory, one-paragraph reply. I expected a reply that would indicate your members had given serious consideration to the many well-researched details on this matter, (contained in my letter of November 20). It behooves me now therefore to present the following questions. (I trust these questions will be easily and expeditiously answered because, as you stated in your letter, the matter was recently discussed by the Board in December and you have at hand the information arising from that meeting, as well as having access to the Medical Records Department and Committee for policy and procedural information.)

Questions:

1) Your letter of January 9 refers to "our current policy:"
   a) What is the precise, official wording of your "current policy"?
   b) When, (dates), was your "current policy" formulated and established? and by whom?

2) Your letter of January 9 includes terms such as "medical charts", "attending physician", "reasonable access", etc. Could you please define and explain:
   a) "charts" as in "medical charts"?
   b) "attending" as in "attending physician"?
   c) "reasonable" as in "reasonable access"?
   d) "discussed" as in "patient's request for access to the medical charts be discussed with the attending physician"?
   e) "reasonable" as in "reasonable request"

3) Preamble: The noun "record" or "records", (as
per the Hospital Act), describes any item "regarding a patient that is prepared in a hospital by an employee or by a medical practitioner or dentist".

**Question:** What is . . . current procedure for patients who seek access to their hospital medical "records"? In other words, what forms and step-by-step instructions are given to . . . patients who are:

a) seeking to **see** their record(s)?

b) seeking to **photocopy** their record(s)?

4) **Preamble:** . . . current policy seems to make all BC physicians and surgeons potential participants in the medical record access process.

**Question:** Has . . . [hospital] informed its employees and medical practitioners or dentists of its medical record access policy? If yes, how is this information disseminated?

5) **Preamble:** As you know, from my letter of November 20, 1990, both . . . and . . . Hospitals have policies permitting direct personal access to personal hospital medical records. (Patients simply contact the Department of Medical Records and make arrangements to see and photocopy their records.)

**Question:** Why does [the hospital] Board object to adopting such a policy? and what variables are considered to justify the objections?

6) **Do any** of your Board Members **approve** of a direct personal access policy as in-place at . . . and . . . General Hospitals? If yes, **how many** so approve?

7) **Does . . . Hospital have a Patients’ Bill of Rights?** If so, I would appreciate receiving a copy.

8) I would appreciate your having this follow-up letter photocopied and distributed to all Board Members for their further information. Thank you.

Awaiting your expeditious response to the foregoing items, one through eight, I remain,

Yours truly,

M attempts to establish her authority to speak by constructing
herself as knowledgeable on the subject of access to personal information. She refers to her own research which made up much of her initial letter to the chair: "I expected a reply that would indicate your members had given serious consideration to the many well-researched details on this matter." She also appropriates from the chair's letter certain "insider" knowledge of the hospital, incorporating it in parentheses "(you have at hand the information arising from that [Board] meeting, as well as having access to the Medical Records Department and Committee for policy and procedural information.)" Additionally, she addresses the chair in the tone of an expert whose status permits her to evaluate the hospital's actions; and in a series of pointed questions, she adopts the Socratic stance of interrogation.

M's construction of herself as formal evaluator is achieved through a number of strategies. In the first page of her letter, she adopts the tone and role of an expert "disappointed" in one of her inferiors' performances. She states her disappointed expectations, and reprimands the chair: "I expected considerably more than a cursory, one-paragraph reply." And she appropriates a nearly archaic, formal phrase to express her indignation and provides further instruction for the chair's errancy: "It behooves me now therefore to present the following questions." An additional parenthetical remark contains a sarcastic aside and an indirect "order": "(I trust these questions will be easily and expeditiously answered . . .)."
The series of questions on the second and third pages of her letter constitute a test-like checklist of criteria to facilitate her evaluation, and to motivate future evidence of improvement in the performance of the chair and the hospital. Some questions are rhetorical and leading:

Does [the] Hospital have a Patients’ Bill of Rights? If so, I would appreciate receiving a copy.

what forms and step-by-step instructions are given to [the Hospital’s] patients who are . . . seeking to see their record(s) . . . [and] seeking to photocopy their record(s)?

As evaluator she also draws a negative comparison between this hospital and others:

. . . both [other] Hospitals have policies permitting direct personal access to personal hospital medical records. . . . Why does [this hospital’s] Board object to adopting such a policy?

Finally she closes with an overly formal expression and expectation of improved performance: "Awaiting your expeditious response to the foregoing items, one through eight, I remain..." M’s construction of herself, her pose as expert and superior, is a bold move apparently calculated to present herself as occupying a certain position, endowing her with the authority she needs to be a speaking subject. Echoing Foucault’s taxonomy for "modalities of enunciation," Certeau describes how such power works for the real expert:

the Expert pronounces on the basis of the place that his specialty has won for him. In that way he inscribes himself and is inscribed in a common order where specialization, as the rule and hierarchically ordering practice ..., has the value of initiation. (8)

M’s attempt at self-inscription into the common order or hierarchy
does not, however, initiate her as an insider. Her strategies for establishing authorization do not guarantee her the status of speaking subject, for she is not in a position to oblige her addressee to pay attention to her. This obstacle is what makes her persona strategy so transparent: there is an obvious lack of fit and a certain positional "violence" in the insertion of her self-construction into this context. She is like Spivak's women who mimic the discourse of empowered men, but who, because of their gendered position, are "silenced or ventriloquial, not-quite-subjects ("Acting" 775). This silencing is confirmed by the chair's second cursory response to M which provokes her into repeating her request, not to the chair but to state officials outside the hospital. Even though, at this point in her series of challenges to the hospital, M has actually received her own medical reports, she continues to challenge the current policy, recommending that all hospitals make direct access available to everyone. For M it becomes a political issue of individual rights.

In these two examples of privacy disputes, pitting individuals against state institutions, what triggers the anxiety of the subject seems to be uncontrolled institutional power over the individual's legal, medical, physical, and professional status. It is not, for example, as some suggest, primarily a matter of costs to the taxpayer or of questions about the qualifications of officials: it is instead clearly a matter of power.

The resistance to institutional policies and laws by individuals amounts to a refusal of this power by individuals. It
constitutes a series of struggles against state institutions—
against what Foucault calls "administration over the ways people
live" (The Subject and Power" 211). Foucault describes such
resistance as transversal, immediate, and local struggle:

It is not enough to say that these are antiauthority
struggles ...
1) They are transversal struggles; that is, they
are not limited to one country ....
2) The aim of these struggles is the power effects
as such ....
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). In comparison with a theoretical scale of
explanations or a revolutionary order which polarizes
the historian, they are anarchistic struggles. ...
4) They are struggles which question the status of
the individual: on the one hand, they assert the right
to be different and they underline everything which
makes individuals truly individual. On the other hand,
they attack everything which separates the individual,
breaks his links with others, splits up community life,
forces the individual back on himself and ties him to
his own identity in a constraining way. .... they are
struggles against the "government of individualization."
5) They are an opposition to the effects of power
which are linked with knowledge ... struggles against
the privileges of knowledge. But they are also an op-
position against secrecy, deformation, and mystifying
representations imposed on people. ...

Significantly, this resistance is always tied to institutional
constructions of the individual:

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 in-
quisition which determines who one is. (211-212)

The refusal implied in this struggle characterizes the stances
of both Bombardier and M. The question arises, however, as to how to measure the success of such actions. What has Bombardier lost, or M won? And does M necessarily fail because she cannot achieve speaking status? Is there any way that one can depict Bombardier's resistance as effective? Is the strategy of advocacy merely self-defeating co-optation? While Foucault champions resistance per se, his description of power, the object of such resistance, does not offer much encouragement. Institutional power is pervasive, elusive, hegemonically aligned, and self-reproducing:

This form of power applies itself to immediate every-day 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. ... 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. (212)

In the following chapter, certain approaches to the analysis of power struggle are examined. As above, the particular struggle analyzed in the next chapter involves a conflict over the right of control over one's personal information and subject construction in the name of privacy rights. The acts of resistance involved in these conflicts are less illustrative of struggles against overt and direct domination and exploitation, and more indicative of those struggles that involve strategies and tactics of resistance as a form of refusal, whether successful or unsuccessful. These are struggles:

against that which ties the individual to himself and submits him to others ... (struggles against subjection, against forms of subject-
ivity and submission) (212).

The initial and tentative framework of this chapter has been loosely rhetorical for the purposes of exploring how conventional rhetorical criticism might be integrated with or related to a pragmatic and grammatical discussion of the micro-physics of power. Although an integration of these two perspectives of power—the macro-rhetorical and the micro-physical—is proposed or suggested in a number of contexts, it remains problematic and unresolved. Since this is contentious yet important ground and focal to what follows, a typical version of the debate has been summarized in the next chapter and recast in terms that might enable a rapprochement.
Notes to Chapter One: Introduction

1Deleuze and Guattari follow Nietzsche closely here. Their negative depiction of these blocks to the flow of desire suggests Nietzsche's postulation of a false or slave morality that obstructs the will to life and power.

2Descartes' subject/object distinction becomes permuted as the body with organs versus the body without organs, or as Deleuze and Guattari describe it, the blocked ("organized") paranoiac subject ("a molar aggregate") versus the point-flows (contingencies) of schizophrenic desire ("molecular formations"). This development into two broad categories of subject, neither of which corresponds to Descartes' "soul," occurs as part of the critique of the metaphysical subject.

3For Descartes the way to truth is through the mind of the subject whose essence he distinguishes as "the soul": "so ... this 'me,' that is to say, the soul by which I am what I am, is entirely distinct from body, and is even more easy to know than is the latter" (Discourse 101). Truth, then, and the truth of the subject are inseparable operations, both irrevocably dependent on the mysterious, metaphysical essence of a soul-subject.

4For example, in Modern French Philosophy (1980) Descombes follows the development sketched here although with additional emphasis on Hegel and Marx; in Essays on Heidegger and Others (1991) Rorty makes reference to the same influences in terms of individual philosophers as here; and in The Tain of the Mirror (1986) Gasche's analysis of salient postmodern philosophical concepts also gives pre-eminent consideration to these privileged events in western metaphysics.

5The trial took place in Quebec in French. Both the English and French versions appear in the Federal Trial Reports.
Chapter Two: The Micro-Physics of Power and Rhetorical Frameworks

I. The "Rhetorical Turn" and Post-Structuralist Criticism

Post-structuralist thought leads to and promotes critical reflexivity. It does so to some extent because it has developed out of a certain line of philosophical inquiry, which in its postmodern version is in part a response to Nietzsche's call for a new history and to Heidegger's agenda for a new hermeneutics. Nietzsche's work can be seen as an early formulation of the postmodern tenet that discourse and the knowledge it produces under the influence of power are always and fundamentally ideologically invested. He is largely responsible for philosophically upending the scientific view that truth is "discovered" and for postulating the claim that truth is "invented" instead (Beyond Good and Evil 392). Later, extending this critique of truth, Heidegger's goal becomes the "'destruction' or 'dismantling' of the transmitted conceptual apparatus" of the "ontology of Dasein" or being (Prell 21). In such a dismantling, the essence of humanity is invited by Being "to dwell in the truth of Being" which Heidegger defines as "the essence of 'being-in-the-world'" (Letter on Humanism 236):

To be in the world means to dwell and be at home there, i.e. to be familiar with meaningful structures that articulate people and things. (note 236)

Heidegger's development of the Greek concept of truth as aletheia assumes a certain relationship of language, power, and truth. The question of the truth of truth, and the truth of being--truth in
terms of its own essence as well as the essence of being--is related to language, which he calls "the abode" of being, and which he views as detrimentally dominated by the metaphysics of subjectivity. The experience of "being-in-the-world" defines the ideal, free subject who can engage both the blocks and flows of desire in a world where there is a balance between the organized aggregates of social formations, or institutional identities, and the more localized, less defined contingent relations of force which are not channelled into institutional roles and structures.

The metaphysics of subjectivity has, however, only recently loosened its hold on rhetorical criticism. Traditional rhetorical approaches that privilege truth and agency have resisted opening up rhetorical analysis to accommodate the operation of aletheia. The "non-scientific" description of truth and subject construction, and the consequences for a theory of power and motive have presumably been seen as incompatible with traditional rhetoric, largely because of many of the differences between the two approaches that are discussed in this section. However, these differences do not necessarily imply the impossibility of reconceiving power and motive within an expanded, revised framework of rhetorical theory, and of integrating the micro-dynamics of power, as suggested in Chapter One, with the larger rhetorical manifestations of power struggle.

With Richard Rorty's invention of the phrase, "the rhetorical turn," a number of contemporary American rhetoricians have announced the inclusion of the reflexive enterprise of
deconstruction within rhetorical criticism. Rhetoricians are coming to terms with the effects of the deconstruction of truth and certainty. These effects have meant that truth in its absolute and singular sense is no longer theoretically a feasible goal, and that the scientific model of truth-seeking that has been utilized in the metaphysical enterprise of truth (based on facts, evidence, logic, and objectivity) is similarly put into question. As a result, in both theory and practice some rhetoricians now advocate transposing the concept of consensus (in which contingency has a role) through persuasion (the domain of rhetoric) to those intellectual enterprises that seek to establish knowledge and facts. Given the deconstructive context of the analysis of knowledge, truth, and subject formation, and the role it plays in repositioning persuasion over scientific argument, rhetorical theory has moved to explicitly integrate reflexive criticism.

Rhetorical studies have thus recently become galvanized around the phenomena of negotiation and consensus in fact construction and other persuasive processes that had hitherto claimed to be purified of persuasion and subjectivity (e.g. decision-making science). This displacement of objective, reasoned argument by consensus is the subject of the book *The Rhetorical Turn*, which constitutes a strong invitation for an expansion of the discipline of rhetoric into all areas of human decision-making. It amounts to a reclamation of the ground rhetoric has steadily lost since the advent of the age of reason. The enabling conditions are summed up by Herbert W. Simons in this same volume:
it is now argued that the entire process of inquiry, far from being a fully rule-bound process as the positivists had hoped or supposed, is, at all stages, underdetermined by rules; it is dependent, therefore, on individual and communal judgments. . . . what gets called fact or logic is symbolically mediated if not symbolically (i.e., socially) constructed. In place of Method, there is talk of methods: variable, creative, nonalgorithmic. In place of covering laws, there is talk of contingent, historically situated truths, reflective of values and interests . . . ("The Rhetoric of Inquiry as an Intellectual Movement" 2)

Simons and others now propose another "reconstructive rhetoric" that would develop in terms of the deconstruction of truth. Simons states that this "rhetoric"

will of necessity be unstable, self-questioning, reflexive--always in process of reconstituting itself in light of new historical saliencies and new habits of conviction. Its "truths," if there be any, will be situated, contextual, contingent . . . (16)

The recasting of theory into the realm of rhetoric may ultimately prove a workable and productive integration. I propose in this dissertation one particular direction for integrating theory, grammar, and rhetoric; that is, through a common focus on positionality, modality, and agency. However, there are important, related problems that should be acknowledged at the outset. First, the particular line of the philosophical interrogation of truth and the subject that has been invoked here so far constitutes a break with the avowedly Aristotelian-Platonic foundations of contemporary rhetoric. It is not clear how rhetorical criticism will ultimately account for the theoretical divergence of post-structuralist methodologies. For example, Foucault's genealogy and archaeology have developed out of the Nietzschean-Heideggerian break with objective truth and are inseparable from that theoretical
orientation. Such a conjunction of theory and method does not seem to be the case with much current rhetorical criticism. The latter is often patently Aristotelian and invested in precisely those culturally privileged key terms, roles, actions and master-narratives that deconstructive criticism seeks to dismantle.

Second, the "subject" in this rhetorical critical framework is cast as a powerful agent or a significant victim, whose identity prevails even after the masks have been put away. In post-structuralist criticism, however, the subject's power and saliency are diminished, if not eclipsed, by an emphasis on positionality, on modalities of enunciation, and on "speaking subjects" as opposed to the individual actor. In order to illustrate these differences I have chosen to compare the work of a very prominent American rhetorician with the work of Foucault.

Kenneth Burke's criticism belongs to this rhetorical orientation and provides a useful point of departure for a number of reasons: its resurgence in American rhetorical studies, its explicitly Aristotelian foundation, and its correspondingly central focus on human motive and agency. The differences between the two critical frameworks can be illustrated in a brief comparison of Burke's grammar and rhetoric of motives and Foucault's "new historical" work which is central to much of French deconstructive criticism.

II. Modern and Postmodern Rhetorics

1. An illustration with Kenneth Burke and Michel Foucault.

The general ethos of Burkean criticism differs from that of
Foucault. On the one hand, Burke sets out his purpose as an analysis of "language as symbolic action" in order to provide people with "tools for living" a humanistic existence (in a social democracy); on the other hand, Foucault announces an "experimental" enterprise, a "historico-practical test of the limits that we may go beyond . . . work carried out by ourselves upon ourselves as free beings" ("What Is Enlightenment?" 47). The focus in Burke is on criticism for self-awareness and possibly social progress; in Foucault it moves beyond mere self-awareness to self-reflexivity, to an interrogation of the conditions of possibility of self-awareness in the first place.

It is true that Foucault has outlined his own social program in interviews and other commentaries on his work, but his concept of political power expressly by-passes those high-level components of the power game that Burke refers to as salient in his scheme: democratic action, analysis for awareness, and freedoms and rights of individuals. While Foucault still shares Burke's concern about fascism (both having lived through World War II), his purpose is expressly not to engage in, or make an object of analysis, confrontational power struggle. In his prefatory comments to Anti-Oedipus, Foucault praises it as "a book of ethics" that proposes an "art of living counter to all forms of fascism." But when he suggests making it "into a manual or guide to everyday life," the guidelines he has in mind do not correspond to Burke's "tools for living":

Free political action from all unitary and totalizing paranoia.
Develop action, thought, and desires by proliferation, juxtaposition, and disjunction, and not by subdivision and pyramidal hierarchization.

Withdraw allegiance from the old categories of the Negative (law, limit, castration, lack, lacuna), which Western thought has so long held sacred as a form of power and an access to reality. Prefer what is positive and multiple, difference over uniformity, flows over unities, mobile arrangements over systems.

Use political practice as an intensifier of thought, and analysis as a multiplier of the forms and domains for the intervention of political action.

Do not demand of politics that it restore the "rights" of the individual, as philosophy has defined them. The individual is the product of power. What is needed is to 'de-individualize' by means of multiplication and displacement. Do not become enamored of power. (xiii-xiv)

This is a program of resistance and a reconceptualization of power that is quite different from the uses of rhetorical analysis that Burke sets out in *Language as Symbolic Action*.

Burke takes as a given, foundational point the concept of a symbolic system that is based in part on the belief in non-contingent truth and meaning. He describes his method as "designed to help reveal the logic of a given symbol system" and to "evaluate the resources of internal consistency whereby the terms of a symbol system imply one another" (viii). His description of such systems as "tautologies"--since their terms mutually imply each other--explains the circularity of his theory and method, and its impetus to repeat rather than to multiply interpretation. As for the social-political goal of his method, he aims to help the humanist "methodically [dramatistically] meditate on our involvement in kinds of action not wholly reducible to terms of motion" (viii).
Such meditation is supposed to create self-awareness and improve human judgment and action in the context of individualism and social democracy. This is not a program for a reflexive microanalysis of power as resistance situated in changing contexts of indeterminacy and contingency. Furthermore, Burke states that since "[w]e are the instruments of our instruments . . . we are necessarily susceptible to the particular ills that result from our prowess in the ways of symbolicity" (viii). In other words, since we operate within a given system of symbolic action, we are destined to repeat and reinscribe the errors and problems already inscribed within the given system. It is not that Burke and other innovative and politically motivated rhetoricians should embrace an alternative, but that they do not suggest the possibility for one in their own theory and method.

On the other hand, at least in his earlier works, Foucault wants to "clear a space" in the hope that the deferral of our entrenched interpretive compulsions will allow an alternative discourse to emerge. His work implies, in a way that Burke's does not, the possibility of resistance and a non-polarizing discourse that can break or forego the adversarial nature of the oppositional rhetorics of Aristotelians. What might emerge, however, Foucault resists identifying, possibly (as Deleuze suggests) because of the seeming failure of those transversal discourse practices he had hoped would contribute to social change. It should be pointed out that Foucault never really abandons this ideal although he recasts it more moderately as a resistance that can be effective not as
freedom per se but as a modicum of freedom within the constraints of disciplinary power (See "The Subject and Power").

A major difference between Burke and Foucault in their theory-methodology is their orientation towards structuralism, and the implications this has for developing rhetorical analyses of discourse and power at the micro-level of analysis. Such an extension of rhetorical analysis is critical to the self-reflexive enterprise. It is necessary to open up analysis to the still unclear, low-level mechanisms and components of discourse, instead of relegating these phenomena as Burke does to the realm of "mystification." The sources of mystification operate through desire and the will to power, to construct truths, identities and facts, and in turn come to predominate, to the exclusion of alternative truths, in the resulting structures of rhetorical debate and persuasion. Foucault seeks those conditions and resources that could constitute alternative interpretations and truths, but which become invisible once an interpretive structure is in place and operational at the rhetorical level. Burkean analysis, on the other hand, seeks to identify primarily the top-level components of those discursive structures made manifest in power struggles, and to then suggest a corresponding deep structure that explains the hidden motivations of those individuals involved in the dramatic action.

The following section provides an illustration of such an analysis, revealing both its propensity for a productive reading of power struggle as well as its structurally self-enclosing
determinations. This section also returns us to the focus on subject construction and its ramifications for the issue of privacy rights.

2. The privacy issue as rhetorical situation.

The following discussion establishes first the force of contemporary privacy issues and then follows with a brief Burkean analysis of selected discourses illustrating the power struggle over privacy rights. The texts for analysis constitute an exchange of letters between a public corporation and an individual challenging an institutional policy on the basis of his right to privacy.

Within the human rights movement, the status or "truth" of the subject is an especially crucial concern in the debate over privacy rights, in particular in the arguments of individuals and advocacy groups for control over how, when, where, and by whom one is identified or "profiled" as a particular type of individual. The focus is often on institutional policies regarding access to or protection of personal information. Frequently the conflict is depicted as one of institutional versus individual control over how a subject is identified or "constructed." Traditional ideas of identity and truth are assumed in the debate, which inevitably leads to confrontations over who has control over the authorized or "right" version of an individual.

The focus on the right to control these respective versions--the institutionally constructed data-subject in opposition to an individual's version of herself--is based on the belief in the
existence of a unitary, right or wrong, true or untrue subject. Similarly, the debate over changing versus maintaining current policies governing control over personal information (the data that institutions use to profile individuals as subject-types) revolves around a single choice of either acceptance or rejection. This polarization is described by Bruce Morton and Steven Zink as "schizophrenic." They point out that policy development reflects these apparently irreconcilable positions:

The result has been two prominent strains of contradictory philosophy regarding government information in Canada: that government alone can best decide what information it should disclose to the citizenry; and that in a democracy all government information should be accessible to the public. (314)

The debate itself is of course a development of the rights and freedoms movement, with the concept of the free individual as its central, sacred tenet. In a recent article (1991), Colin Bennett, a political scientist, calls this philosophy of privacy "the civil rights approach," for it casts the issue

in purely individualistic terms by recognizing a right to information privacy. This right flows from a classical liberal doctrine as expressed by John Stuart Mill that "over himself, over his own body and mind, the individual is sovereign." In this interpretation, the concern is essentially to protect or promote the individuality, dignity, or integrity of each and every one of us. ("Computers" 58)

This philosophical basis has been interpreted in terms of privacy in two different ways, either as "'the ability to control the circulation of information'" relating to individuals, or as the right of individuals "'to determine for themselves when, how and to what extent information about them is communicated to others'"
The civil rights approach is found in the introduction to a comprehensive review (1987) of how the federal access to information and privacy acts are working. It formulates this typical rationale:

These laws [the Access to Information Act and the Privacy Act] have given Canadians potential instruments with which to strengthen Canadian democracy. The Charter and the two Acts represent significant limits on bureaucracy and have provided a firm anchor to individual rights. (Open and Shut 1)

A number of contemporary influences have shaped the direction of this movement, in particular victim status and computerized technology—both of which intensify and apparently legitimate certain feelings of anxiety. For the average citizen-subject, this anxiety seems to constitute an emotional impetus—a will to power and shaping of desire into certain discursive and non-discursive structures of power. Significant manifestations of this anxiety include the rhetoric of human rights, actions of protest in the name of freedom of the individual, and the formation of advocacy groups with a legal base. A few examples of privacy rights discourse illustrate the force of this will to protect the belief in a self-sanctioned, unitary identity, and of the anxiety and fear that drive it. Bennett describes the anxiety over identity as follows:

The proliferation of the SIN, it was feared, would encourage the building of dossiers and profiles, linking information on individuals from many different sources. The unregulated use of computer technology to process the vast quantities of personal information that the Canadian State was now collecting would have led, it was feared, to a loss of individualism in the face of the impersonal, centralized and alienating modern organization. ("The
Similarly, in *Access and Privacy: The Steps Ahead* (1987) the federal government associates the fear with "risk" and "abuse" as a result of inaccurate or improper use of personal information:

This new technology creates a risk of potential abuse in the retrieval, sharing and merging of personal data which go far beyond the original purpose for obtaining the information. Canadians must feel confident that personal information collected or compiled by federal government institutions is accurate, relevant and will not be misused or improperly disclosed to other persons or organizations. (vii-viii emph. mine)

The resulting tone of urgency that accompanies recommendations for policy changes also attests to an underlying anxiety that does not always seem to be commensurate with any actual threat to the individual. For example, in *Protecting Privacy in Surveillance Societies* (1989), David Flaherty concludes his survey of western privacy legislation with a strong and urgent statement in favour of hiring "watchdogs" to protect the privacy of helpless individuals:

Protecting privacy by limiting governmental surveillance is a vital activity, since individuals can no longer do it entirely for themselves in the face of massive changes in information-handling activities and in surveillance techniques. . . . The most important conclusion concerns the need to inspire data protectors to vigorous efforts as watchdogs over surveillance activities. Data protectors must be active and committed individuals who are very independent in the exercise of controlling power in order to serve as a countervailing force to excessive and intrusive surveillance practices. (371-72)

This concern over the fate of one's personal information is further manifested in legislation that "includes a right to request correction of one's own personal information . . . . [to give] individuals the opportunity to exert further control over their
personal information" (proposed by the Legislative Task Force, B.C. Freedom of Information and Privacy Association 98 and passed into law in June/92). The degree of concern only becomes intensified as technology continues to surpass human control. For example, in Open and Shut, the report committee identifies the growing "problem of accessing general and personal records that only exist in automated form, or exist only temporarily":

This condition may become an increasing problem in future as multiple data bases are created on an ad hoc basis from distributed data networks and/or certain personal information banks that exist only in an automated form. Further developments may make the very concept of a personal information bank thoroughly outmoded. (78)

In such cases, the report predicts individuals will be able to access personal information through either their own computers or government terminals.

The desire and anxiety that fuel the privacy issue will be explored more thoroughly in Chapter Three. What is important to demonstrate here are the possibilities and limitations of rhetorical analysis at the point where the individual is apparently up against the institution; and to identify any points of entry for a micro-analysis of power. It should be noted, however, that this analysis is focused on specific documents that have been generated in the context of the privacy issue, and is not intended to suggest that the participants themselves in the struggle for control over personal information should be practicing an intellectual version of reflexivity. Rather it is hoped this will elucidate what can happen when an individual resists disciplinary power, and, in the
domain of criticism, contribute to efforts to integrate certain elements of theory and methodology.

The focus on representative discourses produced through the social-political issue of personal privacy should enable further exploration of the textual manifestations of what might be depicted as a fetishization of the rights of the individual to privacy. This analysis then leads to an investigation of the concomitant resistance of individuals to institutional appropriation of control, in particular over the manipulation of one's own personal information. The object of analysis is a series of five letters exchanged between a Canada Post contract employee and his advocate from the British Columbia Civil Liberties Association (BCCLA), and two general managers at the Canada Post Corporation. The worker is protesting the corporation's policy that identification tags must be worn and displayed at all times while employees are in the premises. The General Manager refuses the request, whereupon the BCCLA writes on behalf of the worker twice, receiving a further refusal from a second manager of the corporation. The letters are reproduced below.

**Letter One**

Though I am not a member of the Canadian Union of Postal Workers, I should nonetheless, with respect, like to raise two important issues in response to the latest corporate policy and other developments.

Firstly, I believe to be well within the mark when I say that, although I have a contract with the corporation and occupy space in corporate premisses [sic], I am not the property of Canada Post Corporation.

Consequently, whatever argument may be made in defence of
a corporate policy that requires me to display a coded identity tag on my person, eight hours a day and five days a week, must be purely academic. And since no truly compelling or immediate need can be discerned to enforce such policy in the interest of the public, this policy cannot, in my opinion, be construed as a reasonable limit to my fundamental rights and freedoms prescribed by law, as can be demonstrably justified in a free and democratic society.

In other words, . . . no citizen of Canada can, in my view, be arbitrarily reduced to the level of branded livestock on the corporate ranch, so to speak. And in this context I should perhaps also mention in passing that even the star of David served as a signal mark of criminality for innocent Jewish individuals in Nazi-occupied Europe.

Secondly, I should also like to say, . . . that labour relations evolved from "status" to "contract" near the end of the Middle Ages, when the great plague ravaged the European labour scene. To be more specific, serfs gradually emancipated to free men and women.

Strange as it may seem, the new labour standards which the corporation recently imposed, do not reflect this fundamental change.

Representatives of the Corporation's Engineering Department openly admit that these labour standards bear little relevance to the reality of sorting live mail on the work floor. And our discussions with these representatives revealed that many concomitant factors, and in particular the human factor, were casually omitted from their data in the process of computing these labour standards.

To be short, . . . I will simply state that in the year 1988 A.D. no employer should require MORE than a reasonable day’s work for a reasonable day’s pay, if it desires to maintain labour peace in the interest of all the parties that are concerned.

Very truly yours,

c.c. Prime Minister Brian Mulroney

c.c. Mr. John Turner

c.c. Mr. Ed Broadbent

c.c. C.U.P.W.

c.c. Employees
Letter Two

I am writing in response to your letter of May 25th regarding the wearing of Corporate identity tags.

As required for employees in many other major corporations where a secure workplace is necessary, Canada Post employees also wear identification cards. We are entrusted with the security responsibilities for our customers' mail. One aspect of fulfilling this responsibility is to ensure that only those employees or individuals authorized by the Corporation are permitted on our business premises. The identification cards are a part of this safeguard.

Throughout the business world, identification cards are worn. Further, the cards identify you to your supervisors and co-workers, therefore, making recognition easier for everyone.

Unfortunately other aspects of your letter were too vague for a conclusive response.

If you require additional information please do not hesitate to contact me.

Yours truly,

Letter Three

We are writing you to express the B.C. Civil Liberties Association's concern over the Canada Post Corporation's recent policy to require its workers to wear identification tags in the workplace. This matter was brought to our attention by . . . who works at the . . . main post office.

We would like to express at the outset our recognition of Canada Post's legitimate interest in requiring security in its premises to ensure the safe delivery of mail. There are a variety of alternatives open to the Corporation to provide this security including a requirement that employees carry identification tags. However, we think that the requirement that these tags be worn outside of garments, physically visible, is unreasonable and an invasion of privacy.

In an attempt to obtain justification for the policy, the complainant was informed that, as well as for security reasons, it is common practice in the business world for employees to wear tags, and that such tags assist in the recognition of co-workers. We cannot see how either of these reasons justify the practice. The fact that some-
thing is a common practice does not justify it. What is required to justify such an invasive practice are legitimate worries that, without the practice, the company's operations may be seriously harmed.

It is also difficult to understand how tags will assist in recognition of co-workers who in the vast majority of cases already know each other and are known by their supervisors. If other reasons for this policy exist, we would ask that you let us know.

It is the B.C. Civil Liberties view that the Corporation's policy to require employees to wear I.D. tags outside their clothes is unnecessary and an infringement on the enshrined rights of Canadian citizens to liberty and security of the person. We would suggest that, as an alternative, employees be required to carry I.D. and, if requested, produce it to the proper authorities. We believe this would satisfy the Corporation's interests in security.

We welcome the opportunity to further discuss the matter with you.

Yours sincerely,

Letter Four

A number of months ago, my predecessor, . . . wrote to you expressing our concern about the policy of Canada Post to require its workers to wear identification tags in the workplace. In reviewing our files, I see that we have received no response to our inquiries. The complaint on this matter is still active and our interest in the issue has not faded.

I have enclosed a copy of the letter setting out our concerns and look forward to your response.

Yours truly,

Letter Five

I am in receipt of your letter dated December 19, 1988 regarding our plant rule that employees' identification cards be displayed at all times while in our facilities.

I apologize because no response has been received to . . . [the] July 19, 1990 letter.

Regarding your enquiry, I wish to emphasize that the
security of the mail is a perpetual and on-going concern. The particular plant rule to which you refer is but one element in a well administered process which Canada Post Corporation has a right to implement to ensure that we keep our obligation of a safe, loss-free postal system to our customers.

I assure you Canada Post takes its responsibility for security of the mail seriously and it is our intention to continue to offer a safe, consistent and reliable postal service.

In his initial request for a change in the policy (Letter 1), the contract worker utilizes culturally-based strategies in order to cast himself as a mistreated victim, and to portray Canada Post as an unfair and uncaring employer, as undemocratic, unreasonable and arbitrary in its treatment of its employees. In these letters overall, the corporation is identified with and substituted for the object at issue here, the policy itself.

Applying the typical rhetorical methodology of beginning with oppositions, here in the form of Burke's "terministic screen" of bipolar terms, one can elaborate this conflict as a "division" between sides: worker versus employer, individual versus institution, citizen versus state, Jew versus Nazi, animal versus master. In each of these oppositions, the writer identifies himself with innocent victims or heroes fighting for freedom in an effort to portray his situation sympathetically. He states he has been unfairly "branded" like "livestock," "marked" like "innocent Jewish individuals in Nazi-occupied Europe," disenfranchised and treated like "property" as were "serfs" before emancipation, and deprived of "the fundamental rights and freedoms prescribed by law . . . in a free and democratic society." On the other side,
against him, is the Canada Post Corporation which is portrayed negatively, often through implication or reversed application of the same terms: the corporation is like "nazi-occupied Europe," it is a mean master who treats its employees like animals and slaves, and a serious violator of labour standards. In short the corporation is not "human": "many . . . factors, and in particular the human factor, were casually omitted from [corporate representatives'] data."

A rhetorical exegesis also involves an analysis of tropes and figures, as well as an application of Aristotle's three persuasive appeals. To create the division between worker and corporation, a number of rhetorical tropes (including metonymy, personification, and analogy) have been used. Generally the strongest strategy here is the appeal to pathos which is geared to arouse guilt in the reader. To a lesser degree, logos is applied through the "needs" argument ("no truly compelling or immediate need"), analogy and hearsay. The appeal to ethos aligns democratic rights and freedoms with the cause of the writer. The worker's rhetoric casts the reader as tyrant, and utilizes no strategies of "identification" (Burke), between writer and reader, that would create a persuasive bridge.

Furthermore, in this letter the role of "sovereign," in law and authority, is correspondingly reversed. From the worker's point of view, the corporation has abused its authority and has lost the integrity that a state-institution should reflect. The writer reminds the reader that the individual subject here is a
post-feudal creation, no longer property of the sovereign; but owning himself, he is his own property. He is sanctified in his physical person. This explains his particular concern that his actual body will be marked: "whatever argument may be made in defence of a corporate policy that requires me to display a coded identity tag on my person . . . must be purely academic" [emph. mine]. As elsewhere in his letter, the intense modality of necessity in "must" corresponds to a high degree of emotional investment.

The taxonomic device of the terministic screen thus moves a Burkean analysis towards elucidating the strategies, actors, and especially the motivations involved in discursive moves to power. This is a critical element in Burke's theory of logology which involves the dismantling of chronological explanations of events, which are often manifested as abbreviated but highly charged terms that tend to transmute the "real," hidden motives of the dramatis personae. Burke explains that he wants to stop the action and examine the relationships synchronically. The configuration of the elements of the drama, not the plot itself, are important.

Burke's "dramatistic" approach is an important technique of logology for it stops the narrative action and focuses on the terms and components of the drama: the scene, agent, audience, agency and motive. A discussion of motive and agency is particularly productive in the context of the contract worker's letter. His immediate motive is to have an unfair policy changed because it infringes on his rights, but an overriding motive seems to be the
need to alleviate anxiety about the status of his subjecthood, to ensure his self- or subject-preservation from the threat implied in corporate control over his identity. One could say it is an insecurity of his own sense of self that moves him to write the letter.

The agencies or means he chooses to register his protest are interpreted broadly to include the panoply of Aristotelian invention strategies—that is, all "the available means." These reveal a collection of terms that activate master-narratives from cultural history and that form a carapace of "mystification" for the protection of the sanctity of the individual subject. Logological analysis identifies these strategies as displaced, chronological accounts of the general narrative of human progress:

The story of the diaspora, from biblical time to the present, casting the jew as heroic victim and survivor.

The story of the labour movement, from the Middle Ages to the present, enfranchising the serf as wage earner and land owner.

The story of the deposing of monarchy in favour of democracy, transferring sovereignty and rights to the individual subject.

The multiplicity of stories by victims about their persecutions that currently dominate media attention, casting anyone who claims victim status as a sympathetic and enhanced subject.

Each of these narratives, triggered in the letter by its now culturally charged terms (jew, nazi, branded, rights and freedoms, free and democratic, serfs, free men and women, labour standards), is appropriated to elevate the subject and suffuse his situation with the aura of sympathetic victimage. As typical readers of this
letter would likely attest, none of these stories is properly relevant to the question of the corporation’s employee I.D. policy. Logology and dramatism, however, help us uncover the "real" motivation behind this rhetorical assemblage.

The circumference of the scene of the "action" in this letter, that is, of the writer’s protest, shrinks and expands, and is sometimes metaphorical and sometimes literal, as he switches from means to means: it is twentieth century, nazi-occupied Europe; it is the feudal Middle Ages; it is the whole territory of western democracy; it is the "corporate ranch" or dehumanizing institution; and finally it is simply the workplace. The extent of his protest, proportionate to the emotionally extended range of his anxiety, paranoiacally expands to include the whole western hemisphere. One might say that to protect his subjecthood, he feels compelled to protest not just the personal infringement he suffers at Canada Post, but also the persecution and stigmatizing of thousands of jews, the torturous inscription of animals as property, and the unjust serfdom of most individuals in medieval Europe—all with whom he apparently identifies. This strategy of identification does not include the reader; instead it clearly implies his exclusion as an outsider, a non-victim, and therefore a victimizer.

The General Manager’s response reveals a predictably reversed application of terms, similarly creating division at the reader/writer level, and also similarly creating identification or solidarity among those "insiders" who are like the manager in their
obedience to corporate policy. In identifying himself with the corporation, its employees and the "business world" in general, as a representative of Canada Post the manager ("we") opposes the institution to the contract worker who has no role to play in the scene he delimits and evokes for his response. The contract worker is practically invisible in this letter, referred to only formally in the opening ("in response to your letter") and dismissively at the end ("aspects of your letter were . . . vague"). The manager's response creates for its ground or territory a world whose circumference delineates an inside that is a general workplace inhabited only by those "employees [who] . . . wear identification cards," "only those employees or individuals authorized by the Corporation," "supervisors and co-workers," and those in the "business world" who wear such tags. The generic "you" in the third paragraph refers not to the reader but implicitly to any employee obedient to the policy: "the cards identify you to your supervisors."

The circumference of this scene divides these insiders from those who resist or disobey the policy. Insiders obey the institution as do subjects a sovereign, observing the law for higher reasons such as "security," not just of the mail, but of the sovereign-state itself, the organized corporate body. Obedience in this realm is required as a demonstration of institutional power, an effect of what Burke calls "hierarchical psychosis." In "On Human Behavior Considered 'Dramatically'" (1954), Burke discusses "hierarchical embarrassment" as one expression of the
"disrelationship among classes" that, like the expression of categorical guilt in the theological doctrine of original sin, functions "by reason of a tribal or dynastic inheritance" (278), such as one's position or role within institutional hierarchies (elsewhere called "occupational psychosis"). He explains:

the pyramidal magic is inevitable in social relations, whereby individuals, whether rightly or wrongly, become endowed with the attributes of their office. (279)

The strategy of division, then, maintains a certain power structure by requiring internal rites and rituals ("magic"): first to enable insiders in the transcendence of their differences and the achievement of solidarity, conversely to scapegoat or sacrifice outsiders, and ultimately to mystify the raw operation of power. The contract worker who is not obedient is by implication cast out as a threat to this solidarity. In terms of the religious analogy Burke develops in The Rhetoric of Religion (1961), the worker's invisibility symbolizes a sacrifice, his death and punishment for treason against, or resistance to, the sovereign power.

In both letters there is a sense of threat to the writer, but the values and applications of the terministic screen are reversed: where the contract worker experiences a vague threat to his rights and "person," that is, to his personal security, the manager as representative of the corporation intimates a threat to the security of the workplace and the mail. He explains that "a secure workplace is necessary" and that the "safeguard" of identification cards enables the corporation to be "entrusted with the security responsibilities for our customers' mail." The mail and the
workplace are parts of the corporate body that require protection from "non-subjects" or outsiders who pose a threat to the power of state-apparatuses like the post-office.

A dramatistic analysis again illuminates how the scene, available means, and central action illuminate the motives and manoeuvres for maintaining or acquiring power. The scene of a smooth-running workplace of cooperative employees described in Letter Two is the ideal institution of the bureaucratic state. It is by extension the state itself. This helps to explain the emphasis on security, at a deeper level than the literal, and the recourse to means such as the analogy of the postal corporation to "other major corporations" and "the business world." The latter is a strategy of association aimed at appropriating the reputation for practices of efficiency attributed to business, partly as an effort to ameliorate the reputation that public institutions, especially Canada Post, have for poor productivity. The general manager's letter thus triggers at least two master-narratives of Canadian culture: the threat of outsiders to state, institutional and personal security, and the modelling of the practices of public institutions on the more valued "business-like" practices of private corporations.

Logological analysis aims to dismantle this means, the myth-making force of narratives, and illuminate first a weak appeal to pathos--the arousal of fear for the security of the state (and one's own mail), and second a weak appeal to logos in the form of a problematic analogy. These weak appeals fail to disguise the
central act here which is a verbal, non-modalized assertion of sovereign, institutional power over territory and subjects. The manager's use of the plural possessive makes this clear: "We are entrusted with . . . our customers' mail" and "our business premises." This demonstration of power is also meant to intimidate, by arousing the fear of being cast out by a duly invested authority.

An appeal to ethos also plays a part: as an official representative of the corporation, the manager is the authorized speaking subject who is thus entitled to use the "royal we," to appropriate by association the positive qualities of other corporations, and to be seen in a good moral light because the corporation takes its "security responsibilities" seriously. All three of these strategies are devices of mystification of the subject-sovereign--its entitlement to determine its own subject-status and to disenfranchise by rendering invisible others as non-speaking subjects.

It is noteworthy that in a Burkean analysis a limited number of actors and agents are identified by their discursive practices as either insiders or outsiders, and other non-salient subjectivities are excluded. Such a reductive approach does not lead to a focus on the more local levels of discourse and power where other possible subjects would present themselves as players worthy of analysis. At the micro-level of power dynamics, the traditional rhetorical criteria of legitimacy for membership into a particular discourse community evoked by "the scene" are not
necessarily predominant. Such questions about the status of the subject in rhetorical analysis are pursued further in the next section on power and agency.

The third letter of this series illustrates a predictable reversal of terms and set of polarities. On the "eulogistic" or positive side (Burke), we find the BCCLA lawyer, the contract worker he is advocating for, and rights workers in general, associated with positively charged words such as "enshrined rights," "liberty," and "security." Opposed to these are negatively charged words associated with Canada Post: "invasion of privacy," "unreasonable," "infringement," and "unnecessary." By implication the corporation's policy is cast as unjust and illegitimate. The lawyer thus posits an "alternative" in opposition to the "recent policy": that "employees carry identification tags" instead of wear them "outside of garments" where they are "physically visible." In this way employees would gain more privacy and control over how they are identified. The charged term "security" is appropriated by the lawyer to apply to the subject instead of the corporation or the state; it is now the "security of the person" instead of the "security of the workplace" that is at issue. This reversal in the application of security, however, is also a strategy of identification. Although the set of bipolar terms separates the corporation as an invader of privacy from the BCCLA as protector of privacy, the lawyer acknowledges and claims a common interest in security. He expresses the BCCLA's "recognition of Canada Post's legitimate interest in requiring
security in its premises to ensure the safe delivery of mail," identifies the BCCLA’s interest in the "security of the person" or worker, and suggests that the alternative of carrying I.D. and showing it when appropriately requested "would satisfy the Corporation’s interests in security" as well.

The lawyer’s effort at identification through a conflation of state and individual security also creates common ground and good will, contributing to an appeal to ethos. It is bolstered by other elements of ethos established through the lawyer’s social status, his similar role as an organizational representative, and his general moral appeal to justice. A rhetorical analysis of the writer’s ethos provides further support for his elevated status as speaking subject as enhanced by his avoidance of appeals to pathos, and his reliance instead on logos. He argues with evidence that the recognition problem is a non-problem, and that the existence of the policy in other "business" workplaces is irrelevant. He also concedes that security is a genuine issue, and proposes an alternative or solution. These all contribute to a certain credibility lacking in the contract worker’s self-presentation, although they do not give the lawyer the same status accorded to the manager when speaking about the corporation’s I.D. policy.

The lawyer’s act of writing the letter encompasses a plurality of actions that culminate as an effort to establish the sanctity of the individual subject and the subject’s control over his or her identity. It is first an act of advocacy to protest and recommend an alternative to the current policy at Canada Post in the context
of the workplace and institution; but it is also a re-enactment and articulation of the rights of Canadian citizens in the historical context of the human rights movement in western democracy, and more recently in the local context of the Canadian Charter of Rights and Freedoms which has given hope and rise to numerous advocacy groups. The lawyer is further re-enacting the democratically-sanctioned role of a critic using the guarantee of free speech to evaluate and challenge state practices. His action thus traverses familiar privileged ground, reinscribing and reproducing certain institutionalized relationships of power. In this analysis of the master-narrative of the human rights story, the same agents repeatedly play out a certain drama: the state or law (the tyrant postal corporation, its policy, and its general manager and other institutions), the challenger to the state who is potentially disobedient to the law (the BCCLA, its lawyers, and its clients), and the victim or scapegoat of the state (the worker). Other roles, actions, and stories do not seem to operate in this dramatic framework. There is no sense of the contingency and assemblage of parts, of the alternative formations that these types might also or otherwise be (except for inversions of themselves), and no sense that other stories could have prevailed instead of this poetics of power and discourse. Its hegemony and univocity have screened out and blocked the appearance of other relations of force and discourses.

Even if one allocates authoritative power here in light of the hybrid status of advocacy groups such as the BCCLA, there is little
change in the dramatic functions of agents in a dramatistic
analysis. In a recent analysis of advocacy power, Shelby Steele
(1992) makes this clear. His description of "the new sovereignty"
of rights groups is a version of rhetorical reversal and remains
inside the structuralist framework of these analytical parameters.
Steele refers to the "unspoken principle of collective entitlement
that had always put the lie to true democracy": like democratic
governments at the state level, these groups are able to establish
power through the promotion and maintenance of the ideology of
individual, democratic rights (51-52). Steele adroitly explains
how the rhetoric and ideology of individual rights actually serves
to advance the rights of groups as institutional entities that can
be as out of line with the needs of individuals as any hegemonic
arm of institutional power. He points out how advocacy groups have
become institutions in their own right, wielding significant power,
much of which is geared to maintaining the sovereignty of the group
itself and its own territorial imperatives. As a result, "these
organizations will up the ante on what constitutes a grievance by
making support of sovereignty itself the new test of grievance"
(50). At the institutional-state level the same power struggle as
before goes on, with the variation only that perhaps the sides are
more evenly matched adversaries through a redistribution of power
downward; and that what was only "protest" might now be
characterized as "conflict" or even "war."

The analytical apparatus, however, still reduces the
differences to the same enactment of power struggle in the
ideological arena. Advocacy has as a priority its own collective hegemony so that it intercedes in ways that are not threatening to the institutional structure of which its existence is both a structuring condition and an effect or product. The individual client then is represented by merely a displaced version of the forces that he or she is in fact challenging. The BCCLA lawyer frames a discourse that is likely read more receptively by the second manager, but in this "repositioning" of the worker’s discourse a compromising distance is created. As the lawyer approaches a position and context closer to those of the manager, the worker himself is moved out of "hearing" distance. Such distance may be desirable in sensitive cases, but what does it signify for the individual who wishes to be her own speaking subject? Like Bombardier’s challenge to the Public Service Commission, the contract worker’s resistance here becomes subsumed in the institutional discourse of an advocate.

The second manager’s response to this letter (after a reminder from another BCCLA lawyer) is first of all a reiteration of the first refusal to change the policy, but there are a few changes. The workplace vocabulary shifts somewhat away from a business connotation towards terms more connotative of the industrial model of labour relations such as "plant" and "facilities"; and references to the policy are plainer as in "our plant rule" and "the particular plant rule." This shift might reflect a certain retrenchment and sense of intimidation as a result of the lawyer’s status (as representative of another "sovereign" group) and his
reasoned and persistent discourse which is more credible than that of the contract worker. This might explain the manager's further attempt to develop the corporation's reasons. In addition to the previously cited rationale, he introduces a new reason, "consistency," implying that it is inefficient and therefore unreasonable to have exceptions for certain individuals in the same premises. This efficiency argument is also implied in his reference to "a well administered process" for security. The motivation of the second manager also seems to be mixed: he asserts maintenance of the policy but his efficiency rationale suggests he is also concerned to shore up the post office's reputation which has suffered over several years from accusations of inefficiency and fiscal waste. Both arguments, however, are motivated by the need for a retrenchment of the corporation's power.

As the analysis of these letters illustrates, rhetorical criticism elucidates motivation as a variety of types of moves to gain or maintain power, and evaluates the strategies involved in terms of their effectiveness. One can see why Burke and others focus then on persuasion and human behaviour. And one can see why this focus on human motivation and the strategies of division and identification at the ideological and state-institutional level lead to repetitions of the same drama.

3. Power and Agency.

The insights that such rhetorical analysis suggests elucidate not so much the operation of power per se as strategies of
appropriation: as a result it does not reveal the dynamics and process of unmasking and remasking essential to a reflexive approach. For example, Burke discusses journalistic unmaskings of the truth, and the automatic response of remasking, but he depicts this phenomenon in terms of human agency and offers no further exploration of the dynamics of power and truth:

While leading you to watch his act of destruction at one point, the "unmasker" is always furtively building at another point, and by his prestidigitation he can forestall accurate observation of his own moves. ("On Human Behaviour" 294)

Analysis does indeed become opaque if it is still trained on the main stage and actions of the protagonists. Journalists have recently exhibited this extreme myopia as they repeated the gestures and reports of political and military spokespeople in their coverage of the U.S.-Iraq conflict. Indeed, these leaders were able to "forestall accurate observation of [their] moves," largely because the journalist-critic did not seek the operation of power at the micro-level of formation where local forces, contingencies, accidents, and unintended effects influenced outcomes, but were managed efficiently through strategies of closure.

The contingent elements in how the unmasker constructs and destroys are thus concealed. Just as the dynamics of aletheia are played out, as the untruth of truth is necessarily reconcealed through unacknowledged, non-discursive moves to power, there is a veering towards certainty and closure. The flow of desire is diverted and reinvested in another structure. It is transformed
and reproduced and, just as it might effect disclosure, it comes to rest by prestidigitation as something stable and determined. The micro-level of power is buried in an unprobed act of magic and left unaddressed. In this kind of rhetorical criticism, swift recourse is made to the global level of action where often the complex dynamics of power are explained as a matter of repression: the charge of power is simply drained away by a cathartic reversal of truth and power. Criticism based on this literary and Aristotelian psycho-analogy is employed widely in the analysis of politics and power. For example it is the basis for Shelby Steele’s explanation of black anger in the L.A. riots of 1992:

When the oppressors admit their crimes, the oppressed can give full vent to their long repressed rage because now there is a moral consensus between oppressor and oppressed that a wrong was done. This consensus gave blacks a license to release a rage that was three centuries deep, a rage that is still today everywhere visible, a rage that—in the wake of the Rodney King verdict, a verdict a vast majority of all Americans thought unfair—fueled the worst rioting in recent American history. (52)

With the reversal portrayed in this narrative of black American oppression, the unmasking of the truth results in white guilt and confession, and a continuation of black/white polarization. Power is depicted as immediately re-invested in actions of anger, adversarial actions driven by the impulse to shake the fist of acquired power at the enemy. However, one might suggest that the depiction of such events as a remasking and reversal of power is more a product of the seamless discourse of the critic than of the actual situation.
Giddens critiques this compulsion to closure as a legacy of functionalism, with its corresponding simplification of power analysis into cause and effect, and an over-emphasis on individual control of outcomes. In the first place, Giddens objects to any functionalist assumption because it implies some sorts of teleological quality that social systems are presumed to have: social items or activities are held to exist because they meet functional needs. (295)

The problem is that a focus on teleology "does not explain why [outcomes] exist" (295). Giddens' thesis is that "only an interpretation of intentional activity and unintended consequences" can explain those "complexities" involved in "the actual conditions of reproduction" of the structures of power (297). Instead of studying the causal loops of functional processes, as one might characterize modern-traditional rhetorical analysis, power analysis should unpack the reflexive "self-regulation" involved as individuals negotiate and manage the contingencies and local effects of the confluence of actions affecting their everyday lives. Giddens succinctly depicts the extreme pitfalls of the first approach, which glosses over these complexities:

The result can be some form of objectivism--whatever happens does so as the result of social forces as inevitable as laws of nature. Alternatively, however, there could be a tendency to accept some kind of conspiracy theory. Whatever happens does so because someone or other designed that it should.

If the former, the characteristic view of functionalism, is associated with not according enough importance to intentional action, the second derives from failing to see that the consequences of activities chronically escape their initiators. (297)

As we shall see in the following sections, the second approach
described by Giddens, with its emphasis on the reflexive monitoring of the local effects of power, is compatible with Foucault's theory of the micro-physics of power. Instead of a simple hermeneutics of intention, Giddens proposes "the double hermeneutic" of sociological investigation:

The condition of 'entry' to this field is getting to know what actors already know, and have to know, to 'go on' in the daily activities of social life. . . . Sociological descriptions have the task of mediating the frames of meaning within which actors orient their conduct. (284)

In other words, the analysis of power should "be sensitive to the complex skills which actors have in co-ordinating the contexts of their day-to-day behaviour," skills which "may be more or less bracketed out" in "institutional analysis" (285). Giddens thus reformulates this essential difference between post-structuralism and structuralism. The former aims to validate those contingent and invisible phenomena that disappear into black holes when institutional structures are asserted; the latter unreflexively invalidates such phenomena in its conventionally exclusive focus on the structures themselves.

As noted earlier modern-traditional rhetorical (and literary) criticism is structuralist in its approach. That is, it is homologous with the theory of language as system derived from Saussurean linguistics (Ricoeur [1981] and Barthes [1977] for example). The result is that such criticism will consistently apply the same symbolic paradigm and cycle of terms. The results of such analysis thus bear the effects of a top-down method, and are therefore to some extent predictable. Just as, in
Wittgenstein's example, Newtonian physics will inevitably depict only a Newtonian world, a Burkean analysis geared to reveal motive, for example, to some extent always finds what it is looking for. It recycles itself within a systematic framework of recurrent patterns of symbolic action.

Whereas stylistic analyses such as Burke's thus focus on repeated patterns ("curves of emotion" in *Counter-Statement*), Foucault posits and attempts to explore phenomena that the structures of rhetorical analysis have screened out, and to articulate those "self-evident" but historically displaced "statements" that signal power-knowledge relations. Statements, the fundamental units of archaeology, are revealed as a local formation and force. Some are discontinuous with structures of power while others exist simultaneously as elements in the manifested appropriations of power in these same structures. Appropriated statements can be plural serving more than one structure; or they can be unappropriated, existing as statement possibilities, as conditions of possibility. Instead of accepting the Augustinian notion that the ineffable will always be silent, Foucault wants to broach its outsideness, for it seems that in that domain power relations might be broached as well.

In his examination of archival material, Foucault does indeed seek to enter this realm of the silent and to elucidate statements that point to the existence of power relations. His project is an "ontology of the present" (*The Order of Things*): a synchronic study of the formation of historical categories and how the possibilities
for such historical developments arise. He passes by symbolically charged phenomena to examine relatively unexplored phenomena that do not fit the patterns of conventional structuralist analysis.

The fundamental differences in how Burke and Foucault understand and value the functioning of "discourse as system" can be clarified by comparing key concepts of their respective theories and methods of analysis. Foucault promotes an "anti-scientific" discourse that would make explicit the arbitrary elements involved in constructing the synoptic and scientistic "perfection" of closed system approaches. He focuses his examination on an exhaustive scrutiny of the construction of historical facts. The rhetorical context for Foucault is made up of a number of local discursive junctures, some of which become salient and are appropriated for truth and subject ("factual") construction. Burke aspires to a very different contextual approach in his dramatistic methodology. His analyses are geared to reveal the scenes that match or generate their appropriate agents, agencies, and actions: he asserts that "terrain determines tactics." But the terrain or scene that dramatistic analysis evokes is always notable for its universality, not for its "local lines of force."

Burke's interpretive system also speaks to the perfectionism of discursive closure, but for him the "Principle of Perfection" (which implies entelechy or closure) is analyzed from inside a terministic screen which is schematically and psychologically "perfect" in the first place. It is disturbed only by neat and clean reversals of the terms of power struggle. Foucault's
interpretive methodology, however, insistently problematizes and defers such closure by focusing on ongoing appropriations of statements instead of on how discursive formations apparently operate at the post-appropriable, rhetorical level. Instead of focusing on polarities like obedience/disobedience, scapegoat/tyrant, eulogistic/cloacal, or good/evil, Foucauldian analysis attempts to reveal the spaces or ruptures within discursive structures and attends to independent, local forces. What for Burke are the "impurities of identification," mysteriously converted into new forces of division, bipolarism, war and power reversals, are for Foucault interpretive opportunities. Hence Burke’s sense of the magic concealed in symbols and the "mystification" of power and authority; and in Foucault the insistence on the analysis of the conditions of possibilities present in statements and positivities.

Burke makes the global level of persuasion and power relations the primary focus of his humanistic analysis, whereas Foucault defers analysis of ideological, mythologically-driven patterns of rhetoric. He acknowledges the maneuvering for the "right to power," but focuses instead primarily on how power is constituted. He argues that local power operates more independently of (but not dissociated from) political-juridical rhetoric which negotiates for the right to power. And he puts into question the restrictions of critical and rhetorical analysis that does not focus on power perse: in his view it inevitably leads to "a kind of blind alley" ("Two Lectures" 108). Foucault’s method of archaeology
(discussed at the end of this chapter) seeks the conditions of knowledge formation that become buried or invisible through systematization. He encourages the revelation of a multiplicity of conditions for a discourse. Identifying these conditions will, he hopes, facilitate the "immediate emergence of historical contents" through a seismic series of "ruptural effects" in conventional interpretation ("Two Lectures" 81-82). This buried knowledge is that "naive knowledge" that ranks below the level of the scientific; it is "popular knowledge" (le savoir des gens), the force of which "comes from the opposition of everything against it"; it is "erudite knowledge" made up of local memories of everyday struggle (82-83). Such knowledge seems to be what Giddens has in mind as the resources individuals require for everyday reflexive self-regulation. He stresses the "fundamental significance of the knowledgeability of human actors" which on a day-to-day basis "is founded less upon discursive than practical consciousness" (26). Such knowledge is particularly critical in managing "unintended consequences" which "may form unacknowledged conditions of action in a feedback fashion" (27). In the last chapter of this study, such local non-discursive knowledge of everyday practices is examined as a potentially significant resource in actions of resistance to institutional power.

Foucault’s program is thus geared to decode and illuminate institutional power as it affects and involves individuals in the local lines of its force. He aims to expose power "at its extremities . . . where [it] surmounts the rules of right which
organize and delimit it and extends itself beyond them, invests itself in institutions, becomes embodied in techniques . . . ." Such decoded power exists beyond "the regulated and legitimate forms of power in their central locations," and galvanizes "peripheral subjects" at the immediate and direct "level of ongoing subjugation" (97-98). It invites subjects into the flow of strategic knowledge; it brings them into play so that their power relations are enfranchised with force. Foucault's ultimate object of analysis is the phenomenon of resistance to these forces that perpetuate the status quo, a resistance that he proposes can succeed through strategies that expressly avoid directly confronting or attempting to topple the received structures of power. He stresses that the strategic knowledge required is not hidden through oppression (by contract) or repression (by war or struggle as depicted in psychoanalysis), but is a matter of local relations of force or "contrivances of power," what in Giddens seems to be the reflexive knowledgeability of practical consciousness.

This focus on the constitution of power thus diverges significantly from rhetorics based on classically derived depictions of power struggle as the adversarial, bipolar engagement of competing ideologies. In Foucault, at the micro-level of power relations, resistance is possible in a field of non-adversarial, non-polar, ever-changing discourses and practices. In his critique of traditional rhetorical approaches, he thus describes his alternative of archaeology:
we should direct our researches . . . towards domination and the material operators of power, 
towards forms of subjection and the inflections and utilisations of their localised systems, 
and towards strategic apparatuses. We must eschew the model of Leviathan in the study of power. (*Two Lectures* 102)

Giddens' definition of power is again a supporting version of Foucault's metaphor of power as flow. Giddens asserts that, although "the most bitter conflicts in social life are accurately seem as 'power struggles',' "[i]t is a mistake to treat power as inherently divisive" (283):

Power is not necessarily linked with conflict in the sense of either division of interest or active struggle, and power is not inherently oppressive. . . . Power is the capacity to achieve outcomes; whether or not these are connected to purely sectional interests is not germane to its definition. Power is not . . . an obstacle to freedom or emancipation but it is their very medium. (257)

Like the circulation of money, power flows: it is fluid, pervasive, and universally exchangeable. It is "above all a property of society or the social community" (15).

The dramatistic focus on scene and motive versus the archaeological focus on power and knowledge reflect other important differences in these approaches. The emphasis in Foucault on how power is constituted through technologies, disciplines and local knowledge does not utilize human motivation as an organizing concept. He posits a number of discourses and mechanisms that are instead heterogeneous, both to each other and to the high-level rhetoric and ideology that appropriate them. This difference in approach is largely related to differing orientations towards humanism and the status of the subject. Burke follows in the
tradition of rhetorical criticism forged by Arnold, Eliot, and Weaver. From a Foucauldian perspective, this tradition aims to reveal the ideologies and motives behind rhetorical strategies from the vantage point of a value system based on a humanistic defence of the centrality of the subject, and the freedom of the individual. One role of rhetoric in this view is to query and refine the "theory of right" that fixes the rules of legitimate power and justifies the obedience to these rules as necessary to maintain the invested power structure. Burke's approach thus accords pivotal significance to disobedience of subjects or challenges from opponents to the sovereign in the order/counter-order, courtship/sacrifice, and identification/division terms of his rhetoric.

Foucault acknowledges that the theory of sovereignty is the fundamental element and organizing principle at the ideological or rhetorical level, as it is correspondingly of systems of laws. The object of conventional criticism may thus be seen as a metaphorical monarchy where human agency controls these legal codes. Yet Foucault severely criticizes this rhetorical orientation to sovereignty as dated and reductive. He says it "has been a weapon which has circulated from one camp to another . . . utilised . . . either to limit or else to re-inforce royal power" (Two Lectures 103), and is no longer adequate to explain the operation of power. He argues that there now exists an additional kind of power that has developed conjointly with the principle of individual rights and the laws protecting these rights. This is disciplinary power,
paradoxically both a vehicle of and challenge to the forms of sovereign power: "disciplinary normalisations come into ever greater conflict with the juridical systems of sovereignty" (Two Lectures 107). Foucauldian criticism thus focuses on an analysis at local junctures where both kinds of power meet, and where the individual is critically implicated. He posits that the "incompatibility" of the two kinds of power, which "is ever more acutely felt and apparent," necessitates "some kind of arbitrating discourse" (107):

it is not through recourse to sovereignty against discipline that the effects of disciplinary power can be limited, because sovereignty and disciplinary mechanisms are two absolutely integral constituents of the general mechanism of power in our society. (108)

Both types of mechanisms work to effect control as part of the same structure. They constitute a duality: they are mutually inclusive but opposed elements of organized or institutional structure. They are each other's conditions of possibility, and their application or use reproduces them and the conditions of this paradoxical relationship.

Instead of a bipolar analysis (sovereign versus disciplinary power), power formations and shifts are analyzed as occurring through non-confrontational actions and practices of resistance. Moreover, these practices can often be elucidated as instantiations of the aletheic law of disclosure and concealment, of apparent reinforcement but effective subversion of unitary power. Foucault is interested in a thorough analysis of disciplinary discourse whose power "presuppose[s] a tightly knit grid of material
coercions rather than the physical existence of a sovereign" (104). He directs attention to technologies and mechanisms, discursive and non-discursive, that are annexed into the structures of power. Whereas Burke treats these technologies as effects of motive and agency, Foucault insists on their primary efficacy. To recall Giddens again, "the consequences of activities chronically escape their initiators" (297) such that the unintentional effects of agents' actions return, and then require strategic adjustments on the parts of the initiators.

Conventional emphasis on human agency is implicitly challenged in Foucault's comments on truth and the subject. The speaking subject ("the intellectual" in the following example) appears as an effect of the functions of the structures of discourse:

[truth] is produced and transmitted under the control, dominant if not exclusive, of a few great political and economic apparatuses (university, army, writing, media); . . . . what must now be taken into account in the intellectual is not the "bearer of universal values." Rather, it's the person occupying a specific position--but whose specificity is linked, in a society like ours, to the general functioning of an apparatus of truth. ("Truth and Power" 131-132)

As he elaborates elsewhere, "individuals are the vehicles of power, not its points of application" ("Two Lectures" 98). As noted earlier, Giddens' similarly qualifies the force of individual agency. While "[t]o be a human being is to be a purposive agent," Giddens says, "terms such as 'purpose' or 'intention,' 'reason,' 'motive,' and so on have to be treated with caution." He explains:

Human action occurs as a duree, a continuous flow of conduct, as does cognition. Purposive action is not composed of an aggregate or series of separ-
ate intentions, reasons and motives. (3)

Action is a "process rather than a state" (3), and as such is quite unlike those acts and actions that make up the symbolic tableau of dramatistic analysis.

Like Foucault's archaeological model of power formation, based on the dynamic play of power-knowledge strata, Giddens' process model of structuration also involves the notion of moving strata. He says of his theory:

What I call a stratification model of the acting self involves treating the reflexive monitoring, rationalization and motivation of action as embedded sets of processes. (3)

Like power-knowledge strata, such "embedded sets of processes" are dynamic, changing, and temporarily structured as this or that because they are mediated by the radical flow of power.

Giddens' characterization of action redefines "the self" as well:

[it] is not some kind of mini-agency within the agent. It is the sum of those forms of recall whereby the agent reflexively characterizes 'what' is at the origin of his or her action. The self is the agent as characterized by the agent. (51)

This description of the self sounds much like the effects of subject construction as it has been described in this study, yet Giddens' qualification of human agency does not I believe amount to the de-emphasis found in Foucault. It should however be acknowledged that Giddens' concept of agency is compatible with Foucault's diminution of the individual agent to merely one force among others. Giddens describes agency as the potential "capability of the individual to 'make a difference' to a pre-
existing state of affairs or course of events," but the effects of such may be both meager and unintended. In Parts Four and Five, we will see how his concept of positionality is similar to Foucault's emphasis on speaker position as opposed to the agency of specific individuals.

Foucault further questions the value and integrity of individual sovereignty in terms of its basis in the concept of the democratic rights and freedoms of individuals. Just as it propels the rhetoric of privacy rights, this idea of the individual is enshrined generally in the rhetoric of the state and its laws, and foundational to humanist philosophy. Discourses based on this value allow a "system of right" to be superimposed, through the accompanying rhetoric and ideology of the free individual, upon disciplinary mechanisms of power so as to "conceal its actual procedures and the element of domination inherent in its techniques." The sovereign power of the state operates through disciplinary practices yet still offers to guarantee every citizen sovereign rights (105). The "king," asserts Foucault, lives on and continues to exercise sovereignty, not in spite of, but through a re-interpretation of power that is persuasively associated with a new set of disciplinary strategies. Such strategies and practices appropriate power from individuals in the name of the dominant rhetoric of democracy and individual rights. Foucault's central theoretical terms could be formulated as including "disciplinary mechanisms," "local power," "appropriation," and "the subject"; whereas Burke's might be "actor," "motive," and "mystification."
Foucault questions not only individual sovereignty, but also the attraction that "collective sovereignty" exercises in this rhetoric ("Two Lectures" 105). This phenomenon is the effect of a generalized democratization of rights that retrenches the real sovereignty of the king-state even more thoroughly as it is suffused through a transfer of terms into the notions of "group rights" or the rights of the populace overall. The focus is thus deflected from the real sites of power-knowledge constitution, where it might be elucidated (and in the universe of power struggle) by an investment of human energy in the quasi-institutions of special advocacy groups. Shelby Steele describes this phenomenon, for example, in the context of groups advocating for the rights of blacks and women whose focus on the actual operation of oppressive power that segregates and marginalizes is displaced by an investment in separate organizational structures that are to function to guarantee the rights of blacks and women:

> Eventually, collective entitlement always requires separatism. . . . Better to set up black-studies and women's-studies departments than to have wrenching debates within existing departments. Better to fund these new institutions clamoring for money because who knows what kind of fuss they'll make if we turn down their proposals. (53-54)

The real conflict or power struggle between the sovereign state and blacks and women becomes deflected as advocacy groups are enfranchised, but end up perversely developing their own inter-advocacy conflicts over funding and power. The hydra-effect of this multiplication of institutions and disciplines thus strengthens the given structures of power-knowledge. The rights of
the individual and of advocacy groups become illusory effects of a false transference of power. They sustain the sovereign-state by appealing to the needs of individuals to believe that they have control over who they are, and that they can construct themselves as free, true subjects; yet ironically the investment of individuals in the notion of freedom signals a closure, a will to conceal the nature of power. It is ultimately an unreflexive blindness to the constraints and contingencies that have been stirred into the ideological stew. This investment of the individual in those mechanisms of the state that are supposed to guarantee rights occurs at the very point where the sovereign-state applies its power, at the level of the state's ideological apparatuses, its institutions at arm's length—the academy, the hospital, the court, the post-office, etc. Traditional rhetorical analysis often goes no further than this adversarial wrestling for institutional power; as such it will not open up other possibilities for breaks with or alternatives to current power structures.

These then are the principal differences between rhetorical criticism and post-structuralist theory. In spite of such divergence, however, this study aims to explore possible points of theoretical and methodological juncture. One can begin with the basic shared view that all discourse is suasory, inherently, "always, already" ideologically invested. There is in common an awareness of the potential in discursive structure to entrap, and an accompanying wariness and suspicion of language. As we know,
Foucault and Burke have identified the extreme case of fascism as an impetus for their work. Out of this common concern with the relationship and the dis-relationship between language and power, it is possible that rhetorical parameters may yet furnish a useful framework for the micro-analysis of power. A rhetorical analysis and framework can be transposed to the non-ideological level of action where rhetoric as a concept is simply action and strategy stripped of their hegemonic force, and applied to the more fluid and idiosyncratic rhetorical situation. The rhetorical moves at this level have much in common with the post-structuralist concept of local tactics, which are those actions and practices individuals adopt to resist globalizing, disciplinary power.

Giddens suggests a model of integration of the micro and macro. He cites in support of this model Collins (1981) on sociological investigation:

"the newer, radical microsociology is epistemologically and empirically much more thorough than any previous method. . . . I would suggest that the effort coherently to reconstitute macrosociology upon radically empirical micro-foundations is the crucial step toward a more successful sociological science." (in Giddens 140)

Giddens sums up Collins' advice as follows:

Those who are concerned with macrosociological issues are called upon not to abandon their endeavours but to recognize that their work is theoretically incomplete. (140)

What would complete macro-analysis is social and system integration, in terms of the "duality of structure" referred to earlier. Giddens explains the relationship between the two:

One of the main propositions of structuration theory
is that the rules and resources drawn upon in the production and reproduction of social action are at the same time the means of system reproduction (the duality of structure). (19)

He explains that the more abstract structures of systems (such as institutional patterns) are realized as instantiations of social practices (with all the idiosyncracies of specific situations):

Structure thus refers . . . to the structuring properties allowing the 'binding' of time-space in discernibly similar social practices to exist across varying spans of time and space and which lend them 'systemic' form. To say that structure is a 'virtual order' of transformative relations means that social systems, as reproduced social practices, do not have 'structures' but rather exhibit 'structural properties' and that structure exists, as time-space presence, only in its instantiations in such practices and as memory traces orienting the conduct of knowledgeable human agents. . . . Those practices which have the greatest time-space extension within [societal] totalities can be referred to as institutions. (17)

This model of macro-micro, social-system integration points toward and seems compatible with Foucault's concepts of the statement and power-knowledge strata. While these elements of his theory of archaeology will be explicated in detail later ("the microphysics of power"), it should be noted here that the central metaphor of shifting plates of power-knowledge strata--combining, disengaging, and recombining in temporary configurations infinitely reconfigured between fixity and flux--explains and prefigures Giddens' theory of integration.

There remains however the additional problem of accounting for both contingency and intention within a rhetorical framework. Giddens suggests to this end that, even though the analysis of contingency ("unintended consequences and unacknowledged conditions
of action") is of key importance, "such consequences and conditions are always to be interpreted within the flow of intentional conduct" (285). The bridging element he proposes is the agent’s reflexive monitoring of contingency as a potential resource for strategy (285-86). This hypothesis, if developed, could be compatible with Foucault’s detailed description of power development as the structural appropriation of local lines of force: with a consciousness of this field of forces, individuals engaged in actions of freedom or resistance draw upon the local knowledge of their communities to make the alignment of local and institutional forces work in their interests. They accomplish such alignment as rhetorical strategies of closure.

Michel de Certeau’s micro-rhetorical analysis of the everyday uses of space suggests a possible direction for developing a rhetorical framework that can also theorize micro-analyses of power. At the micro-level the dynamics of power are much more disparate and contingent. They are made up of shifting lines and unstable, partial fields whose definitions change with every new tide of circumstance: opportunity, rhetorical readiness, and temporality characterize the formation of power at these junctures. Yet, as emphasized in the earlier discussion of closure and deferral, the interpretive products of this dynamics are the result of a selective process, propelled by desire and the will to power. These forces are appropriated to work up an explanatory discourse of terms that effectively closes off those elements that would reveal an only partially orchestrated flux of contingencies. To
simplify, the focus of post-structuralist analysis at the micro-
level posits the violent intrusion of power into the conventional
rhetorical framework, a power that cannot be reduced to or
correlated with motive. Any rhetorical framework that serves as a
context for such critical analysis must therefore be accordingly
adjusted. Rhetorical strategies, as they are generally defined,
continue to operate here, but they can not be codified as such for
instruction, as for example Machiavelli did in The Prince; nor can
they be explained in the conventional bipolar terminology of power
struggle.

Power *per se* thus functions differently in these two
rhetorics. In Foucault’s micro-physics, power is aligned with the
statement, a historically constructed discursive formation that
exists as a possible candidate for inclusion in discourse. The
concept of the statement is discussed more fully below and becomes
an integral component in the subsequent analysis of modality and
positionality. Here it is important to differentiate among its
uses in these respective theories. Modern-traditional rhetoric
tends to separate power from discourse: motive and agency propel
constructions that create or mobilize power, but they are not
displaced conceptually by power itself. Conventional rhetorical
criticism tends to treat power as a commodity or entity that can be
acquired or identified with objects and agents. A reconceived
rhetorical framework would therefore have to take into account a
revised concept of power along Foucauldian lines: "[power] is not
a naked fact, an institutional right, nor is it a structure which holds out or is smashed" ("The Subject and Power" 224). Such power, however, clearly operates within a rhetorical situation: "it is elaborated, transformed, organized; it endows itself with processes which are more or less adjusted to the situation" (224). Whether one calls it strategy or tactic, the local manoeuvrings which take place through these adjustments of power to a situation are clearly rhetorical in nature.

This distinction between the global and local levels of rhetorical strategy is crucial to an understanding of how individual resistance to institutional authority might operate. The will to power (on both sides) is manifested in discursive moves that fulfill the desire for closure. Traditional rhetoric focuses on the effects or products (closures) of this power--actors, reversals, and agencies--and the strategies used to negotiate power. On the other hand, Foucault seems to assign such rhetorical analysis to the highly structured level of institutional power brokering, focusing instead on the local relations of force (potentially of institutional power) which are negotiated through the everyday practices of individuals in their encounters with the effects of institutional structures and disciplines.

Not surprisingly in such encounters individuals often reveal a desire and will to establish their position as the true and right one in opposition to institutional positions. As revealed in the analysis of the exchanges in the Canada Post dispute, their rhetoric, as an attempt to interact with and influence
institutional structures, exhibits the same assumption of unitary meaning that constructs institutional facts, subjects, theories, laws, and policies. This fundamental phenomenon of language use must be examined in the context of the ultimate aim of postmodern critics like Foucault who insist that a penetrating, descriptive response to the unexamined assumption of truth and right might open up the process of closure, and enable an intellectual manoeuver of disinvestment. Such theorists imply that the processes of closure and truth construction are not accessible through conventional rhetorical analysis, and that the operation of the will to truth and closure masks a domain of forces where a subtle, fleeting, but effective manipulation of the appearance of conventional truth construction or closure can be achieved in order to defer and disinvest disciplinary, controlling, unitary power. It is suggested that in miming obedience in the disciplinary theatre, the subject can temporarily and usefully escape the sovereign’s gaze. But this possibility will necessarily be subject to scrutiny in the context of the doubling phenomenon of aletheia itself.

III. Toward Reflexivity and Resistance

As previously stated, Foucault’s theory of archaeology offers an opening for a rhetorical extension of his historical analysis. His discussions of resistance and the micro-physics of power provide a theoretical point of entry. The objective of such a microanalysis, as Deleuze and Guattari suggest, is to enable a reconceptualization of the process that decodes or unleashes the flow of desire and recodes or re-channels it into institutional or
molar structures of power. While traditional rhetorical criticism ably identifies these reversals and records their effects, a microanalysis aims to explore the temporary loosenings of flux into unstructured time and space during the process of reversal. Such an analytical window on the sea of destructured space and time affords a glimpse into the space and means of resistance. And, to borrow Levi-Strauss’s illuminating figure of unconventional canniness, it may also illustrate how the rhetor as bricoleur manages together the institutional structures of power and the more flexible and less defined relations of force in her immediate environment. Again, the Anti-Oedipus of Deleuze and Guattari provides an illuminating initial guide to the development of Foucault’s archaeological theory of the micro-physics of power.

As noted earlier, Foucauldian archaeology may be seen as a generalized version of the postmodern project of schizoanalysis proposed by Deleuze and Guattari as a counteraction and correction to psychoanalysis. They propose that the schizoanalytic theorist begin with an examination of local power, those relations of force that exist at the point where energy or flows of desire ("libido") can become mobilized in the individual subject. This mobilization or appropriation occurs through the interaction of the individual’s desiring-machines ("For every organ machine, an energy-machine") with other machines:

Desiring-machines are binary machines, obeying a binary law or set of rules governing associations: one machine is always coupled with another. The productive synthesis, the production of production, is inherently connective in nature: "and . . ." "and then . . ." This is because there is always
a flow-producing machine, and another machine connected to it that interrupts or draws off part of this flow . . . . Desire constantly couples continuous flows and partial objects that are by nature fragmentary and fragmented. (5)

When desire becomes dissociated from the individual, it can then be transformed into power as part of a local or "molecular" structure, with the possibility of eventual appropriation into the larger "molecular aggregates" of institutional power that exist at the global level. Schizoanalysis aims to locate this pre-appropriated domain of energy, to identify possible graftings of knowledge as opportunities for resistance to molar and institutional power, and then to trace the manipulations and accidents that result in or capitalize on the reduction of desire to, and its investment in, social, political and economic formations and structures:

The first positive task [of schizoanalysis] consists of discovering in a subject the nature, the formation, or the functioning of his desiring-machines, independently of any interpretations. . . . The schizoanalyst is a mechanic, and schizoanalysis is solely functional. In this respect it cannot remain at the level of a still interpretative examination--interpretative from the point of view of the unconscious--of the social machines in which the subject is caught as a cog or user; nor of the technical machines that are his prized possession . . . ; nor of the subject's use of his machines in his dreams and his fantasies. These machines are still too representative. (322)

The interpretive, representative level is the level of discursive structures and rhetorical strategies. Here the search for meaning and motivation takes for its objects the social formations and structures that have developed as a result of these appropriations of desire, and the subjects that have been constructed through them. On the other hand, as Deleuze and Guattari explain,
desiring-machines participate freely at the nonsubjective level in blocks and flows of desire:

The desiring-machines in fact are reached starting from a certain threshold of dispersion that no longer permits either their imaginary identity or their structural unity to subsist. (These instances still belong to the order of interpretation, . . . . the order of the signified or the signifier.) (322-23)

Simultaneously, however, desiring machines also operate at the appropriated, molar level in collaboration with social and political machines of production.

This analytical project is clearly focused at the micro-level of the unconscious in Deleuze and Guattari, and in Foucault generically at the micro-level of power, where the individual subject has disappeared:

schizoanalysis attains a nonfigurative and nonsymbolic unconscious, a pure abstract figural dimension ("abstract" in the sense of abstract painting), flows-schizises or real-desire, apprehended below the minimum conditions of identity. (351)

Foucault thus proposes an archaeological excavation that would reveal the range of available strata of both discursive and non-discursive knowledge, for these are the potential means for the construction of objects and speaker positions. Indeed Foucault carries out this project himself in his epistemological studies of the penal system, madness, natural science, sexuality, and the clinic. In each of these, he seeks to expose the conditions of possibility, that is, all possible constituents of power-knowledge strata, both appropriated and unappropriated. His project is first to trace the construction of "statements" and "visibilities" at the molecular level, and then of "discursive formations" and non-
discursive practices at the molar or institutional level. Like Deleuze and Guattari he methodologically side-steps interpretations of these aggregative products and subjects at the level of institutional power. Instead, he pursues how individual energy becomes local power as it is dissociated from nonsubjective desiring-machines, and transforms individuals into "subjects" and "docile bodies."

Rhetorical criticism, on the other hand, focuses precisely on the drama of power-brokering at the global level of power structures. The interpretive frameworks of such criticism generate critical responses to, but are also internal to, the psychoanalytic paradigm that schizoanalysis is intended to critique. Schizoanalysis is the autocritique of psychoanalysis and its derivative oedipalized structures. Deleuze and Guattari summarize the difference between the two analytical approaches:

*Psychoanalysis settles on the imaginary and structural representatives of reterritorialization, while schizoanalysis follows the machinic indices of deterritorialization.* (316)

Territorialization is the appropriating process of desiring-production whereby social structures and individuals are constructed through the collaboration of desiring and social machines. At the molar, global level it amounts to the "colonization" of groups of people into the "territorialities" of the "Family, Church, School, Nation, Party," etc. and the "territoriality [self-colonization] of the individual" (xvii). Territorialization is the structuring of desire according to certain codes regulated by institutionalized power through
ideological state apparatuses. It is these codes that conventional rhetorical analysis focuses on as given keys to interpreting and critiquing conflict and motivation. Microphysical analysis, however, is patently self-reflexive about this coding: it focuses, not on the meanings and reversals of codes, but on the phenomena of coding, decoding, and recoding per se—the oscillation of blocks of coded structures and flows of decoded desire, the traces of which are found in the strata of power-knowledge possibilities.

The ethical-political project of critiquing imbalances in this oscillation is taken on explicitly by rhetorical criticism, and only by implication in archaeology. In this sense, Foucault’s methodology does not explicitly extend the Heideggerian project of theorizing a balance in the play between unappropriated and appropriated desire (freedom and obedience). Nor, however, is such a project analogous to Burke’s call for a "principle of control" that would achieve a balance of power between major players in the political arena—whether within the family or within the state overall—for these are still constraining, molar aggregates of institutional power. At a more subtle level, Foucault’s theory does imply the possibility of a movement towards balance through actions of resistance, such as are illustrated and developed in the work of theorists like Certeau, Deleuze, and Spivak. Such a balance can be further theorized in terms of the double movement of aletheia which operates at the local junctures of power/truth construction where strata of knowledge are appropriated by power.

Deleuze and Guattari follow the Heideggerian sense of balance
implicitly and attentively in their idealistic project, with a revolutionary response: they suggest that groups and individuals might be transformed from "subjugated" to "subject" status through a balance of blocks and flows that would restore the creative function to desire:

A . . . group at the pre-conscious level remains a subjugated group, even in seizing power, as long as this power itself refers to a form of force that continues to enslave and crush desiring-production. . . . such a group . . . presents all the unconscious characteristics of a subjugated group: . . . the phenomena of group "superegoization," narcissism, and hierarchy--the mechanisms for the repression of desire. A subject-group, on the contrary, is a group whose libidinal investments are themselves revolutionary, it causes desire to penetrate into the social field, and subordinates the socius or the forms of power to desiring-production; . . . it opposes real coefficients of transversality to the symbolic determinations of subjugation, coefficients without a hierarchy or a group superego. (348-49)

A subject-group, perhaps even a subject-individual, would ideally be able to transversally channel the forces of desire so that they are not easily susceptible to reappropriation into strata of power-knowledge. In Chapter Five further discussion of advocacy examines how successful such groups can be in achieving this ideal, and whether they achieve a kind of resistance or become, as Steele has suggested, molar aggregates of their own power investment, merely sharing a redistribution of institutional power.

In early Foucault, there are allusions and references to an alternate, transversal discourse associated with resistance and subjecthood. It is suggested that, out of sustained deconstructive analysis, there might energe this transversal discourse. However, what resonates throughout his later works is the rigorous project
of archaeology: his version of an excavation that begins with "the machinic indices of deterritorialization," and engages in a series of exercises to trace the discursive fissures that indicate the forced closure of desire by the will to power. Traces of these textual blindnesses, often the myopia of metaphor, provide indices of the strata of possibilities which are reduced temporarily, through sheer desire and the will to power, to discursive structures, yet are simultaneously active and possible alternatives in their unappropriated, unprivileged states.

At what point, then, can the micro-analysis of power work mutually with rhetorical theory to extend the analysis of power into pragmatic territory? Clearly the two approaches do not overlap in terms of their respective domains: the global power struggle is not parallel in its operation to local relations of force. As Giddens has argued, the macro-situation is not a culmination of "microsituations" (140). The relationship between these two domains would seem to be rather one of adjacency. However, as previously noted, there is in common the repertoire of strategies, although these are employed at each level to negotiate very different relations of force, with different, non-coextensive effects. Rhetorical situations exist at all levels and seem to generate the metaphorical employment of rhetorical tropes as strategies to retain or gain power. In Burke these strategies are attributed to agents who seek sovereign power (ranging from biblical God and literary heroes to Hitler); in Foucault they are
diffused at the micro-level of power creation into relations and lines of force tactically managed to resist disciplinary power, and not to reverse institutional control. Strategies for power acquisition and tactics of resistance therefore seem to utilize the same tropes, each in their respective domains encountering the constraints of a situation rhetorically defined. Moreover many key methods of traditional persuasion that inhere in the rhetorical situation, that is, in the context of praxis or social action, can apply equally and productively to both the master-narratives of the classical rhetorical situation that conflict is generally reduced to, and to the temporary, unstable, indeterminate, ruptural and multiple characteristics of the situations of everyday life.

Rhetorical analysis, then, may be appropriate and productive at both the global and local levels of power relations. However, its application in these two different domains offers correspondingly different analytical products, perhaps complementary but different. At most they are adjacent and aggregative. In a sense it might be suggested that traditional rhetorical criticism ends approximately where archaeology begins, for the former cannot find a way out of the circularity of its options: the terministic screen of possible roles, actions, and scenes can be reversed, but not opened up; the mythological cycles and archetypes repeat and rewrite themselves in the drama of power struggle. For Aristotle one Greek play-myth is posited as the paradigmatic structure of interpretation. In Aristotelian criticism, the same poetics and its reinscription into rhetoric--
the same analysis of discourse in terms of emotions aroused and channeled along the same psychological curve--form the basis for critique and interpretation. Similarly, for psychoanalysis the myth of Oedipus serves as the key to the interpretation of desire (repressed and unrepressed) and its orchestrated, cathartic cure effected through the phenomena of familial and social subject-formation. Oedipalization--whether mythological, psychological, or political--is unreflexive ideology that seduces unconscious desire into institutions and reinforcing patterns of behaviour, even belying an individual's own set of values. This contradiction exists, claim Deleuze and Guattari, because of an imbalance, an over-investment of desire in the repressive, unself-reflexive, oedipalized structures of society and state. In an effort to theorize a way out, and concretize the reflexive project, they make some headway in their description of power and structures. Foucault's archaeological works are major contributions to this description, and to directions theory can take in extending the reflexive gaze.

It is clear, on the one hand, that the gesture towards reflexivity cannot by itself transform the discipline of rhetorical criticism. However it is suggested here that the commonality of rhetorically situated strategies may be one possible bridge between the two approaches. One can not simply conclude that micro-analysis is territory that seems closed, both theoretically and methodologically, to rhetorical criticism. The very question arises in part because of obvious and significant overlap between
the two in terms of both the territories they impinge on and the insights they produce. Foucault, for example, does not relegate his method to one level or domain exclusively. Gordon refers to Foucault's assertion that his critical approach can be applied at both levels:

The same style of analysis, [Foucault] argued, that had been used to study techniques and practices addressed to individual subjects within particular, local institutions could also be addressed to techniques and practices for governing populations of subjects at the level of a political sovereignty over an entire society. There was no methodological or material discontinuity between three respective, microphysical and macrophysical approaches to the study of power. (4)

Such analysis at the global level, however, would not produce the same critique that rhetorical criticism has usually generated (what Foucault calls reproductions of Marxist versions of the state as sovereign), but instead would show that "[t]he nature of the institution of the state is . . . a function of changes in practices of government, rather than the converse" (4). So, although the microphysics of power is primary in Foucault, his approach also invites consideration of a macroanalysis of power that might incorporate or adapt rhetorical approaches to power struggle in the context of a different model of the state--one in which the dynamics of power constitution and acts of resistance and transversality might alter the typical bipolar terms of power struggle.

In this study, it is hoped that a non-reductive rhetorical approach, incorporating both the principles of rhetorical strategy and a disinvested subject, might be related to microphysical
analysis through the pragmatic-grammatical analysis of modality. The central concept is positionality which confers or denies speaking status and power to the individual. Rhetoric and microphysics have a potential meeting here. In addition, both microphysical and pragmatic-grammatical analyses examine discourse for the indices and evidence of the development of structure-meaning aggregates. These projects appear to be compatible and to accommodate the exploration of both the discursive pragmatic choices that are made in subject and power constructions (strata of statements), and the grammatical patterns that emerge as such construction occurs—as truths, subjects, and structures of power are socially and politically (and often unsystematically) constituted. Both grammatical and archaeological approaches emerge from a similar philosophical-linguistic orientation which posits discourse as a powerful, yet ultimately arbitrary, force in social constructions. Archaeology can perhaps extend the rhetorical-pragmatic concerns of functional grammar by dismantling discourse at the junctures where its critical formations take place, where choices among available statements and grammatical features result in the elimination of alternative possibilities for mappings of the blocks and flows of desire.

In the foregoing discussion, the theory of archaeology has been related to an explicitly rhetorical, theoretical framework. Subsequent discussion is intended to be an extension of grammatical-pragmatic-rhetorical applications carried out in the context of social semiotics (Kress and Hodge and Hodge and Kress).
and functional grammar (Halliday). These will involve further analysis of the texts discussed so far, including some additional and related texts: these represent struggles between institutions and individuals (and their advocates) over institutionally enshrined policies. The inclusion of certain key elements of archaeology, rhetorical theory, and the pragmatics of truth construction provide an initial framework for understanding the status and function of the subject in agonistic contexts. I wish to explore further the strategies of the lay individual in a situation of conflict with institutional forces. At the end of this investigation, I will attempt to address the proposition that local relations of force can be put into an alignment with global power to operate as an opportunity to simultaneously resist hegemonic power yet ostensibly accede as a speaking subject to its disciplinary codes. A pivotal phenomenon in this examination will be the effects of misalignment between local and global power-knowledge strata, and the unintended consequences of the use of knowledge when it is detached from power.

IV. The Micro-Physics of Power: Knowledge and Subject Formation

In The Archaeology of Knowledge (1972), Foucault outlines the major features of the approach he was developing in his efforts to write a "new" or "general" account of history.¹ The features of this work brought to bear upon the current study include the components of knowledge formation (statements, discursive formations, and discourse structures) and the dynamics of the
relationship between knowledge and power (Power/Knowledge 1980). In addition, elements of Deleuze's elaboration of archaeology in Foucault (1988) are also considered. Throughout this discussion, these elements of Foucault's theory will be addressed in the context of the phenomenon of enunciation, which posits not the individual but the speaking subject who comes to be constructed through discourse, and thereby to be in a position or location to speak about certain objects, that is, to be heard in the registering of agreement or disagreement with other participants.

The fundamental units of power-knowledge formation are statements which Foucault defines as "functions" that enable different groups of signs, or "syntagma," to exist but which are themselves non-discursive. The statement has a basic "enunciative function" in that it designates an "enunciative field" that, through a speaking mediation, allows signs and sentences to become statements, to have a certain order, or a certain rhetoric. The statement itself, however, exceeds both language and meaning; it operates vertically in relation to the proposition, sentence, and speech act but is none of these. Moreover it is always part of a network of statements for there is no "atomic statement." In short, statements provide "the operational field of the enunciative function and the conditions according to which it reveals various units" (Archaeology of Knowledge 106). Because the statement is a function correlated with a domain (not objects or individuals), its uses are variable and multiple: it can exist independently of the
highly organized structures of discourse as an unappropriated phenomenon; it can be appropriated as part of those discursive formations that are candidates for appropriation into discourses; and it can be appropriated as a constituent of discourse structures proper. Statements thus make up the "archive" that archaeology analyzes.

Discursive formations are an a priori group of rules or positivities: they are systems that establish statements. They regulate and enable the emergence or formation of objects, enunciative modalities, concepts and strategies. Their status is intermediary, neither internal nor exterior to discourse:

They are . . . at the limit of discourse: they offer it objects of which it can speak, or rather . . ., they determine the group of relations that discourse must establish in order to speak of this or that object, in order to deal with them, name them . . .

(Archaeology of Knowledge 46)

Discursive formations as sets of rules inform discursive practices, but not the language or rhetorical situation in which they are employed:

These relations characterize not the language (langue) used by discourse, nor the circumstances in which it is deployed, but discourse itself as a practice. (46)

A discourse, then, is a group of statements that belong to a single system of discursive formation. It is a discursive set of disciplinary practices that are highly organized as a response to the risk or danger of language per se, which itself is characterized at most by the contingency and multiplicity of a series of unorchestrated statements. Discourse constitutes and effects the strategy of closure. It exists to neutralize these
risks, especially when contradiction arises:

Such a contradiction, far from being an appearance or accident of discourse, far from being that from which it must be freed if its truth is at last to be revealed, constitutes the very law of its existence: it is on the basis of such a contradiction that discourse emerges, and it is in order both to translate it and to overcome it that discourse begins to speak; . . . (151)

Deleuze (1988) interprets Foucault’s analysis of discursive construction in the context of knowledge-power relations, extending Foucault’s identification of knowledge strata as discourse structures. Both are conceived as historical formations or "positivities" and exist in one of two forms: Foucault’s categories of the discursive and the non-discursive. The former are "readable" strata, expressions, the sayable, the inscribable; the latter are visibilities (in the panoptic sense) and as "things" are non-inscribable. Deleuze illustrates the difference with examples from Foucault: penal law is a discursive stratum of knowledge and the prison is non-discursive; medical practices are discursive and the asylum non-discursive.

In the present study, one might say that access to information and privacy laws, guidelines for interpreting and assembling data-subjects, and discussions of policy change are discursive; the institutions of ministerial administration (including devices such as computers, cameras, and I.D. mechanisms) make up non-discursive strata of power-knowledge. Additionally one could identify, from the individual’s point of view, the same laws and guidelines as institutional discursive constraints and non-institutional space (the street, the local cafe or corner store, the home, the car, the
subway—and devices such as telephones, brief cases, and VCRs) as mechanisms of opportunity for resistance to the power-knowledge block of institutions. Similarly, just as emergent strata such as penal law and prisons produce new entities such as the concept of "delinquency," privacy laws and state institutions produce new concepts of public and private, of privileged and non-privileged information, of normal and deviant subjects, of invasions of privacy, and of the "data-subject" per se.

Knowledge is thus "defined by the combinations of the visible and the articulable that are unique to each stratum or historical formulation." It is a "mechanism of statements and visibilites," of grammar/speaking and things/seeing, that coheres in "the unity of stratum" (51). This unity however does not mean that statements and visibilities are isomorphic; instead they are a historical product made up of two types of forms that are heterogeneous to each other. Deleuze further differentiates the discursive and the non-discursive by elaborating the former as a form of expression, and the latter as a form of content. The basic unit of the discursive, the statement, is opposed to the signifier, to words, phrases and propositions which are only "extracted statements" that correspond to strata of statements. The archaeologist works to "rise to [the statement's] extractive conditions" which Deleuze equates with the "enunciative base" of conditions (54), to excavate for the non-discursive practices and actions that are the conditions for, but different from, any products of the knowledge strata itself. For example, the hospital's origin is not in
medicine but in the police, and the prison's origin is not in penal law but in disciplinary practices (62). Similarly, the modern state institution originates not in any concept of the state but in disciplinary practices and information technology; and the concept of privacy originates not from any concept of freedom and rights but in earlier practices of state and corporate security and secrecy. Between the discursive and non-discursive, there is, however, a "mutual presupposition" such that the "non-relation is still a relation" (61-62). The archaeologist aims to identify the point at which the statement appropriates the practice; that is, the point at which the dynamic of power operates to form a particular stratum of knowledge-power.

In archaeological analysis, "truth" becomes the outcome or product of a heterogeneous complex made up of practices of both speaking and seeing. It is de-mystified as an arbitrary, emergent product of the interaction of a number of indeterminacies, contingencies, and power. In keeping with its double nature as aletheia, truth simultaneously appears, or suggests itself, as both unitary and multiple, and diverse--precisely at the juncture of the discursive and the non-discursive:

truth offers itself to knowledge only through a series of 'problematizations' and ... these problematizations are created only on the basis of 'practices', practices of seeing and speaking. These practices, the process and the method, constitute the procedures for truth, 'a history of truth'. But these two halves of truth must enter a relation, problematically, at the very moment when the problem of truth denies any possible correspondence or conformity between them. (Deleuze 64)
This disjunctive area in the analysis of power permits or makes available a domain of possible resistance. In this space, there is a loosening and greater play in the lines of force that are otherwise appropriated by power which operates to disguise and re-disguise the evidence of this fundamental breach:

there is no link that could move from the visible to the statement, or from the statement to the visible. But there is a continual relinking which takes place over the irrational break or the crack. (65)

Deleuze describes this area of instability in agonistic terms: these two forms, statements and visibilities "grapple like fighters, force one another to do something or capture one another, and on every occasion constitute 'truth'" (67). However, following Foucault closely, Deleuze points to the inadequacy of this metaphor to account completely for the operation of truth, for:

the statement has primacy by virtue of the spontaneity of its conditions (language) which give it a determining form, while the visible element, by virtue of the receptivity of its conditions (light), merely has the form of the determinable. (67)

Moreover, this indeterminate, imbalanced battle between the statement and the visible is dominated by a third external force, power itself. And the alignment of power with discourse explains the imbalance in favour of the statement.

The structure of conflict here is then non-coincident with the Aristotelian polarities of adversarial power struggle. A different context of stratification, with multiple and transversal lines of force, informs the local rhetorical situation. Yet the tactics employed in this conflict are often similar to those of classical
rhetorical strategy in their manifestation as tropes. Dominant strategies for repairing this break between statement and visibility, speaking and seeing, are rhetorical in nature. As Certeau notes, metaphor, metonymy, and asyndeton are preferred tactical choices for manufacturing unity out of diversity: these are defined respectively as the assumption of similarity (where difference exists), the assumption of a whole to which parts belong (where only partial objects exist in the first place), and the assumption of logical, linear progression through the bold strategy of deleting presupposed connections (where there is disjunction).

As argued above, this use of rhetorical tactics to control or channel local relations of force does not imply parallel outcomes at the rhetorical, global level, but does indicate a transference and replication of strategies. The differences in the parameters of the two rhetorical levels or situations are significant and would require a reconceptualization of the conventional rhetorical framework to become integrated. To reiterate, the basic conflict is conceived differently: as bipolar in rhetorical criticism and multiple and indeterminate in archaeology.

The subject, moreover, is also conceived differently: as an empowered agent in rhetoric, and in archaeology as a number of possible speaking-positions that are functions of statements and visibilities. The reduced status of individual agency is an integral part of Foucault's theory of power and discourse. As Deleuze reasserts, the subject in the conventional sense of intention and enunciation exercises a lesser force of power over
statements. The individual agent is here a "set of variables of the statement":

It is a function derived from the primitive function, or from the statement itself. The Archaeology of Knowledge analyses this subject-function: the subject is a place or position which varies greatly according to its type and the threshold of the statement, and the 'author' himself is merely one of these possible positions in certain cases. A single statement can have several positions. So much so that what comes first is a ONE SPEAKS, an anonymous murmur in which positions are laid out for possible subjects: 'the great relentless disordered drone of discourse'. (Deleuze 55)

This anonymous ONE SPEAKS is also characterized as "it speaks' or "the World speaks" (56). In any case it is a phenomenon remote from any essentialist version of the individual subject. Instead this "historical being of language," in the Heideggerian senses of "being" and "abode," never acquires unity in terms of an inner consciousness (as phenomenologists theorized), but "constitutes an exteriority in which statements of the corpus under consideration appear by way of dispersal and dissemination. It is a distributive unity" (57).

A further, significant difference exists in the role of power. The conventional rhetorical situation becomes transformed and displaced as an organizing framework by the intrusion "from the outside" of power, the unpredictable but dominant factor that has primacy over knowledge (the strata of statements and visibilities), and that reproduces itself through amalgamations of power-knowledge. Depending on the specific situation, power will exert itself through knowledge in different ways. By transmuting
categories and classifications of time, space, and space-time, it can "incite," "induce," "seduce," "make easy or difficult," "enlarge or limit," "make more or less probable" (70). As has been proposed, power and knowledge share a "mutual presupposition" between the relations of forces of power and the relations of forms of knowledge, yet are fundamentally heterogeneous to each other. And so "the practice of power remains irreducible to any practice of knowledge [savoir]" (74). In an analysis of the micro-physics of power, then, Deleuze explains, "micro" does not "mean a simple miniaturization of visible and articulable forms":

instead it signifies another domain, a new type of relations, a dimension of thought that is irreducible to knowledge. ‘Micro’ therefore means mobile and non-localizable connections. (74)

At the micro-level, there is "a multiplicity of local and partial integrations" of the relations of forces. Institutions, which "have neither essence nor interiority" but are "practices or operating mechanisms," function as the integrating factors at the global level but do not explain power per se (75). Power resides then not in the sovereignty of the state itself, but in the practices of the state which are molar and disciplinary: the institution is a "molar agency" that integrates and organizes into "forms of knowledge" both fields of visibility (through apparatuses) and systems of statements (through rules) (76). The power relations structured by the institution thus to a large extent can have the potential to select the pool of strategies and tactics, including speaking positions, available to the individual. Archaeological analysis therefore seeks first to identify an
institution's "centres of power (and resistance) on which this body depends," and then to isolate the statements from its knowledge strata (82).

In Deleuze's interpretation, Foucault's theory of power develops inexorably toward the concept of local power as an escaping force and means of resistance (89). It intimates hope for the discovery of the operation of subversive and promising openings in discourse. Foucault posits in theory the force of resistance, which exists outside of hegemonic power and can subvert but not reverse it. However, as his own practices of resistance failed, for example in his efforts at prison reform, the focus shifted to the phenomenon of power that enabled it to "restratify" "transversal relations of resistance" into knots of power themselves (94). Deleuze formulates this focus along Nietzschean lines:

If power is constitutive of truth, how can we conceive of a 'power of truth' which would no longer be the truth of power, a truth that would release transversal lines of resistance and not integral lines of power? (95)

Foucault's response to the problem is a reconceptualization of resistance as the "fold" on the inside of the outside of thought. The "fold" can be elucidated in the context of the double move of aletheia. It is both a remembering and a forgetting: "the 'absolute memory' or memory of the outside, beyond the brief memory inscribed in strata and archives" (107). As aletheia it is a doubling that involves both "the forgetting of forgetting" and the reconstitution of what has been forgotten. Absolute memory:
is itself endlessly forgotten and reconstituted: its fold, in fact, merges with the unfolding, because the latter remains present within the former as the thing that is folded. Only forgetting (and unfolding) recovers what is folded in memory (and in the fold itself). (107)

The "fold" of resistance is a "Memory of the Outside," the real relationship to oneself, an absolute memory that reproduces the aletheic veils of forgetting. The enabling operation in resistance is the aletheic dynamic that occurs along the fissure made perceptible by the disparity of the discursive and non-discursive. To resist power, the lines of force must be quietly splintered along this fault line, multiplied, and dispersed. Their indeterminacy must be realized and exploited: first the lines of local force must be tactically aligned with the uni-directionality of the dominant discourse; then the forging of this alignment must be forgotten; and finally this act of forgetting must be forgotten itself. This latter move is to be accomplished smoothly and unconsciously, for desire impels the aletheic reconcealment of contingency in veils of forgetfulness and protection.

The duality of structure, as Giddens defines it, may also help explain the necessary but inaccurate folding of truth and contingency into closure. What must be forgotten or concealed could be described as the paradox and contradiction that is central to a duality. Structure is first of all "recursively organized sets of rules and resources . . . out of time and space, save in its instantiations . . . as memory traces, and is marked by an 'absence of the subject’"; yet it is also "recursively implicated" in "social systems" which "comprise the situated activities of
human agents" (25). The dualism of agent-structure and its corollary of medium-outcome are misleadingly oppositional:

The constitution of agents and structures are not two independently given sets of phenomena, a dualism, but represent a duality. According to the notion of the duality of structure, the structural properties of social systems are both medium and outcome of the practices they recursively organize. Structure is not 'external' to individuals: [instead it exists] as memory traces, and [is] instantiated in social practices . . . (25)

Aletheia must operate here in two ways. In the practices of everyday life, the apparent contradiction of structure (agentless) and social action (agentive) must be put into suspension even as "in the knowledgeable activities of situated actors who draw upon rules and resources in the diversity of action contexts," "the modes of the structuration of social systems . . . are produced and reproduced" (25). To engage in action, the individual must forget that her "free choices" (of rules and resources) reproduce those very structures that inhibit her freedom to choose. Second, in a parallel way she also forgets that her use of resources for particular ends may in fact produce unintended outcomes which in turn reinforce recourse to such resources, reproducing such effects until those resources are seen as necessary. To engage in the appropriation of such resources, the individual must forget that the intended uses to which they are put may produce other outcomes contrary or irrelevant to her own intentions. In both cases, she must carry on somewhat blindly simply to "go on":

Most of the rules implicated in the production and reproduction of social practices are only tacitly grasped by actors: they know how to 'go on.' (22-23)
The tacit, the non-discursive, is carried forward by the impetus of desire and a will to power that effects the closure necessary for the excavation of everyday spaces and freedoms. It is necessary to "go on" via this blindness, inarticulate of the massive investment in the opposing hegemonies that conceal the truth in first place. Aletheia promises sight and insight, but delivers instead a way to survive in the darkness.

Resistance conceived as the fold of the outside thus also constitutes "the ontological fold" which reconstitutes and protects the subject: it provides "ontological security." "The fold of the outside constitutes a Self, while the outside itself forms a coextensive inside" (Deleuze 114). At the same time, however, this subject is a discursive effect and, like discourse itself, it is always susceptible to ruptural, discontinuous "events":

Here we are not dealing with a succession of instants in time, nor with the plurality of thinking subjects; what is concerned are those caesurae breaking the instant and dispersing the subject in a multiplicity of possible positions and functions. Such a discontinuity strikes and invalidates the smallest units, traditionally recognised and the least readily contested: the instant and the subject. (Foucault "The Discourse on Language" 231)

The subject appears, betrays its constructedness through reflexivity, and then disappears. In his discussion of enunciative modalities, Foucault sets up an analytical apparatus to explain the dispersal of the subject. The subject is posited as a temporary effect of discursive forces:

discourse is not the majestically unfolding manifestation of a thinking, knowing, speaking subject, but, . . . a totality, in which the dispersion of
the subject and his discontinuity with himself may be determined. It is a space of exteriority in which a network of distinct sites is deployed. (Archaeology of Knowledge 55)²

The speaking subject could be described as a possible sequence of temporary blips on the discursive screen of speech.

Such an intellectual, reflexive description is, however, removed from ordinary experience in everyday life where intuitions and fears of the corresponding, intangible reality are not allayed by intellectual explanations. Perhaps one is "misrepresented" as a mere data-subject, or as a personality "misrecognized" by mechanisms of surveillance. Such institutional versions of the self can evoke the experience of dislocation and urgent responses of resistance. If, as Certeau claims, such responses in disciplinary societies are often effective, it would be important to develop an understanding of the operation of resistance. Presumably it is possible to reconceptualize the formation of power and to identify potential strategies for developing a transversal or anti-disciplinary discourse. The fold of resistance which both protects and dismantles individual constructions must then be the aletheic site of those local, unstable forces which constitute the object of microphysical analysis, and so must constitute the domain of potential resistance.

In Chapter Three I attempt to describe some of the immediate, everyday phenomena that evoke the fear of dislocation, misconstrual, and arbitrariness in the construction of the self. As before, the context for this illustration is the issue of
privacy rights. I suggest how this fear may be a manifestation of a fundamental need to protect the belief in the self as unique and originary, and furthermore as an ethical subject.
1Foucault's work may be seen in part as a response to the projects set out by Nietzsche in *On The Genealogy of Morals* (genealogy) and *The Use and Abuse of History* (monumental, discontinuous history).

2For Nietzsche the subject is merely a collection of related effects, "a locus of the will to power": as effects accumulate reinterpretations of the doer and the deed occur, and the subject changes (Nehamus 92). No "true" self exists to be "discovered" in Nietzsche; instead he defines the "subject as multiplicity" mistaken for the unitary: "'The subject' is the fiction that many similar states in us are the effect of one substratum: but it is we who first created the 'similarity' of these states; our adjusting and making them similar is the fact" (*WP* 269-270).
Chapter Three: Subject Anxiety and Subject Construction

Efforts to create effective resistance are often propelled by the fear of misrepresentation of the subject through institutional practices, and the extreme effects of marginality and social dissolution. A common strategy is to exert as much control as possible over how one is constructed by creating self-constructions and obtruding these into institutional territory. As we have seen in the case of Bombardier, this is not always very effective, for such challenge is easily transformed into a polarized power struggle through which the individual is subsequently dismissed by institutional forces.

Constructions of the subject in public discourse, both by institutions and by the individual herself, involve a complex combination of disciplinary discourse structures and conventions, as well as indeterminacies and contingencies that come into play with and transmute the intended effects of discourse. In the case of institutional subject-construction, the individual's sense of the unpredictable and contingent elements involved may fuel the desire and concern for control over institutional processes of subject-construction. While it is generally true that the individual cannot gain control over the rules and procedures spelled out in institutional guidelines for subject-formation, she can exercise some control over those elements that are not formulized. These elements offer opportunities for individual control and resistance. At this local level of power formation,
the contingent elements come into play with the dominant discourse: as statements they can be emphasized, incorporated, or eliminated depending on the forces of desire and the will to power.

This is also the case where individuals have more control over their own subject-formation in discourse. Some are more successful in attaining "speaking subject" status than others, but this is less a matter of an individual's fluency in conventional discourses, and more of how she directs and uses the local play of forces between a dominant discourse and other discursive contingencies or statements. It is a matter of rhetoric as *bricolage*. The notion of discourse fluency in itself is based on the unrealistic concept of "competence." As Certeau has noted, such "competence" is based on conformity with an ideal model, just as linguistic competence in general was based by Chomsky on an ideal grammatical model. The actual "performance" of a speaker, however, also involves rhetorically driven, discursive idiosyncracies which serve uses other than those designated as appropriate to conventional discourses. Performance is strategic, "metaphorical"; competence is non-rhetorical and "literal."

One might say that an individual succeeds in re-inventing herself as an effective speaking subject through the achievement of a certain coherence or integration of disparate elements. In other words, the speaking subject mobilizes a combination of disciplinary discourse structures, which conventionalize the speaker (as competent), and other non-disciplinary statements or structural "impurities," which can idiosyncracize the speaker as a flawed
performer. Different combinations of given structures and newly recruited statements create different speaking subjects. One might imagine a range of anomalous utterances, from the harmless and irrelevant to those which are seen as revolutionary and threatening to disciplinary discourses and their respective institutions. Between these two extremes, one might find those speaking subjects whose discursive anomalies are deceptively conventional and innocuous, but which effectively resist the effects of disciplinary discourse.

It is clear why control over the local domain of power formation may be an important issue for individuals, why an anxiety may develop even though it is apparently out of proportion with any specific threat. This chapter initiates an exploration of discursive evidence of both causes and effects of this anxiety, and proceeds in Chapters Four and Five to suggest a connection between the psychology of this fear, the concept of the subject, grammatical evidence of the strategic response of resistance, and the operation of aletheia. The threat of having one's speech and self cut off, garbled, or otherwise misrepresented motivates self-constructions that channel desire towards closure and univocity, provokes resistance to constructions of the self by others, especially institutions, and so potentially subverts closure. A complex dynamic of concealment and disclosure is played out between individuals and institutions.

Among both lay individuals and their advocacy groups, where identity (and not contingency) is a key assumption, the drive
towards unitary truth and subjecthood often impels those who challenge the rights of institutions to appropriate and construct their speaking selves. This belief in the sanctity of one’s personal information fuels the desire for control over one’s own personal information. Yet, paradoxically, if we follow Foucault’s archaeological concept of the subject, such control is an illusion employed to authorize cancelling discursive contingencies, and asserting an identity over the shifting sand of the self: it is always, already susceptible to positional faults in the unstable configurations of power-knowledge strata. It should be emphasized that institutional, advocacy, and individual constructions of the subject involve the same dynamic of heterogeneous and often opposing forces: blocks of power and flows of desire, the will to power and reflexive knowledge, hegemonic formations and multiple lines of force, closure and deferral, determinacy and indeterminacy, truth and untruth. However, from the individual’s point of view it seems that increased control over institutional constructions of the self would make the sources of contingency—desire, multiplicity, indeterminacy—more available at the local level for actions of self-construction and resistance to institutional control. No doubt, this objective, while not very clearly articulated or brought to consciousness, propels advocates of privacy protection.

The intensification of social activism and law-making around the issue of privacy of personal information might be an effect of this coveting of the mechanisms that control how one is to be
constituted through official discourse. The desire is less for control over how institutions apply their mechanisms of surveillance, and more for strategies to manage the contingent, non-specified, non-legislated elements of the process. Such control would mean more power over how one is represented in the public domain: the laws, policy guidelines, data-matching software, and political pressures involved would be interpreted more in the interests of the individual, as opposed to those of the institution or state. What is at stake is not the right or wrong representation of the self (although the issue is often articulated this way); instead, as Spivak asserts, what matters is what one believes one is:

what we call culture, at many removes from that vestigial originary space ... may be shorthand for an unacknowledged system of representations that allows you a self-representation that you believe is true. ("Acting" 785)

This belief in a true self, and in the sanctity of that self (originary or not) informs much of the discussion over privacy infringements and the resulting demand for control over one's own personal information.

Significantly, while the issue is often focused on the control over data-subject representations, it intensifies when it specifically concerns control over photographic representations of oneself, in particular of one's face, which has become in photography the symbolically charged locus of identity. As Walter Benjamin notes, even with the acceptance of photographic reproduction, and a corresponding decrease in the cult or originary
value of a work of art, the need for a true and originary photographic representation of the self has not accordingly diminished:

In photography, exhibition value begins to displace cult value all along the line. But cult value does not give way without resistance. It retires into an ultimate retrenchment: the human countenance. It is no accident that the portrait was the focal point of early photography. (Benjamin 225-26)

The contemporary effects of the value of this product vary. There is, for example, celebrity exploitation of the photographed face. And some governments now support privacy laws to protect this artefact even after death. In 1984 Tennessee enacted its "personal Rights Protection Act" which explicitly provides that an individual has a property right in name, photograph, personality, and likeness that survives death (Viera 153).

The right to privacy is generally conceived as the right to exercise control over how one presents oneself, whether this "product" is for public or private representation. In "Access and Consent in Public Photography" Lisa Henderson describes this right in part as the need of subjects "to present themselves to the camera in their 'best light,' according to prevailing standards of representation" (105). In the similar context of photo-journalism, John Viera defines privacy as "a right guaranteed by society which allows the individual to have a 'personality domain' in the midst of the social context in which s/he exists" (140). The assumptions that drive these assertions are consistent with other general statements about individual privacy. For example the Legislative Task Force (B.C. Freedom of Information and Privacy Association)
states that

Privacy [of the person] . . . embraces a protection that transcends a person’s physical being. [It includes] the abstract concept of dignity of the person--and the notion that one’s dignity should remain intact . . . . Protection of [information privacy] involves each individual’s relationship to information about himself or herself" (Information Rights for British Columbia xiii).

Similarly in Protecting Privacy in Surveillance Societies (1989), David Flaherty borrows a standard definition from the International Encyclopedia of the Social Sciences: "the right to privacy asserts the sacredness of the person . . . . any invasion of privacy constitutes an offence against the rights of the personality--against individuality, dignity, and freedom" (9).

Whether the representation of the subject is photographic or data-based, the individual’s concern about protecting privacy, or having access to and control over official information about herself, often indicates an anxiety that is not clearly accounted for by the facts. In terms of the psychiatric concept of "inappropriate effect," "the degree of feeling should be proportionate to the ‘value’ of the event" (Smith Texts 40). The frequent recitation of terms that are socially charged as sacred and unassailable ("integrity" and "dignity") signify an excessive or ontological meaning of the individual that seems out of proportion compared to the power that reproduced photos or data would normally be accorded in our society.

This lack of proportion in cause and effect is indeed a matter of ontological meaning, and is tied closely to how one is positioned in the world and to the public judgments and responses
one's positionality invites. To extrapolate from Foucault, "ontological security" (Giddens) entails the freedom to engage in the care of the self such that, in one's everyday actions, one represents oneself to the social community as an ethical subject. Similarly, to summarize Giddens, the individual desires ontological security which entails the freedom to practice face-saving stances and to trust in the respect of others whose gaze will fall upon one's "face" (or "front"). In general, such security or protection is experienced as a sense of "fit" between one's "sacred," intimate sense of self and its public representations. According to Giddens, the face-saving practices of everyday life offer protection to the individual:

Routinization is vital to the psychological mechanisms whereby a sense of trust or ontological security is sustained in the daily activities of social life. (xxiii)

These routines are, however, connected to institutional structures and paradoxically impel individuals to seek security from institutional misrepresentations of the subject through cooperation with the very structures that threaten this security. The duality of structure is such that in choosing those resources that meet their needs, individual agents reproduce the structures that facilitate and impinge upon meeting those needs. The central paradox lies in the individual's fear of death, manifested in "the time of the body" and "the durée of daily life," and the consequent attraction of "the longue durée of institutional time" (35). Following Erikson, Giddens further suggests that "[r]outine is integral to the continuity of the personality of the agent" (60).
The institutional rules that order routines thus provide a framework that "makes sense of individual activities (87) which are not otherwise "directly motivated" but through which "agents sustain a sense of ontological security" (282). Such security provides the freedom to control one's body or positionality so that one can sustain "face" or "front," terms applied by Giddens in his discussion of positionality, trust, and personality (subject) construction. He cites the definition of "face" as "the positive feeling of self-warmth turned to the world for others' scrutiny and potential sabotage" (Becker The Birth and Death of Meaning 95 in Giddens 54). The concept of "front," also derived from bodily proprieties, provides further explanation of subject anxiety:

To sustain "front" in social life is to avoid the anxieties provoked by shame, and loss of front leads precisely to shame or embarrassment. (56)

Constructing the self to sustain front clearly involves not only representing oneself as socially acceptable (and ethical) through engagement in recognizably appropriate (routinized) practices, but also positioning oneself tactfully in relationship to others in order to engage their trust. "Positioning 'facing' the other or others who are being addressed" (67) is of critical importance in strategies of self-(re)presentation. In such situations, the indices of "co-presence" reflect "the perceptual and communicative modalities of the body" (Goffman in Giddens 67). Appropriate positioning depends upon tact, "a latent conceptual agreement among participants in interaction contexts," and "the main mechanism that
sustains 'trust' or ontological security" (75).

Trust is a key concern in much privacy rights rhetoric. As noted in Chapter Two in the patient-doctor context, many patients feel that medical professionals do not treat their personal information with adequate confidentiality. This basic principle, inherited from the Oath of Hippocrates, equates a patient's personal information with "holy secrets":

> Whatsoever I see or hear in the course of my practice, or outside my practice in social intercourse, that ought never to be published abroad, I will not divulge, but consider such things to be holy secrets. (Access to and Confidentiality of Health Care Records in B.C. 3)

As we have seen, the results of one doctor's self-study (Short) would tend to undermine rather than reinforce patient trust. As reported earlier he states that 42 out of 100 sets of his notes on patients "contained at least one comment likely to give rise to alarm or anxiety." Although he proposes rational solutions to the conflict over access, such as "better record keeping and more time spent in consultation with the patient; improved communication . . . . (1318), he insists on denying patient access to notes containing such comments as the following:

* "The ECG does not show as much improvement as I would like to see."

* "In one instance, the blood pressure was described as being "very high," and another patient was said to have "chronic hypertension."


* "I do not understand the cause of these symptoms
... I do not know what is going on here" (attacks of discomfort in the chest)

* * * 6 patients were described as "nervous," "anxious," "depressed," or "intense." . . . A general practitioner's referral letter referred to one patient as being "emotionally unstable," a psychiatrist wrote of another as having "a serious marital problem." I described one young man as a "hypomanic chap--on the way to becoming a 'rich fool'." Other descriptions included "domineering mother," . . . "poured out a story of her husband's selfishness and bad temper with their child," "mentally odd; wearing woollen cap, surrounded by junk."

*I wrote in my notes: "probably coronary disease," but told the patient and his wife that there was "no evidence of coronary disease." (1316-1317)

One of Dr. Short's justifications for withholding access is that patients described as "'nervous,' 'anxious,' 'a worrier,' 'emotionally unstable,' or 'polysymptomatic' would not like to see themselves so described in perpetuity" (1317).

Another doctor defends professional control over access precisely to protect patient-doctor trust:

... the patient wanting to read the notes indicates a lack of trust. . . . Reading the notes does not help to achieve the rapport, mutual confidence, or trust that is essential in the healing and reassuring process of medical care, especially in chronic or severe illness. . . . There we can see the dissolution of the patient-doctor relationship, the two . . . eyeing each other with suspicion or even hostility. We must maintain a doctor-patient partnership. Better communication, Yes; reading notes, No. (Blau 45)

Studies like Dr. Short's and defences like Dr. Blau's may reinforce the fears of certain individuals that these notes and the depictions therein will indeed survive as institutional documents, and so prompt requests for the right to access as well as to
correct personal information.

In proposals for enabling legislation, the issue of trust is a major rationale. In its recommendations for law reform, *Access to and Confidentiality of Health Care Records in B.C.*, the B.C. Freedom of Information and Privacy Association identifies this concern frequently and emphatically:

... it is argued that the result of the denial of access creates an atmosphere of distrust and does not encourage the frankness necessary for treatment. (1)

The [patient’s] interest arises from the nature of the patient/doctor relationship which is based on trust and relies upon the exchange of information. (4)

Breaches of confidentiality break the trust that is essential to achieving effective treatment of ailments. Under the present state of affairs, breaches of confidentiality are not uncommon. (9)

Denial of access creates an atmosphere of distrust and precludes patients from (1) seeing how their treatment is progressing; (2) making entries in their charts; (3) giving "their side" of an incident; and (4) exerting some control over their environment. (12 emph mine)

This FIPA report also cites a study of forensic patients who were granted access to their charts:

Many [patients] said that the very fact that they could see the charts obviated the need to do so and increased their trust in the staff. (Miller et al. 1084 in FIPA 20)

Clearly, if not sanctioned by the individual in question, discursive constructions of the subject, the gaze of the camera, or profiles of subjects by data programmers are generally regarded as potentially threatening.

This perception and response can be further explained by what
Dorothy Smith describes as the creation of discursive coherence and order "precisely... at those points where members of a community have been unable or unwilling to find it in the behavior of a particular individual." There exists at these junctures a certain "indeterminacy of the subject" (44), perhaps an effect, as suggested earlier, of the disjunction between the discursive and the non-discursive, where the pre-emptive seams of closure reveal themselves.

The desire for control over this indeterminacy, and frustration over violent closures of identity as exercised by others, are exacerbated by mechanical reproduction and computerization (reproduction "in perpetuity"). Through both film and computerized data collection, individuals are not as free as they once were to arrange their portraiture exclusively through staged sittings for commissioned painters. Now they are "caught" on film instead, or they are "profiled" through data-matching mechanisms. Ironically, at one extreme the concern about privacy has been manifested among famous people who want protection from unwanted publicity. In part, as John Viera notes in "Images as Property," "this 'need' for an expansion of the individual's domain [of privacy] was a reaction to life in the nascent media society of the late nineteenth century" (137). Since then the proliferation of mechanical inscription devices has led to the development of laws aimed at controlling records of information that are produced and reproduced, in the interests of personal privacy. For example, the Legislative Task Force (B.C.) recommends that
access [to information] provisions . . . should apply to the original and all copies of any record of information, in whatever physical form, that is in custody or under the control of an institution, ... including any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial work, graphic work, photograph, microform, microfiche, microfilm, film, videotape, sound recording, computer software or machine-readable record. (51)

This control would extend to as yet unproduced documents, and could include:

any record of information that is capable of being produced from a machine-readable record under the control of an institution by means of computer software and hardware or any other information storage equipment and technical expertise normally used by the institution. (51)

In spite of the devaluation that the reproduction of copies often entails, individuals are increasingly concerned about the manipulations, reassemblages, and uses to which such copies will be made. As noted above, the desire to control the use of information stems from a generally unarticulated sense of contingency in the construction of truth and the subject. But this very inarticulateness is available as a resource in humanity's resistance to an acknowledgement of contingency. That is, it may enable the corollary positing of an originary self who in some fundamental way defines the subject as an individual in society—just as among art collectors the original work of art (even where it is identical to copies or fakes) is regarded as having a certain aura and ultimate value. The individual subject and the work of art (as ergon) are thus fetishized as "originals," and are valued as conveyors of the "identity" or truth of the subject, and the truth in art.
The number of ways in which personal information can be compiled, stored, changed, lost, or retrieved also contributes to the desire for control. The following excerpt from a privacy policy illustrates to what degree the average person may lack control over her own personal information. In the first place, she needs help to know what in fact has been collected about her and where it is stored and recorded:

A pre-condition to the exercise of access and correction rights is the ability of individuals to determine what personal information of theirs is held by institutions and where that personal information is held. . . . Access . . . can be effective only if personal information is organized and its nature and whereabouts are identified. (Information Rights for British Columbia 94-95)

In their user manual, Mitchell and Rankin (1984) review a number of further obstacles to accessing personal information:

The [Canadian] Index [of Personal Information] contains a short description of the kind of information kept in each personal information bank. This description will help you decide where to write in order to get the particular information you want to see. . . . if you can describe it well enough to make it "reasonably retrievable" . . .

Sometimes the information you want may not be contained in one of the information banks listed. . . .

You must use [a personal information request] form to request access to your personal information . . . .

The government institution has 30 days to reply to your written request for personal information. It may extend the time limit for up to 30 more days . . . .

If the government refuses to let you see your information, it does not even have to acknowledge that the personal information requested exists. . . .

. . . it may say that the information comes within one of the "exempt information banks" . . . so that access is totally barred . . .

There are 17 exempt information banks that contain personal
Information which should be stored in an accessible bank may be wrongly stored in an exempt bank.

... you ... have the right to apply to the Federal Court for a review of a government decision to refuse you access to your personal information. (Using the [Canadian] Access to Information Act, 84-89)

In institutional practice, the "rights of individuals," the "right to access" and the "right to correct" are often reduced to the mere "right to apply," to appeal, or re-appeal the refusal of access or correction. Although the legislated rights and procedures for protecting personal information are apparently motivated to quell the anxiety of disclosure, they may be seen more cynically as a recourse to the juridical to stave off embarrassing disclosures of how information has been (mis)used. Conversely, one might suggest that for the individual the existence of laws and policies might simply and paradoxically meet an intuitive need to prevent the ultimate disclosure of the self as multiple and vulnerable to institutional power and situational contingencies.

The individual thus often acts to preserve her control over subject-formation through moves to reconceal and re-represent the self when threatened with exposure, and increasingly to seek support from others to encode this need as a right in legal or other official discourse. Such encodings generate a set of guidelines for interpreting, identifying and characterizing individuals as subjects.

Current specific laws vary in emphasis, but most are derived from the Organization for Economic Cooperation and Development
policy, *Guidelines on the Protection of Privacy and Transborder Flows of Personal Information* (1981), which stipulates certain conditions that the transfer of information must satisfy:

1. Informed consent of individuals for the use of information about themselves, where appropriate;
2. The collection of only relevant, accurate and timely data, related to the purpose for which they are to be used;
3. Identification in advance of the purpose for data collection;
4. Restrictions on the re-use of data for new purposes without the consent of the individual or without legal authority;
5. Reasonable security safeguards;
6. Openness about practices with respect to the collection, storage or use or personal data;
7. A right of access for individuals to information about themselves; and
8. The accountability of the data controller for compliance with data protection measures. (*Information Rights for British Columbia* xiv)

These guidelines, and the laws and regulations based on them, prescribe what is permissible when the subject is to be constructed by others. They constitute an elaborate set of principles and laws or "performatives" deployed as an official hermeneutics for the interpretation and constitution of the subject.

Such a hermeneutics involves definitions of what features count towards constructions regarded as normal or typical, and which features would be identified as abnormal. Information is thus screened. It is treated as salient and relevant if susceptible to structural linkage so that a collection of traits clearly conforms to or matches a defined profile. Or it is treated as irrelevant if it does not "fit" programmed structures of individuals, and does not add up to an institutionalized pattern or definition of an identifiable type. Data correlations are thus
statements that appear and disappear, sometimes making a "type" and sometimes not making a type.

The constructed subject as "type" has much in common with that of the work of art. Not only is its originary status important but its constructedness, its truth and untruth, is also an important issue. The analogy to a work of art, borrowed from Derrida, helps explain how such constructions operate. It is based on two related components of Greek aesthetics: ergon (the work itself) and parergon (elements of context or background not considered part of the work itself). Derrida begins with the initial separation of the work or text from its author (or "signature"):

The signature and the text fall out with each other. No sooner are they iterated than they are secreted, separated, excreted. (Spurs 161)

The individual, one might say, becomes separate from her constructed subjecthood. The status of both is thus unstable, and the violent division between ergon and parergon results in a confusion and loss of identity. The analogy also suggests the anonymity of the work. The individual who has been so constructed and then set adrift in a bureaucracy can experience a terrifying sense of the danger of detachment, and develop the desire and expectation of reattachment, context, and meaning:

A parergon without ergon? A "pure" supplement? . . . . it is a product . . . haunted -- by the "form" of another naked thing from which it is (partially and provisionally?) detached. . . "the parergon is detached . . ." . . . it seems to be waiting (seems to make us wait for it) to be re-attached, reappropriated. (The Truth in Painting 302-303)

Official practices of data collection construct the subject as an "other," which emerges through a complex process involving public
officials in the context of many social, political and personal forces. This subject is a figure drawn by public devices, profiled, and cast into roles on the official stage of an estranging ethos. If it is seriously dissociated from a meaningful context, the experience may become "intolerable" (The Truth in Painting 283), and even evoke premonitions of psychic disintegration. It is somewhat, but not entirely different for self-constructions of the subject. In representing herself the individual adopts strategies that yet involve constraints and a certain range of means, and that result in identifications and divisions between the terrain of the subject and the excluded terrain of the non-subject--between ergon and parergon. However, this subject may have, or seem to have, more direct control over the rules for how she stages her self. In the terrain of her self-defined "inside," the individual can therefore perceive her constructedness as having integrity. She defines herself as subject, concealing the contingencies excluded in the process of construction. On the other hand, the terrain "of the outside" of the subject, the parergon, contains the potential to threaten or even "attack" the self by dis-membering it or mis-representing it through other stratifications and syntagma of rule application. These can result in different divisions ("cises") between ergon and parergon, and expose or "unconceal" a subject again detached from the self. For the subject whose personal information is collected and interpreted by official institutions, the personally unsanctioned fluctuation of this boundary between self and non-self
can become the locus of a jurisdictional power struggle. Those who interpret and define the "official" subject, and control personal information, are subject to scrutiny by data protection officers and commissioners. Data assigned to the subject are organized to create a subject which comes to existence as a work of technology, as a subject-object. Data protectors are supposed to control certain relations of force by overseeing the application of the rules of subject construction. Some of these will be coincident with or inside the terrain or discursive field of statements sanctioned as legitimate by the individual (e.g. correlations of marital status with other sets of facts may reinforce a desired heterosexual identity). Other relations of force will be outside this terrain and perceived by the individual as unauthorized and unfairly damaging for what they reveal (e.g. correlations of credit card debt figures with other demographic profiles are potential threats to reputation, family relations and credit status). Furthermore, other less tangible forces also affect official subject construction: the complex interactions of guidelines for processing and interpretation, influences on bureaucrats by superiors and peers, and political and personal considerations--all of which may contribute to the perception or reality of arbitrariness.

An individual may experience helplessness particularly before the actions of data programmers or protectors for whom technology is often entrepreneurial:

The personal histories of individuals are available for scrutiny at any time, and aspiring bureaucrats are con-
stantly inventing new ways to use existing data for other administrative purposes. (Flaherty 1)

... the data protectors themselves have, or have used limited power. (1)

When personal data exist, they will be used. (3)

In addition to this range of means for subject construction, a number of other factors affects the work of data protectors:

1. Data mode: Social Insurance Numbers, answers to questionnaires,

2. Available technology: electronic surveillance (e.g. in banks), photographs, computerized data-matching,

3. Guidelines for protection/access of personal information, such as the many adaptations of the OECD principles

4. Organizational and departmental politics (public relations priorities, interdepartmental relations, organizational culture)

5. The traditional cult of secrecy in public administration (to ensure state security), and a related resistance from the bureaucracy.

6. The status of protection officers: directly appointed or delegated, decision-making or advisory.

7. Scope and size of the terrain (and shifts in its definition) activated for the official interpretation of the subject.

These factors all affect the institutionally sanctioned gatekeeping mechanisms which are employed ostensibly to protect information, and to balance the public interest with the interests or rights of individual citizens. In conventional analyses of power struggle, the public officials who are part of these practices and mechanisms tend to be judged in either of two ways by the public: press and legal professionals may be perceived as heartless bureaucrats loyal to their bosses; or they may be judged by their respective superiors (government ministers) as either
loyal public servants or meddlesome idealists and instruments of social and political advocacy groups.

The anxiety of the subject can develop over becoming constructed as the "wrong person" (criminalized or medicalized) or being reduced to a "nobody" (deconstituted, silenced, invisible). In both scenarios, the individual runs the risk of having to confront contingencies outside the range of her control. This anxiety is often reflected in media accounts of the privacy issue—"one of the most passionately argued issues" (Swartz 41)—which tend to represent the invasion of privacy, real and potential, in its most alarmist versions:

Privacy advocates are raising the alarm about a new Lotus Development Corp. product that lists names, addresses, shopping habits and likely income levels for some 80 million U.S. households... "This is a big step toward people completely losing control of how, and by whom, personal information is used." (Wilke Wall Street Journal November 13, 1990 B1)

"Information is gathered with laser-like precision and sponge-like efficiency. ... It's like a fish in water. We're not even aware of most monitoring." (Markoff E7)

The fact that more and more Canadians are growing upset at the extensive use of SIN by both government and private sector suggests that this is one area where Ottawa must take immediate action. The time to control SIN has arrived. (Riley)

Guarding my privacy is a growing obsession with me. ... Why? Some, I think, fear a kind of computerized Big Brother who knows everything. In some sense, their fears are justified. (Cohen 5)

It was as if her neighbors could peek through a window into her bedroom--... "It's like 'Nineteen Eight-four'," she says. (Schwartz 40)

"Reagan came in and said, 'We're going to get government regulators off the backs of the American people.' What he really meant was, 'We're going to get government reg-
Scavenging for the personal details of people’s lives is today a high-tech, billion-dollar industry. It is the invisible engine of junk mail and junk phone calls. And it has been instrumental in the erosion of personal privacy. (Miller The Wall Street Journal March 14/91 Al)

For a number of reasons which should now be apparent, the issue of privacy protection has been selected as a paradigm-vehicle for analyzing how aletheia operates in conflicts between individuals and institutional authority, and ultimately for theorizing positionality in terms of both rhetorical situation and microphysical power. The privacy issue reveals a serious subtext on truth and the struggle over who may be invested as speaking subjects on certain truths. Privacy rights rhetoric implies the assumption of identity as sacred, and mystifies truth through its defensive moves to closure. Yet, the rules that privacy advocates adopt in their discourse indicate how as speaking subjects they too are conventional social constructions, necessary but inaccurate identities. Similarly, the discursive strategies and speaker-modalities they marshall to establish right or true policies, like those of their opposition, involve the selection of certain rules from a limited number of possibilities, and therefore do not amount to "mysteriously" arriving at, or "discovering", the one true policy. Both official and lay subject constructions not only involve reinscriptions of disciplinary structures, but also influence and are influenced by other contingencies. Both generally remain unreflexive at the discursive, intellectual level,
yet operate with a correlative intelligence at the non-discursive. That is, while subjects can provide a discursive description of their activities and of their own subject constructions, what they do in their everyday activities is a matter of practical consciousness that is not discursively accessible. The discursive version dislocates the individual and her actions—both of which exist only fleetingly—leaving only the traces and trajectories, only suggestions of actors and actions.

In spite of and because of the intuition of contingency and arbitrariness, forgetfulness persists as a belief in the aura of the originary, whether as Truth or as Identity. It is a protection that seals all kinds of subject construction. The official subject becomes constructed and identified in accordance with those "sacred" texts of the institution. In this context the individual claims her right to access, copy, correct, and control those institutional documents that record her personal information. On the basis of her status as legal subject, she claims the right to what Kermode calls "interpretive power" ("Institutional Control of Interpretation" 169) over and against corporate and public professionals trained in the interpretive practices that serve the needs of these institutions.

In the conflict between individuals and organizations over the right to interpretive power both claim authority over which subjects shall be so constructed (a "canonical" power) and over how these subjects shall be constructed (a "hermeneutical" power) (Kermode 170). Kermode cites the analogy of how any interpretive
power of the laity as applied to both sacred and scholarly texts is dismissed by expert hermeneuts, biblical and academic scholars, because only these latter are competent, trained and initiated to interpret the secret meanings ("holy secrets") of the texts of the church or academy. A similar aura of "scripture" has been conferred on institutional discourses where professionals guard their texts, and the truths these texts construct.

The growing consensus in legal and moral discourse that the individual has a right to this power, to privacy, personal information, and other human rights and freedoms, might then be seen as a collective lay effort to preserve the sanctity of the subject--its integrity, identity, and truth. Additionally, it is an effort to defer the encroaching effects of the question of the subject. As has been suggested, however, this attempt at preservation through the deferral of contingency might be seen as self-sabotaging, for it is the promotion of disclosure based on assumptions of closure. It also may be, however, a potential means in itself--this doubleness or paradox--that might be put into play in non-conventional actions of resistance.

The issue of how an individual becomes genuinely empowered as a speaking subject has paramount importance for a variety of politicized groups seeking rights for the individual. Subject-construction entails the achievement of establishing one’s authorization in and of a dominant discourse, whereby the individual’s speaking options are limited to discourses whose authorization excludes speaking subjects like her. It would seem
she is inevitably constructed, not as a speaking subject, but as an object-form instead. Moreover, attempts to subvert or ignore authorized voices simply enable the distortion or silencing of the individual. Spivak’s description of the status of the contemporary (East) Indian woman articulates this problem for excluded speakers in general:

Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears, not into a pristine nothingness, but into a violent shuttling which is the displaced figuration of the "Third World Woman" caught between tradition and modernization. . . . The case of suttee as exemplum of the woman-in-imperialism would challenge and deconstruct this opposition between subject (law) and object-of-knowledge (repression), and mark the place of "disappearance" with something other than silence and non-existence, a violent aporia between subject- and object-status. ("Can the Subaltern Speak?" 128)

This "violent aporia" is, however, psychic and non-discursive: it can not be sustained or depicted as a political reality. As a result the actions of this subject are perceived as irrelevant or associated with dissent and thereby reduced to the status of ressentiment. Such effects of local actions of resistance are usually excluded, as anomalies or gaps, from discourse. If they become rewritten by the critic (Spivak) as aporia, as discursive products of other discursive products of non-discursive action, they displace again the phenomenon itself. One might similarly describe designated advocates of privacy discourse as reinterpreters and displacements of individual subjects and their experiences.

There are thus two types of reductive forces active at the discursive, rhetorical level of power struggle:
1) ADVERSARIAL FORCES operate in the discursive situation of the subject engaged in power struggle with institutional spokespeople for protection of her privacy. She wants either access to or control over personal information and subject-representations. She is the would-be subject of activism. In the accompanying (supplementary) rhetoric of human rights and victimage she speaks with a voice that is unitary, protected, determined, and openly adversarial. She has the speaking status of the other as outsider, reduced by her position to the status of subject-object.

2) CO-OPTING FORCES also result in producing the subject-as-object. In this case the subject is represented as the other by institutional authorities and influences (such as data matching profiles of "subjects", official decisions and explanations involving a subject's request for privacy protection, and legal arguments and decisions about access to one's personal information under privacy protection guidelines). This individual is always at risk of being heard only through other subjects, and of being deferred or displaced repeatedly through one authority or another.

Beyond these two poles Foucault, Deleuze and others posit the possibility of a non-confrontational, non-discursive power dissociated from desiring-machines to function covertly as resistance. Although implicated in power struggle, these lines of force are not on the main stage of conventional rhetorical patterning. They are the object of rhetorical tactics aimed at decreasing the effects of institutional power. Yet they are non-disturbing to the actors on the main stage who go through the
motions of power-brokering, retaining a certain public status, like inflated puppets sustained by a shifting infrastructure with its own world of declaiming actors, directors, and producers. Meanwhile the real but silent movie proceeds in the everyday world.

This transversal possibility has strong theoretical appeal. The investigation of certain discursive indices of everyday practices, in the contexts of microphysical and rhetorical theory, is the focus of analysis in this dissertation. A number of questions are raised and addressed in the interests of explaining resistance and assessing whether, in fact, the discursive strategies and everyday actions of resistance are effective for the lay person at odds with institutional policy. Specifically, how fleeting and temporary are the effects of practices that leave in their wake only their evaporating trajectories? At what point in situ do speaking-subject and object-form begin to blur? What does discursive evidence, strategic and grammatical, reveal about the status of the private petitioner as subject? Where are the imbalances of power in terms of who is entitled to privacy and who must ask for it? How are such imbalances reflected in discourse, the petitioner’s and the dispenser’s? And what are the effects of “anomalies” in their discourse that result from resistance to investment in dominant structures and discourses?

In the earlier example, the efforts of the contract worker to construct himself as a subject provide a glimmer of such an anomaly and how it works for and against him. To protest Canada Post’s policy he appropriates the culturally salient discourse conventions
of the "freedom fighter." He strikes a morally righteous, victim
stance and incorporates conventional slogans and phrases associated
with freedom rhetoric: "fundamental rights and freedoms, a free
and democratic society, citizen of Canada." He adopts the grand
pose of a free citizen claiming an infringement to his legal
rights, and identifies himself with downtrodden citizens, workers,
and jews in other historical contexts. His tone is pugnacious,
condescending, and finally threatening. These discursive
conventions make up a recognizable entity and speaking subject,
which embraces a range of types from union organizers to grand
orators of racial equality.

This discursive construction, however, is not always
"perfectly" delineated. For example, there is a general conflation
of the rights of citizens and the rights of workers, which is at
first sight a non-problematic conflation since these rights are
often found together in legal and political discourse and are
governed by the same laws. However, the conflation becomes
problematic in the context of other elements of the worker's
letter: the reference to his status as a "contract" worker which
presumably sets him apart from other workers "on the floor" and
perhaps gives him special or higher status when it comes to the
application of policies; the recitation of the labour slogan, "a
reasonable day's work for a reasonable day's pay," which alludes to
a separate worker right not clearly related to how the policy might
be a violation of rights; and the claim that workers "sorting live
mail on the work floor" pose no security threat and should not have
to comply with the policy. There is a mixture of statements here that is not consistent with the model of altruistic freedom fighter rhetoric.

There seem to be at least two pools of statements that operate adjacently and heterogeneously to each other: one characterized by an altruistic ethos that speaks on behalf of other victims, citizens, and workers in the interests of equal and fair treatment; and the other by a self-interested ethos that speaks for the worker himself only and separates or divides himself from other workers with the purpose of elevating himself above them. As Burke states, hierarchical psychosis insinuates itself everywhere in discourse. Like many speaking subjects, the contract worker uses a recognizable subject construction in order to advance his own interests and to resist investment in institutional rules that compromise his own power. And, in particular, he invests in rights rhetoric in an effort to subvert and gain some of the institutional power that is negotiated between groups at this higher level (where wars, holocausts, and revolutions occur) in order to retain his own power at the local level of the workplace. The use of such rhetoric—human rights, democratic rights, worker rights, and management rights—is now a common, everyday practice in countless workplaces where individuals and sub-groups work against becoming "subjected," in order to remain their own subjects. In this case, the contract worker might have emphasized and elaborated those statements that issue from a position of status above other workers; but chose instead to reduce and lodge it within rights
rhetoric, creating the rather suspect image of a fighter for workers' rights who seems to operate according to a double standard. (Were he a doctor or executive, however, he might have successfully chosen to emphasize the privilege of his status to make his case.)

In the power structure of the postal corporation, its identification policy creates a worker-institution polarity, so that individual desire can be captured and invested in the institution. But if the worker invests in the polarity tactically, conveying altruism to use it to resist conformity to the policy, desire is coded and then decoded as the freedom to exercise control over his person. As Certeau explains, because one is unable to challenge the institutional structure overall, such subversiveness is a necessary resistance to limit the effects of institutional power. Individual and labour rights rhetoric, conceived ostensibly to enable some notion of equality and fairness among individuals and workers, is used to emphasize the differences between individuals and workers, not to repair inequities, but to pull rank. The contract-worker constructs a speaking self with presumed position and authority derived from his status as underdog and victim, and uses this presumed authority to argue against the policy as applied to himself. To do this, he must call into question the status of the policy, and initiate a number of micro-level moves to power in order to assail the "givenness" or "truth" of the policy. These actions are micro-effects of desire. In the next section, I will analyze the grammatical modalities of these
productions, and begin to trace the trajectory of the construction/production of a new truth—a new policy that is at first only hinted at, but which potentially can be proposed, posited, and manifested in grammatical choices that correspond to the everyday actions of certain speaker positions. These choices provide some preliminary evidence of the degree to which a certain speaking subject can claim the authority to pronounce on the probability, possibility or certainty of a truth, fact, or eventuality, in order to subvert dominant truths and facts for her own interests.

Different selves or speaking subjects are created according to what individuals want to subvert, resist, or emphasize. Certeau describes such local manipulations of power as follows:

users make (bricolent) innumerable and infinitesimal transformations of and within the dominant cultural economy in order to adapt it to their own interests and their own rules. ("Introduction" xiii-xiv)

In disciplinary contexts such users operate as a "collective activity" that "bring[s] into play a 'popular' ratio, a way of thinking invested in a way of acting." And, as has been argued, such thinking and acting is not amenable to conventional, disciplinary discourses and as the object of articulation becomes distorted, incomplete, reduced, misrepresentative. As Giddens says of this everyday reflexive knowledge:

Characteristic of most common-sense, everyday claims to knowledge is that they are formulated in a fragmentary, dislocated way. It is not only the 'Primitive' who is a bricoleur . . .

(92)

This phenomenon, the bricolage of power management, becomes an
undermining force against the disciplinary society described by Foucault in *Discipline and Punish*. Certeau and others are fascinated by the fact that "the grid of 'discipline' is everywhere becoming . . . more extensive" yet paradoxically "an entire society resists being reduced to it" (xiv-xv). Moreover, if Certeau is right in claiming that institutionalized power is deteriorating, then the goal of these transverse practices of resistance may be viewed as an important "therapeutics for deteriorating social relations" (xxiv).

Such a therapeutics may be developing because, as Certeau states, in the struggle for power there is "a contradiction between the collective mode of administration [the institutional] and an individual mode of reappropriation" (96). This contradiction exists because these two different domains produce very different uses and effects of power. As explained earlier, in the global, administrative domain, the rhetorical situation is classically constructed as configurations of identifications and conflicts among institutional structures and their respective disciplinary discourses: it would seem that to use power in this domain inevitably entails adopting a discursive strategy or position that will enable the individual to "speak" from inside one of these discourses. In the local domain, conflict does not occur in terms of a classically defined rhetorical situation, but instead is a matter of multiple and disparate means, speakers, motives and actions: to use power in this domain, individuals tactically adopt any number and combination of everyday practices that diminish the
effects of disciplinary discourse and administrative authority. Such discursive appropriations made by the individual are called by Certeau local actions or "tactics," as opposed to (global) "strategies." They are resistant to but must exist within the institutionally "prescribed syntactical forms" (xviii). Tactics operate as inarticulable actions, and become articulated only as traces which, drawn after the fact of production, obey the structural exigencies of established power. Certeau associates tactics with a poetic, subversive discourse—a troping of language requiring localized turns and imagination. Strategic moves operate globally in terms of institutionalized power structures and are articulable and rational. The supreme function of these actions is to enable actors to be "forgetful" of the "underside" of rational activity; that is, of the knowledge that institutional facts are not truths (11):

activity . . . is transformed into points that draw a totalizing and reversible line on the map. They allow us to grasp only a relic set in the nowhen of a surface of projection. Itself visible, it has the effect of making invisible the operation that made it possible. These fixations constitute procedures for forgetting. The trace left behind is substituted for the practice. . . . it causes a way of being in the world to be forgotten. (97)

The aletheic operation occurs through a confluence of motivations and forces. Each tactic is motivated by the will to truth, which involves a "forgetting" that micro-tactical moves are also an investment in facts as macro-level products, as well as an investment in an ideology, such as altruism to provide a rationale for rights, labour, and security.
The analyses in the next chapter are intended as a modest extension of projects such as Certeau's study of the modalities of space and their utilization in everyday practices. He wants in general to "show[s] how, from the wings as it were, silent technologies determine or short-circuit institutional stage directions" (xiv-xv). This short-circuiting of disciplinary discourse and practices is an investment in the will to power that drives the resistance to institutional and disciplinary authority. Like Certeau's work, this study is geared to examine one area of the "'morphology of use' of expressions . . . and to 'describe their forms'." In particular it is hoped that these analyses might reveal some connections between the "pragmatic rules" that govern the practices of everyday life (12) and the grammatical means by which users achieve their ends. Two features of the local rhetorical situation are examined here in an effort to extrapolate from archaeology and to extend its relevance within a rhetorical and grammatical framework: the position(s) of the speaking subject, as outlined by Foucault in "Modalities of Enunciation" (Archaeology of Knowledge), and the corresponding or at least correlative pragmatic uses of modalized grammatical forms to establish truth and certainty, and facts and subjects. While Foucault clearly intends "modality" to signify a general sense of mood and relationship, in this study I am deliberately extending its application to more narrowly conceived analyses of grammatical modality. I will then attempt to theorize how the two different senses of modality interface.
Certeau's analysis of the everyday uses of space provides an additional theoretical model, which is complementary and related to Foucault's:

The modalities of [pedestrian] enunciation . . . .
include the kinds of relationships this enunciation entertains with particular paths (or "statements") by according them a truth value ("alethic" modalities of the necessary, the impossible, the possible, or the contingent), an epistemological value ("epistemic" modalities of the certain, the excluded, the plausible, or the questionable) or finally an ethical or legal value ("deontic" modalities of the obligatory, the forbidden, the permitted, or the optional). (99)

Modality and other indices of the authority and status of truth and knowledge (such as evidentials and semantic equivalents to modals) signify the position and status of the speaking subject in relation to what she can speak about and to what degree she can speak with authority on certain subjects. A number of questions present themselves. Does the subject present her authority and statements as tentative, probable, or certain? Does she judge her assertions as possible, likely, or necessary? Does she sense in her relative authority the power to allow, oblige, require, or forbid?

Of interest here is the manoeuvering for position by the speaking subject in an effort to appropriate whatever persona and authority disciplinary discourses present for her use, and in how she sets up these constructions as an authoritative basis for persuading others of the truth of her claims. Her manoeuverings correspond to Certeau's concept of tactics as style, as rhetorical turns or figures (in the sophistic sense) that subvert but are dependent on normative ways of operating (100). Of further interest is what kind of match exists between the authority that is
appropriated through the construction of the speaking subject by the individual (and conversely by the institution) and the linguistically coded indices of this authority. Does the degree of match indicate the degree of effectivity of certain rhetorical strategies and tactics? Ultimately, I hope to comment on the duality of structure, the aletheic nature of action and power, and the question of how global power and local tactics of resistance reinforce or work against each other.
Note to Chapter Three: Subject Anxiety and Subject Construction

1For a discussion of the entitlement of privacy see Nancy Fraser, "Sex, Lies and the Public Sphere: Some Reflections on the Confirmation of Clarence Thomas" in Critical Inquiry, Spring 1992, 598-602.
I. Modality and Rhetoric

In this section, modality is approached in terms of its pragmatic relationship to persuasion. A number of complementary analyses are undertaken to identify the encoding of modality (and evidentiality). Each analysis is incorporated into a developing discussion focused ultimately on theorizing the relationship between modality, position, and power within a rhetorical context. The aim is to facilitate the emergence or construction of a bridge from the preceding analyses of subject construction, through grammatical modality, to the positioning of individuals in strategic stances of resistance, and to speculate on some of the aletheic effects of these strategies.

In social semiotics, textual pragmatics are applied to discover how individuals and phenomena are constructed and legitimated through socially sanctioned discourse structures. For example, analysts like Dorothy Smith trace how the "conceptual schema" of discourses on mental illness provides "a set of criteria and rules for ordering events against which the ordering of events in [discourse] may be matched, or tested" (16). The foregoing analyses of subject construction involve a very similar approach; and to some extent the analyses to follow are also similar, for they follow Smith’s general incorporation of both rhetorical and pragmatic-grammatical considerations. As Smith says, her method
"presupposes the textual and works within it, reading off the actualities of people’s lives, as Foucault does with sexuality, from the textual" (4). In an explicitly social semiotic approach, Smith contextualizes discourse in the social dimension of relations:

Texts are analyzed to display what the subject knows how to do as reader and what the subject knows how to do in reading, and in so doing also displays the organizing capacity of the text, its capacity to operate as a constituent of social relations. (5)

Additionally, as in the analyses in this study, Smith’s focus is on the relationship between the ruled and ruler, the sender and addressee, who are often related agonistically and who function in terms of "government" as both governing and governed.

... analysis focuses on ... how the reader operates the text to enter the objectified modes of knowing characteristic of the relations of ruling. It is a two-way street, a method of exploring relations in which we are active and which govern us. (5-6)

Smith dissociates her work from analysis that focuses on the "macro-social" level of those relations embedded in and created by institutional discourses. This would include much conventional rhetorical criticism which, as we have seen, tends to generate a taxonomy of recurrent forms, that, while not identical to, tend to coincide with those discursive structures that theorists like Smith name "institutional." She describes such "social science" discourses as "conceptual practices" that "construct a textual version of society and social relations excluding the presence of subjects" (10).

While Smith, like Giddens, wishes to retain some element of
identity and agency for the subject, her method generally seems compatible with microphysical analysis. Her "counteractive" approach aims to "provide an entry, beyond the text, to relations and organizations that are necessarily part of, hooked into, more extended relations" (10). "[T]exts are taken up as constituents of ongoing social relations into which our own practices of reading enter us" (11). This chapter similarly focuses on how modalities of enunciation, of speaker positions in relation to other social and institutional forces, are reflected in grammatical evidence of social relations as it is linguistically coded in texts.

As an index of speaker position, modality is an important function of persuasive strategies, and therefore a common grammatical resource in situations of contention. Grammatical evidence may reflect local strategies at the micro-level ("tactics") that are non-salient at the institutional level. If persuasive efforts at truth and authority construction are necessarily aletheic, they involve both a move to disclose the unassimilable and a concealment of the will to power. Grammatical evidence of modal choices in persuasion will be brought to bear upon both the operation of truth and untruth, and the social construction of the authority and acceptance ("positionality") required as a basis for achieving consensus and the construction of truth ("meaning").

In strategies of truth construction, speakers may encode their degree of commitment toward the judgments and truths they express through their (subjective epistemic) modal choices. They thus
qualify their utterances to indicate their attitude towards the judgments and truths (theirs and others') they articulate. Lyons (1977) notes that this is the case with both negative and positive judgments.

[Even though there is] an obvious difference between putting forward the opinion, with greater or less confidence and authority, that such-and-such may be, or must be, so and asking (or wondering) whether such-and-such is in fact so, [in both cases . . . there is an overt indication of the speaker's unwillingness or inability to endorse, or subscribe to, the factuality of the proposition expressed in his utterance (800).

Such uses of modality also serve the purpose of showing to what degree speakers do or do not identify with certain social and institutional entities. In their discussion of modality and power Hodge and Kress (1988) describe persuasion, in terms that suggest strategies of identification, as consensus-seeking geared to match knowledge-structures as the basis for establishing truth:

'Truth' is the state of affairs when the terms in the classificatory system, and the system itself, appear as 'secure'. . . to the participants in the semiosic [sic] process. (122)

Modality thus becomes an important resource in situations of conflict:

Modality points to the social construction or contestation of knowledge-systems. Agreement confers the status of 'knowledge', 'fact', on the system . . .; lack of agreement casts that status into doubt. . . . Modality is consequently one of the crucial indicators of political struggle. It is a central means of contestation, and the site of the working out, whether by negotiation or imposition, of ideological systems. (123)

Halliday also describes the general interpersonal function of modality, in "the games people play," as strategic. Instead of
utilizing the more direct, subjective and less "polite" means of stating "'this is how I see it'". frequently we prefer more socially acceptable expressions with:

a 'high' value probability or obligation . . .
. . . ways of claiming objective certainty or necessity for something that is in fact a matter of opinion. Most of the 'games people play' in the daily round of interpersonal skirmishing involve metaphors of this objectifying kind. ("Beyond the Clause" 340)

Modality is thus manipulated to protect speaker integrity and authority:

speakers have indefinitely many ways of expressing their opinions--or rather, perhaps, of dissimulating the fact that they are expressing their opinions. (334)

Psychologically, such modal strategies are used to save "face" or "front" and to therefore forge or maintain the social bond of trust. Giddens explains the basis for this social practice:

In banal but very significant ways the face in human social relations influences the spacing of individuals in circumstances of co-presence. Positioning 'facing' the other or others who are being addressed assumes a distinctive importance . . . . As Goffman uses it, . . . co-presence is anchored in the perceptual and communicative modalities of the body. (67)

Grammatical modality can thus be seen as a face-saving resource that is reflective of bodily modality, and utilized strategically for "the exhibiting of presence" so crucial to establishing the speaker as a "capable agent" (79-80). Such self-sustaining strategies take on a particular importance in situations where individuals seem diminished and reduced by institutional authority. Giddens points out, for example, that in Foucault's carceral
organizations, "bodies do not have faces," so that even in the workplace as institution, individuals are challenged to invent face-saving strategies:

> [i]n circumstances of surveillance in the workplace--where surveillance means direct supervision . . . --discipline involves a great deal of 'face work' and the exercise of strategies of control that have in some part to be elaborated by agents on the spot. (157)

Other grammatical resources are also utilized for both building consensus and protecting or saving face. Evidentials, which are functionally associated with modality, are used in rhetorical strategies for promoting the speaker's authority. For example, in his study of evidential suffixes of the Quechua languages, David Weber (1986) finds a distinct linguistic code "allowing the ... speaker to handily assume or defer responsibility for the information he conveys, thus minimizing his risks while building his stature in the community" (138). This coding also entails certain patterns of information profile (theme-rheme patterns) such that speakers can strategically deviate from the basic pattern in conjunction with the use of an appropriate modalizing suffix:

> it is natural that the speaker/author should tamper with the information profile for rhetorical effect, since that goes to the very heart of rhetorical "punches": unsettling the listener to make him take note. Information profiling and pattern deviations for rhetorical effect are thus natural outgrowths ... as indicators of information perspective. (154)

Similarly, in their early transformational analysis of modality, Kress and Hodge (1979) analyze a number of utterances to show how the speaker makes strategic use of the ambiguity of modals through
transformations of the assertive form. For example they find that "modal auxiliaries are vague about temporality":

Modal auxiliaries encode probabilities and hearer-speaker relations, but blur precise distinctions of past, present and future, knowledge and power, is and ought. (126)

This is a feature that speakers can exploit:

This ambiguity and vagueness is clearly functional . . . . since language functions to deceive as well as to inform, every component of the grammar will contain one set of forms which allow the speaker to avoid making distinctions which are primary and another set where these distinctions have to be made sharply and with precision. (125)

According to Kress and Hodge, modality reveals to what degree speakers exercise or lack the authority that they nevertheless wish to convey as speaking subjects:

The speaker translates uncertainty about status in the power situation into uncertainty about the status of his utterances. . . . A speaker uses modality to protect his utterances from criticism. A large number of modalizers indicates considerable fear on the speaker's part and vulnerability, rather than intellectual certainty. (127)

Given this strong use of modality for speaker protection, one might speculate that speakers who construct themselves as discursive persona at odds with their positions in an institutional speech community, are potentially sabotaging themselves. Like Foucault, Giddens implies that social meaning is created only where structure and positionality (modality) find conventional correspondences, so that it would seem speakers can be heard only from such institutional junctures:

Actors draw upon the modalities of structuration in the reproduction of systems of interaction, by the same token reconstituting their structural pro-
Evidence of a lack of fit between actors and structure would appear in the linguistic codings of modality. The question of "fit" and speaking status will be pursued in detail throughout this chapter and the next.

The general social framework for a functional, grammatical analysis of modality is adapted from Foucault’s discussion of "enunciative modalities" in his theory of archaeology. The objective is to explore to what degree his broad taxonomy of modality at the socio-rhetorical level will have correlates in grammatical evidence. In short the aim is to discover if and how linguistic coding of grammatical features might be related to speaker position, what relationship this has to subject construction in discourse, and how the results of this analysis are of use in theorizing the play of aletheia in both truth and subject constructions.

It is important therefore initially to specify Foucault’s possibilities for speaker positions. In the Archaeology of Knowledge, he cites these possibilities as those who have the socially conferred right to speak, those who are appropriately situated at institutionally sanctioned sites to make certain utterances, and those who are suitably situated in relation to other domains, objects, information networks, instruments and technologies. And, in relation to these positions he sets up a correlative of listening, seeing, observing subjects (50-53). It
should be emphasized again that for Foucault the salient features of discourse are these speaker "positions," and not the individual who speaks. Discourse dislocates the rhetor-as-agent:

instead of referring back to the synthesis or the unifying function of a subject, the various enunciative modalities manifest his dispersion. To the various statuses, the various sites, the various positions that he can occupy or be given when making a discourse. To the discontinuity of the planes from which he speaks. (54)

This dislocation of the individual who speaks might seem at first to be irrevocably problematic for rhetorical criticism. However, as indicated earlier, at this point in the analysis, it is still important to entertain the possibility that the "presence" of the individual who manipulates rhetorical strategy as a non-speaking subject has potential agency elsewhere than in the structures of disciplinary discourse. I will return to this possibility in the final discussion of resistance.

Foucault hypothesizes that an analysis of these potential positions or "modalities" should uncover "a field of regularity for various positions of subjectivity" (55). The object of this analysis is to uncover linguistic evidence of a correlating field of grammatical regularity--and then to speculate about it as an effect of the will to power (and resistance), and the drive to a unitary version of truth or facts. As Giddens suggests, analysis may yield evidence of a structure that is already in place and makes available specific speaker positions which can enable an individual to push her belief home as truth and power. Furthermore, it may be that this positional appropriation occurs
precisely and paradoxically as she is engaged in an act of resistance that would divert the flow of desire away from these enabling discursive structures.

Such analysis requires a functional definition of modality that has both rhetorical correlates in the specific speech situation, and also statement correlates in an archaeological description of potential speaker positions. For this reason, definitions of modality such as Palmer's (1979), while important for other kinds of linguistic analysis, are not as useful here as one might hope because of their emphasis on decontextualized language instead of situated discourse. His analysis of modality is, however, a useful point of departure. For Palmer, "modality . . . refer[s] to the meanings of the modals" (4) which he confines to modal verbs only; and "the basic notions of modality are those of possibility and necessity . . . . they are the 'core' of the modality system" (8). Quirk expands the definition to include both formal and situational considerations, although like Palmer his emphasis is on formal features and he usually restricts his definition to verbs only:

At its most general, modality may be defined as the manner in which the meaning of a clause is qualified so as to reflect the speaker's judgment of the likelihood of the proposition it expresses being true. (219)

Quirk states further that "[f]rom the semantic point of view, modal auxiliaries are often specialized towards the expression of certain speech acts" (147), an analysis that has been developed in some socio-pragmatic approaches. For example, Kress and Hodge utilize the speech act approach because it "regards modal verbs as pointing
to a specific utterer":

Modal verbs derive their force from the judgments of utterers, and are made as assertions about specific actors. (136)

Modal verbs can thus be indicators of positionality.

A discussion of Sweetser’s metaphorical analysis (1991), which is pursued later in this section, develops this notion of speech act modality, and provides a potential framework for integrating rhetorical and micro-level concerns. Halliday also includes consideration of speech act theory, defining modality in an agonistic context as:

the speaker’s judgment of the probabilities, or the obligations, involved in what he is saying. A proposition may become arguable by being presented as likely or unlikely, desirable or undesirable . . . . In order for something to be arguable, it has to be specified as being either positive or negative: either it is so, or it isn’t so. ("Clause as Exchange" 75)

As a resource for truth construction, modality thus exists as a continuum bounded at the negative pole by the speaker’s judgment or her attitude towards her statements (about a particular object or event) as very unlikely and uncertain, and at the positive pole by her judgment of her statements as very likely or certain:2

Modality refers to the area of meaning that lies between yes and no--the intermediate ground between positive and negative polarity. ("Beyond the Clause" 335)

Uncertainty in a pragmatic context can imply either a lack of information or disagreement. The latter implication is critical to an analysis of the relationship between modality and persuasion. The intermediate area between positive and negative modality is the
strategic ground for a speaker who, while limited to certain positions, desires to maximize her power over establishing what is true or what should be done. Lyons' definition of modality (1968) takes into account this element of truth-manoeuvering: modal words "mark sentences according to the speaker's commitment to the factual status of what he is saying (his emphatic certainty, his uncertainty, doubt, etc.)" (307). This range of uncertainty-certainty can also be conceived in terms of deictic remoteness and non-remoteness as they are encoded in tense (Lyons 1977):

the present tense would be the product of non-remoteness ('now') and factivity; past-ness and futurity would . . . be defined . . . in terms of remoteness ('then') and either factivity or non factivity . . . (820)

This association of modality with deixis provides another opening for interpreting modality rhetorically.

Kress and Hodge (1979) connect the speaker's "commitment" to "factual status" explicitly with the need to employ ethos as strategy: "Modality in general establishes the degree of authority of an utterance" (122). And they further suggest that this modalized, strategic meaning takes precedence over other propositional meaning in utterances: "The major content of an utterance is often found in the modal operations, rather than in the ostensible content" (127).

In order to analyze modality in terms of strategies of truth construction and speaker position, it is necessary to expand its grammatical domain beyond the modal auxiliaries to include other grammatical and semantic features. Lyons (1977) states, for
example, that the modality of possibility

may be realized in the utterance-signal in various ways: by prosodic and paralinguistic modulation, by the use of a particular grammatical mood, by the use of one of a set of modal verbs or adjectives, by the use of a parenthetical word-form like perhaps or a parenthetical clause like I think in English. The speaker may subjectively qualify his commitment to the truth-value of a proposition that he is more or less confidently putting forward in any of these functionally equivalent ways. (847)

Crediting Halliday for the definitive expansion, Kress and Hodge note:

There are a large number of ways for realizing modality: non-verbal and verbal, through non-deliberate features (hesitations, ums, ers, etc.) and deliberate systematic features, which include fillers (sort of), adverbs (probably, quite, better), modal auxiliaries (can, must), and mental process verbs (think, understand, feel), and intonation . . . (127)

For the purpose of the following analyses, paralinguistic features have been excluded but, following Halliday (1985), in addition to the modal auxiliaries, adjuncts and projecting clauses have been included. Some consideration is also given to Quirk's category of "pragmatic particles" (147), and to the semantic equivalents of modal meanings.

The three tables that follow are based on Halliday's taxonomies for categorizing types of modality and for assigning values to expressions of modality. Table 1 lists four categories of modal verbs and indicates, on a continuum, either intensity (strong to weak modality) and/or the degree of polarity (positive to negative). The assignations are often semantically intuitive but they seem reliable enough for illustrating tendencies in the
linguistic coding of modality and speaker positionality. Theoretically, it should be possible to assign all expressions of modality values in terms of the degree to which they convey probability, usuality, obligation, and inclination. The parenthetical terms include a third perlocutionary meaning for each type in terms of its agonistic import:

<table>
<thead>
<tr>
<th>Probability</th>
<th>Usuality</th>
<th>Obligation</th>
<th>Inclination</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>certain</td>
<td>always</td>
<td>required</td>
</tr>
<tr>
<td>(challenging)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>had to/has to need</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median</td>
<td>probable</td>
<td>usually</td>
<td>supposed</td>
</tr>
<tr>
<td>(contentious)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>will/would should</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>is to/was to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>possible</td>
<td>sometimes allowed</td>
<td>willing</td>
</tr>
<tr>
<td>(tentative)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>can/may</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>could/might</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1. Value-Meanings of Modal Verbs (Halliday 75, 337)

It should be pointed out that the verbs listed above are only the central modals, and that the continuum of values here is also applied in the analysis of a number of other types of verbs used to express modality (e.g. concatenatives like "seem to" and "happen to," intentionals like "want," and others that are semantically equivalent to modal verbs such as "be able to," "be going to" and "dare").

Tables 2 and 3 are taken directly from Halliday and depict paradigmatic examples of two other grammatical types of modal expression: modal adjuncts and projecting clauses, both of which
can also be assigned values depending on their degree of affinity with either positive or negative polarity. As with any modal, values can be assigned to these according to where they would fall along the continuum of probability, usuality, obligation, and inclination. Table 2 lists examples of the two types of modal adjuncts, mood (I) and comment (II):

<table>
<thead>
<tr>
<th>Type</th>
<th>Meaning</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>probability</td>
<td>how likely? probably, possibly, certainly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>how obvious? perhaps, maybe, of course,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>surely, obviously</td>
</tr>
<tr>
<td></td>
<td>usuality</td>
<td>how often? usually, sometimes, always,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>never</td>
</tr>
<tr>
<td></td>
<td>opinion</td>
<td>I think in my opinion, from my point of view,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>personally, to my mind</td>
</tr>
<tr>
<td>II</td>
<td>admissive</td>
<td>I admit frankly, to be honest, to</td>
</tr>
<tr>
<td></td>
<td>assertive</td>
<td>I assure you honestly, really, believe me,</td>
</tr>
<tr>
<td></td>
<td>presumptive</td>
<td>evidently, apparently, no doubt, presumably</td>
</tr>
<tr>
<td></td>
<td>desiderative</td>
<td>how desirable? (un)fortunately, to my delight,</td>
</tr>
<tr>
<td></td>
<td>tentative</td>
<td>initially, tentatively, looking back on it,</td>
</tr>
<tr>
<td></td>
<td>validative</td>
<td>broadly speaking, in general terms, on the</td>
</tr>
<tr>
<td></td>
<td>evaluative</td>
<td>wise, understandably, foolishly, by mistake</td>
</tr>
<tr>
<td></td>
<td>predictive</td>
<td>to my surprise, as expected, amazingly, by</td>
</tr>
</tbody>
</table>

Table 2. Typical Examples of Modal Adjuncts (Halliday 50)

Projecting clauses function to encode the speaker’s subjectivity separately from the proposition which is projected afterwards as a fact (333). Halliday cites all of the following projecting clauses
as roughly equivalent in meaning to "I believe":

it is obvious that . . .
everyone admits that . . .
it stands to reason that . . .
it would be foolish to deny that . . .
the conclusion can hardly be avoided that . . .
no sane person would pretend that . . . not . . .
commonsense determines that . . .
all authorities on the subject are agreed that . . .
you can't seriously doubt that . . .

Table 3. Projecting Clauses Meaning "I believe" (Halliday 334)

From the addressee or hearer's point of view such "I believe" clauses encode the meaning of the final example above, "You surely cannot doubt," and so may be depicted as "polite" versions for asserting speaker power. They convert or modalize more direct expressions, promoting both the necessary rightness of the speaker's assertion and the obligatory acceptance of the assertion by the addressee.

The framework for modality is usually divided into two major categories, epistemic and deontic, with a possible third, dynamic (Palmer 35). However, this study utilizes these distinctions only minimally. They are not universally accepted, nor are they entirely relevant for the present purposes. For example, with respect to these categories, Palmer allows that:

it is entirely plausible to argue that possibility of propositions [epistemic modality] and possibility of events [deontic modality] can be subsumed under a more general notion of possibility" (35).

Lyons (1977) supports "the assumption that objective epistemic necessity is modelled upon deontic necessity" (845); and notes of modality in general that the "two kinds of speaker involvement,"
one "an indication of the speaker's opinion or judgment" [epistemic modality] and second "an indication of the speaker's will or desire" [deontic modality]" are not necessarily distinguished in the grammatical systems of particular languages" (847-48). Lyons suggests commonalities between deontic and epistemic modality by analogy:

there is a dynamic interpretation of objective epistemic modality which construes it by analogy with the dynamic interpretation of deontic modality: i.e. as being the result of authoritative acts of saying "so be it" to p. This comes about by virtue of the instrumental function of language. Provided that the person who says "so be it" to p has the authority to do so and the power to make his utterance efficacious, his saying of "so be it" to p . . . will result . . . in the truth of p . . . (845)

In a recent analysis of modal verbs, Sweetser (1991) has argued explicitly for a metaphorical framework which, as I hope to show, suggests further development for a rhetorical-pragmatic relationship. She posits as a unifying principle the view that epistemic modals and modalized speech acts are mental analogues of the physical, real-world meanings of root modals, a view that would thus account for the ambiguity of modal verbs. Of epistemic modals she says:

root-modal meanings are extended to the epistemic domain precisely because we generally use the language of the external world to apply to the internal mental world, which is metaphorically structured as parallel to that external world. Thus we view our reasoning processes as being subject to compulsions, obligations, and other modalities, just as our real-world actions are subject to modalities of the same sort. (50)

Sweetser states that

a modal verb may be interpreted as applying the
relevant modality to:

1. the content of the sentence: the real-world event must or may take place;
2. the epistemic entity represented by the sentence: the speaker is forced to, or (not) barred from, concluding the truth of the sentence;
3. the speech act represented by the sentence: the speaker (or people in general) is forced to, or (not) barred from, saying what the sentence says. (72-73)

According to Sweetser, all three uses or applications of modality can be explained in terms of Talmy's theory of forces and barriers (1988).

This "force-dynamic framework" is based on a "linguistic psychodynamics" that extends concepts of physical force to "their semantic treatment of psychological elements and interactions," which "generalizes notions of physical pushing, blocking, and the like to the framing of such concepts as wanting and refraining" (Talmy 69). Talmy intends to show "how language extends physical force concepts to the expression of internal psychological interactions" and to "social interactions" (51). He concludes that "[f]orce dynamics . . . appears to be the semantic category that uniquely categorizes the grammatical category of modals, in both their basic and epistemic usages" (49). Sweetser adopts force dynamics as a way to explain how modals are used primarily either to enable an action or belief as a force removing a barrier (verbs of permission and possibility), or to prevent or limit actions and beliefs (verbs of obligation, necessity, and certainty):

We must now recast forces and barriers as premises in the mental world, since no other kinds of obstruction/force exist in that world .... epistemic
analysis ... takes the premises in the speaker's mind as parallel to the force of authority [in root modals]. (60-61)

One can see the potential here for a further application of Deleuze and Guattari's concept of blocks and flows of desire to the modality correlates of barriers and forces. In both theories, power and action are described in terms of a complex dynamic of blocks and flows instead of the traditional terms of causation. Talmy's linguistic analysis echoes the microphysical approach:

With the force-dynamics framework, . . . [causativity] is now seen as a complex built up of novel primitive concepts. And because these finer primitives recombine in a system of different patterns, the idea of causation is now seen as just one notion within a related set. (67)

In Foucauldian terms, this can be rephrased as the division of government into blocks of power (barriers) that are made up of rules and regulations and the space of individual freedom (flows and forces) where resistance is possible. And in force-dynamic terms, the potential for resistance exists because every object "has a natural force tendency and will manifest it unless overcome by either steady or onset impingement with a more forceful object from outside" (Talmy 58). The subjects and objects of rules and structures then have some latitude for the rechannelling of force, for structure "is always both constraining and enabling" (Giddens 25).

Sweetser's analysis of modal verbs has been adapted here in terms of type of force without distinguishing among these three types of application. The intensity or degree of force of modals in these three domains (high, median, low) is of greater, though
not exclusive, interest than the different meanings of modals because of the speculation that the strength of the force will correlate, negatively and positively, with speaker position. Moreover, if one accepts that discourse is always ideologically invested, one must attribute a perlocutionary force or meaning to all utterances. I follow Austin’s original taxonomy here:

... to say something is to do something, or in saying something we do something, or even by saying something we do something. ... a locutionary act is roughly equivalent to uttering a certain sentence with a certain sense and reference, ... ‘meaning’ in the traditional sense. ... we also perform illocutionary acts such as informing, ordering, warning, undertaking, etc., i.e. utterances which have a certain (conventional) force. ... we may also perform perlocutionary acts: what we bring about or achieve by saying something, such as convincing, persuading, deterring, and even, say, surprising or misleading. (109)

Crystal’s expanded definition of perlocutionary force clearly situates the term in a rhetorical context:

perlocutionary: an act which is performed when an utterance achieves a particular effect on the behaviour, beliefs, feelings, etc., of a listener. Examples ... include utterances which frighten, insult, ridicule, sympathise, persuade, etc. A distinction may then be made between the intended and the actual perlocutionary effect of an utterance (e.g. a speaker may intend to persuade X to do Y, but may succeed in getting X to do Z). (225)

This distinction between intended and actual effect becomes paramount in analyses of the intended and the actual effects of self-constructions, in an individual’s efforts to persuasively address institutions.

Although Sweetser does draw a distinction between domains of modality in terms of objective (epistemic) and subjective (root),
she does so for the purposes of a theoretical linguistic description. A pragmatic analysis of how language is actually used transverses these distinctions. As Sweetser says herself, "An utterance is [sociophysical] content, epistemic object, and speech act all at once" (75). In other words, to varying degrees every utterance is a speech-act, and with varying intensities the modalities of utterances contribute to perlocutionary force. Sweetser explicitly asserts her pragmatic orientation:

[This] basic semantic analysis ... would not extend so easily into the epistemic domain if it explicitly mentioned a complex set of identities for real-world imposers [authorities/speakers] and targets (imposees) of modalities. Rather, it leaves these identities to pragmatic interpretation. (74)

Moreover, while Sweetser does not pursue the link between modality and positionality, or modality and rhetoric, she clearly alludes to a connection. She points out that modality is dependent on "the pragmatic factors inherent in the speech-act setting, together with our understanding of utterances as multi-leveled objects." The dynamic of the interrelations of these influences allows us to resolve any "ambiguities of modals with respect to the origins [enunciators] and targets of forces [interlocutors]" (75). The conjunction of rhetorical points of reference and modal choices enables an identification of positions--both privileged (subjects) and unprivileged (objects):

the pragmatic factors involved in identifying the source or imposer of the modality include all our knowledge about the modality in question, and about the authority of contextually present agents (including prominently the speaker) to impose the relevant modality on the imposee(s). (66)
Although it is important to assert that perlocutionary force crosses all three categories of modality, one distinction between epistemic and other types of modality is occasionally applied here: while all expressions of modality are indices of authority and positionality, expressions of epistemic modality are particularly selected strategies for truth construction. The categorical distinction is retained where it usefully furthers the discussion of aletheia (in the epistemic and not the logical sense). Overall, however, emphasis is placed on what Palmer calls the vertical plane of modality which depicts modal elements in terms of a continuum from the possible and permissible to the necessary and obligatory and to the required and certain; and not on the horizontal plane which divides modality into its three types (39).

The phenomenon of truth construction suggests the importance of another grammatical function, "evidentiality," which in two ways is closely related to modality. First, evidential expressions often overlap with modal expressions, and second evidentials also function as indicators of speaker position and authority. I have therefore considered the relationship between expressions of modality and evidentiality, and their manifestations, as effects of moves to truth. Chafe describes evidentials as a "repertoire of devices for conveying . . . various attitudes toward knowledge." They function to linguistically mark "natural epistemology": "the ways in which ordinary people, unhampered by philosophical traditions, naturally regard the source and reliability of their knowledge" (vii). The pragmatic function of such marking,
according to Chafe, is to register speaker-awareness that truth is relative:

There are some things people are sure of, either because they have reliable evidence for them, or--probably more often--because they have unquestioning faith that they are true. (vii)

In a study of evidentials and ritual speech, Du Bois extends this function into the agonistic context:

Evidence is used to persuade, and persuasion is a perlocutionary act, involving as it does a change in the state of mind of the hearer. So we are led beyond the utterance itself, and beyond the speaker as well, to consider the role of the hearer. (323)

The speaker manipulates evidentials to enhance her authority and to establish the validity or truth of the object of her desire in an effort to persuade her interlocutors. Indeed, Du Bois asserts that "providing evidence is simply a special case of providing authority" (322). Evidentials achieve this function in a number of ways. They can indicate:

how the speaker came by the information (evidential, e.g. first hand or second hand), what the speaker's attitude is toward the information (validational, e.g. does he regard it as fact/fiction/conjecture . . . ), what the speaker intends the hearer to do with the information (e.g. believe it, act on it, doubt it, etc.). (Weber 137)4

One can see the potential for overlap between modality and evidentiality, and the consequent relevance of both to grammatical manifestations of truth-establishing rhetorical strategies.

II. A Modality Analysis

In the following analysis modal expressions are categorized as auxiliaries, adjuncts, or projecting clauses; and auxiliary modals
are assigned a degree of intensity loosely based on Halliday's criteria. The important function of modality to encode politeness will increasingly be invoked as these speculations develop. At this point the analysis is focused on identifying and categorizing grammatical evidence; as positionality is further theorized a number of politeness-related points will be developed. I will explore the consequences of inappropriate politeness strategies, as modality out of line with position.

This analysis is focused on the text of the letter written by the contract worker to Canada Post (see Chapter Two). Both modal (Table 4) and evidential (Table 5) expressions have been categorized as they occur, sequentially, in sentences 1 to 12. A rough assignation of modal values (high, median, low) has been made in Table 4, and will be followed up in subsequent analysis.

<table>
<thead>
<tr>
<th>Modal Auxiliaries</th>
<th>Modal Adjuncts</th>
<th>Projecting Clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 I <strong>should</strong> ... like to raise ... Deontic obligation</td>
<td>Comment: with respect (interpersonal): admissive (I admit)</td>
<td>Though I am not a member of the Canadian Union of Postal Workers ... low: tentative</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>I believe to be well within the the mark when I say ... low: tentative</td>
</tr>
<tr>
<td>3. whatever argument may be made ... [in defense of the ID policy] <strong>must</strong> be purely academic ... low (may): tentative, possible high (must): modal operator of epistemic</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
necessity

4. no ... need can be discerned to enforce ... this policy cannot be construed as a ... limit to my ... rights ... as can be demonstrably justified ... low: tentative, possible

5. no citizen of Canada can ... Comment: in other words, so to speak assurance ("really")

6. I should perhaps also mention ... median: keen inclination Comment: in passing tentative

7. I should also like to say ... median: keen inclination

9. Comment: strange strange as it may seem may seem (predictive)

12. I will simply state ... Mood: simply (assertive: I assure you) Comment: to be short (assertive)

Median obligation (supposed)

Table 4. Modal Expressions and Categories from Contract Worker’s Letter.

An elaboration of this data is provided in the following comments on modality and associated features. These features, in a sense, function like modality to protect the speaker’s authority, and
provide more material for the analysis of modal strategies in terms of speaker position and speaker construction. A sentence-by-sentence commentary follows:

1. Like all projecting clauses, this one expresses tentativeness by encoding subjectivity, the meaning of which is "I believe."

   The modality of this sentence is reinforced by the pleonastic "like" (I should like to raise) which semantically conveys tentativeness.

2. The subjectivity expressed by the projecting clause is reinforced by the pleonasms, "I believe" and "I say."
   Even though the following clause is a non-modalized, bald assertion (I am not the property of Canada Post), this triple expression of subjectivity modalizes the proposition as tentative. Such "modally harmonic combinations" (Lyons 1977) reinforces the modal meaning (807).

4. The adjunct (in my opinion) encodes subjectivity again, reinforcing the low modality of the three "can" modals. The first two are of "rational modality" which means the speaker refers to an unacceptable and impossible state of affairs. The third (can be justified) indicates low capability.

5. The honorific (Mr. W.), both here and in sentences 7 and 12, suggests how the writer may be positioning himself vis-a-vis the reader.

6. The tentativeness expressed semantically in "mention" reinforces the tentativeness in "should" and "perhaps."

7. The tentativeness expressed by using the words "like" and "say" instead of simply saying or asserting contributes to the tentativeness in "should."

8. Although the assertion here is non-modalized, the point made is not directly on the topic (the policy) so that this apparently bald assertion is not particularly risky.

9. Although the bald assertion here is directly about the referent (the policy), it is modalized by the comment adjunct/projecting clause.

10. Here the writer distances himself from a bald assertion directly about the policy. He creates a situation of decreased risk by appropriating the authority of the "representatives of the Corporation’s Engineering Depart-
11. Again the writer protects his authority by attaching the assertion ("many factors were omitted") to the corporation representatives ("our discussions with these representatives").

12. The meaning of "require" provides pleonastic reinforcement for the high obligation conveyed by "should."

Table 5 categorizes, wherever possible, the evidentials from the same text in terms of mode of knowledge: belief, induction, hearsay, deduction, which express degrees of reliability; and function. The apparent presentation of evidence per se is also included under mode.

<table>
<thead>
<tr>
<th>Evidential</th>
<th>Mode</th>
<th>Reliability</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. I believe</td>
<td>Belief</td>
<td>Low</td>
</tr>
<tr>
<td>to be well within</td>
<td></td>
<td>Low</td>
</tr>
<tr>
<td>the mark when I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>say ...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. whatever argument</td>
<td>Induction</td>
<td>Low-Median</td>
</tr>
<tr>
<td>... must be purely</td>
<td></td>
<td></td>
</tr>
<tr>
<td>academic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. in my opinion</td>
<td>Belief</td>
<td>Low</td>
</tr>
<tr>
<td>can be discerned</td>
<td>Deduction</td>
<td>High</td>
</tr>
<tr>
<td>cannot be construed</td>
<td>Deduction</td>
<td>High</td>
</tr>
<tr>
<td>a reasonable limit</td>
<td>Deduction</td>
<td></td>
</tr>
<tr>
<td>can be ... justified</td>
<td>Deduction</td>
<td>Median?</td>
</tr>
<tr>
<td>5. in my view</td>
<td>Belief</td>
<td>Low</td>
</tr>
<tr>
<td>6. even the Star of</td>
<td>Matching of knowledge to prior knowledge/expectations</td>
<td>Low-Median</td>
</tr>
<tr>
<td>David</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Strange as it may</td>
<td>Matching of present Low and past knowledge</td>
<td>Low-Median</td>
</tr>
<tr>
<td>seem</td>
<td>Induction</td>
<td>Low-Median</td>
</tr>
<tr>
<td>seem</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Representatives</td>
<td>Evidence from experts</td>
<td>High</td>
</tr>
<tr>
<td>... admit that</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. **Our discussions with these representatives revealed that...**

12. **in the year 1988**

**Recent knowledge**

**A.D.**

**Median?**

**Deduction**

**work for a reasonable day’s pay**

### Table 5. Expressions and Categories of Evidentiality from Contract Worker’s Letter.

A similar analysis of the manager’s response furnishes data for a comparative look at modality. In this text, seven of the nine sentences are non-modalized assertions presented as self-evident “facts” or arguments supporting the I.D. policy. Besides the modal adjunct, "unfortunately," in sentence 7 (a comment adjunct expressing desirability), there is only the semantic equivalence of the modality of obligation in "as required" and the modal adjective of necessity in "is necessary" in sentence 2, both of which have a high value of certainty. It should also be pointed out that sentences 1 and 9, which are non-modalized, are formulaic utterances of the business letter genre (openings and closings) and as such indicate something of the positionality of the speaker who incorporates ritualized institutional statements.

There are only four evidentials in the manager’s letter, two assertions of evidence (sentences 2 and 6) where knowledge of the corporation’s policy is matched in a very relevant way with knowledge of other organization’s policies, an expression of recency in the repeated date “May 25th” of the contract worker’s letter, and an implied reference to the source of the policy in “We
are entrusted with the security responsibilities ..." [by the federal government]. This evidence is used to enhance the writer's knowledge and authority by borrowing institutional authority.

We can begin with two simple generalizations. First, even though the manager's letter is shorter than the worker's (both in number of sentences--nine compared to twelve--and in sentence length), in relative terms, the contract worker has produced a more heavily modalized text. Second, there is a fair amount of overlap of evidentials and modals suggesting that they operate together as grammatical indices of choices the speaker makes to represent his sense of both his own authority, and the degree of confidence he has in his judgments.

The following explores the connection between these indices and a depiction of speaker position that emerges for both the contract worker and the manager. First, it is possible to infer that a decreased incidence of modal expressions suggests a speaker who can rely on institutional power instead of persuasive tactics, and construct himself as a speaking subject who experiences little or no incongruity between this construction and his real position in a structure of power. This is consistent with the manager's role as addressee in the exchange. Conversely, an increased use of modality suggests a speaker who, in a real position of less power relative to his addressee, must adopt tactics for protecting the authority of his statements and for advancing his persuasive purpose. An analysis of speaker confidence can be developed by comparing how he has constructed himself as speaking subject and
what he reveals about his belief in his own authority through his uses of modality and evidentiality. The following explanation explores the problem of (in)congruence between speaker persona and speaker position. How much congruence is there between the "freedom fighter" and his heavy use of modality? And, conversely, how much congruence is there between the "rational" employer and his spare use of modality?

The incongruity between subject construction and modality—two discursive codes apparently non-coextensive with each other—corresponds to the disjunction in the earlier rhetorical analysis between the appeals to ethos in the contract worker's letter and their ineffectiveness due to irrelevancy, exaggeration, and a threatening tone. A pattern of modality use thus points to a certain positioning of the subject that is one of many possible positions, and not apparently identical with the individual who momentarily stands in that position. In general we know that rhetorical strategies of persuasion invent writers and readers who may or may not be appropriate to a particular situation. However, one might speculate that the more closely the constraints of power-knowledge statements allow the individual to align himself with a position of power in a state-sanctioned institution (corporation, family, club, profession), the greater might be his persuasive success. The manager therefore can stand near the vectors that designate a certain position of power in the post-office, without recourse to much modalizing. He can simply assert himself with the authority that inheres in his position. The worker, on the other
hand, positions himself doubly displaced from vectors of subject-production—first by virtue of his "outsider" status in challenging the policy, and second through his "outsider" status as a non-union worker. His failure to be heard is reflected in an incongruity between the rhetorical and grammatical domains: the freedom fighter persona is incongruous with the positionality of petitioner.

The effects of positionality and institutional structure on speaking status obviously have important implications for the role of agency and the possibility of resistance. Even Giddens—who posits agency strictly in terms of the individual’s competence (her "knowledgeability" or "practical consciousness") which, if effective, can surmount institutional barriers—interposes a caveat. He concedes that "the structured properties of social systems [can stretch] away in time and space, beyond the control of any individual actors" (25), such that,

There are contexts in which that autonomy specifically characteristic of the human agent—the capability to 'have acted otherwise'—is severely reduced. (156)

To further examine the relationship between subject construction and modality the analysis is extended to include all four letters exchanged in the challenge to Canada Post’s I.D. policy. The data from the first pair, between the contract worker and the manager, appear above. The second pair of letters is exchanged between the worker’s BCCLA advocate, and a second manager. As with the first pair, there is a significant difference in length between the letters of the second pair (fifteen sentences
for the lawyer and five for the manager). There are differences in both frequency and type of modality, as well as other related features. Table 6 depicts modality and evidentiality from the lawyer’s letter, written in response to the first manager.

<table>
<thead>
<tr>
<th>Modality</th>
<th>Evidentiality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Projecting clause: we are writing you to express the BCCLA’s concern (low: “we believe”)</td>
<td></td>
</tr>
<tr>
<td>3. Projecting clause, modal auxiliary, and semantic equivalence to tentativeness (like): We would like to express ... (low)</td>
<td></td>
</tr>
<tr>
<td>5. Projecting clause: we think (low)</td>
<td>Belief: we think (low) Deductive (neg): unreasonable (high)</td>
</tr>
<tr>
<td>6.</td>
<td>Deductive: justification</td>
</tr>
<tr>
<td>7. Modal auxiliary: We cannot see how ... (low)</td>
<td>Deductive: cannot see how ... these reasons justify (high)</td>
</tr>
<tr>
<td>8.</td>
<td>Deductive: the fact...does not justify</td>
</tr>
<tr>
<td>9. Modal auxiliary: operations may be seriously harmed (low)</td>
<td>Deductive: may (high) justify Belief: legitimate</td>
</tr>
<tr>
<td>10 Modal adjective: difficult Modal aux.(neg): difficult to understand how tags will assist (high) Modal adjunct: in the vast majority of cases (usuality)</td>
<td></td>
</tr>
<tr>
<td>11. Projecting clause and modal auxiliary: we would ask ... (tentative - median)</td>
<td>Deductive: other reasons</td>
</tr>
<tr>
<td>12. Modal adj: unnecessary</td>
<td></td>
</tr>
<tr>
<td>13. Projecting clause, modal aux-</td>
<td></td>
</tr>
</tbody>
</table>
iliary (tentative obligation), and semantic equivalence of tentativeness (suggest): we would suggest. Modal aux: employees [should] be required

14. Projecting clause and modal auxiliary (tentative probability): we believe this would satisfy ...

Table 6. Expressions of Modality and Evidentiality in the BCCLA Lawyer’s Letter.

Data from the second manager’s response to the BCCLA lawyer can be briefly summarized. The first sentence contains a reiteration of the policy in the modality of rules and regulations: "our plant rule that employees' identification cards [are to] be displayed." The second sentence is a non-modalized, formulaic utterance, a formal (polite) apology typical of the genre. The third sentence is modalized through the projecting clause which has semantic equivalence to the interpersonal inclination of willingness (to agree with the need for security: "I wish to emphasize"). In the fourth sentence, the modality of necessity regarding the precedence of the current policy is expressed in "to ensure that we keep our obligation." The fifth again utilizes modality through a projecting clause, "I assure you," which has semantic equivalence to comment adjuncts of the assertive type (e.g. honestly, really, believe me, etc.). There are no evidentials.

A comparison between these two letters indicates first a significant difference in the frequency of use of modality. As with the first pair of letters, the writer challenging the policy modalizes more of his utterances. There are fifteen expressions of
modality in the lawyer's letter, and four expressions of modality in the second manager's letter, almost four times as many in the lawyer's letter. In conjunction with this use of modality, the lawyer's letter reveals other features that suggest additional strategies to protect his authority. First, four of the modalized sentences also contain evidentials: in three (5, 7, 9) they overlap directly with modality, and in sentence 10, the evidential reinforces the questioning (negative) modality of "It is difficult to understand how tags will assist." It is also noteworthy that of the three non-modalized sentences in the lawyer's letter, one provides non-threatening background information (6) and one is formulaic (15). Only one sentence of the fifteen then is non-modalized, but since it contains two evidentials it entails relatively little risk for the writer (sentence 8: "The fact that that something is a common practice does not justify it"). In total, the lawyer uses eleven expressions of evidentiality; the second manager uses none. These observations suggest that overall the writer challenging the policy, as sender, makes comparatively heavy use of modality and evidentiality whereas the writer proclaiming and reiterating the policy, as addressee, requires less strategic use of either. Further comparison of the two pairs of letters provides another perspective on the process of persuasion as truth construction. The second manager makes greater use of modality (four expressions) than does the first manager (one expression); the lawyer makes less use of modality than does the contract worker on whose behalf the lawyer is acting (15
expressions of modality and 11 of evidentiality in the lawyer’s letter, compared to 21 expressions of modality and 19 of evidentiality in the worker’s letter (see Table 7).

<table>
<thead>
<tr>
<th></th>
<th>Contract Worker</th>
<th>Lawyer</th>
<th>Manager 1</th>
<th>Manager 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>MODALS</td>
<td>21</td>
<td>15</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>EVIDENTIALS</td>
<td>19</td>
<td>11</td>
<td>4</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 7. Incidence of Modals and Evidentials in Postal Corporation Policy Correspondence.

These comparisons might provide partial evidence of the creation of consensus through persuasion, which is admittedly only rudimentarily depicted in this polarized and brief exchange of letters. One might speculate that, as the polarization of views decreases, the uses of modality by both sender and addressee in the disagreement tend to converge. That is, as identification is created in the interests of reaching a consensual view, the senders tend to increasingly view the authority of their judgments and knowledge with more confidence, while the addressees tend to decrease the non-modalized stance. The need for modality markers may decrease or increase in a convergence of modal use that corresponds to a balance of power as consensus-based. The changes in modality might therefore reflect a gain in power quite apart from any change in the sender-addressee’s institutional relationship; however, there may be a significant but informal change elsewhere than in the dominant organizational framework. While the structure and the speaking positions it deploys remain relatively unchanged, its mechanisms for maintaining power are
constantly changing as power is negotiated and renegotiated at local levels in a variety of ways. Even when such local action eventually results in a new law that the institution must obey, and even, rarely, when the entailed exchanges of power occur such that patterns of positionality may become transformed, the monolithic structure of the institution itself remains sovereign.

Appropriate positioning may be a necessary, though not sufficient, strategy for speaker efficacy. While a worker might gain power by resisting a certain corporate policy and therefore upgrade his status as speaking subject within a certain domain (reflected in a decreased need to modalize his judgments), his institutional status as speaking subject may not have changed at all.

The data also shows that the relative incidence of evidentials roughly corresponds to the relative incidence of modals in the same letter. There seems to be a corresponding frequency of modals and evidentials. There is a clearer correspondence in the worker and lawyer letters (21/19 and 15/11) than in the manager's letters (1/4 and 4/0). As Anderson has shown, modals and evidentials often overlap, with the same word or expression serving both functions. This would corroborate both Chafe's view that evidentiality is merely a special case of modality, and Anderson's observation that "modalities and evidentials can have common origins" (311).

A final speculation, based on the data above, is that as the polarity decreases and the stance of opposition decreases in intensity, the frequency of modality use and modality type change
correspondingly. For example, in the first pair of letters, which are more polarized than the second, the manager hardly modalizes at all, using only one adjunct (preferring the bald assertions that his institutional position permits him); in the second pair, the manager uses one projecting clause. In the first pair of letters, the contract worker uses 10 modal auxiliaries, 9 adjuncts, and 3 projecting clauses; in the second pair, the lawyer uses 7 modal auxiliaries and 7 projecting clauses which precede these modal verbs. A tentative generalization is that, as participants work from disagreement to agreement, there is a corresponding shift or increased frequency in the use of certain types of modality. A continuum of modality type representing the persuasive process might begin with non-modality (where disagreement is not countenanced) and, in order of frequency of use from lesser to greater (as disagreement moves toward agreement), might move from unprojected modal auxiliaries, to modal auxiliaries following projecting clauses, and then to merely projecting clauses without modal verbs and non-modalized assertives.

In the next application of the above data, the exchange is tracked from another perspective. This entails recasting the modality data in the context of other pragmatic parameters and continua in order to identify any grammatical indices of conventional moves to truth. These would include grammatical-pragmatic evidence of conventional scientific truth construction as it has come to inhabit western thinking, persuasion and argument. Such linguistic indices could contribute to a delineation of the
line of desire and its moves to power. The following section investigates the relationship between modality as an index of speaking position (which corresponds to the speaker's sense of confidence in the import of her utterances about a specific referent—the policy in question), and modality as an index of the moves to truth that reflect the persuasive or consensus-seeking process of truth construction.

III. Modality and Truth Construction

The theoretical framework for the next step in these analyses has been drawn from work on modality and/or truth construction in four predominant areas: Halliday's functional description of modality, Foucault's concept of the statement, Latour and Woolgar's incorporation of the concept of the statement in their study of fact construction, and Kuhn and Lyotard's descriptions of scientific truth construction. The rhetorical situation continues to be the context for this discussion: markers of modality are postulated as a grammatical coding that exists at a micro-level reflecting those rhetorical moves involved in the positioning of participants.

In their study of how "facts" are constructed in laboratories (1979), Latour and Woolgar make explicit important elements of the consensus-seeking process. Their ethnographic investigation specifies how this process occurs at the informal level of scientific practices and results in scientific "truths" and "facts." They describe the construction of scientific facts as "the organization of persuasion" (88), and illustrate how such
consensual truth is influenced by social factors that give rise to actions aimed at maintaining or increasing power. Elements of contingency are shown to pervade the entire enterprise as disagreement gives way to agreement, until they disappear once facts are produced and accepted as true and objective. The multiplicity of possible directions for how fact construction might proceed is gradually reduced in number until one version of the truth emerges. This process of negotiation is characterized just as much by the compulsions of desire and the will to power as by rational debate. For example, consideration is given to the political climate of the scientific community involved, potential career advancement, profit to be made from applications, and funding opportunities. As Barbara Herrnstein Smith (1988) explains, convergences or agreements occur because a particular configuration of variables is tractable to certain kinds of channelling and is relatively stable under changing conditions.

Latour and Woolgar’s analysis is in part an attempt to illustrate a correspondence between these moves to power and the modality expressed by accompanying utterances which are categorized as particular types of statements. In their analysis of the statement-utterances that are produced and transformed through the persuasive process, Latour and Woolgar develop a continuum of modality that also considers elements from information structure, the concepts of given (non-modalized) versus new (modalized) information (Figure 1 below).

In the rhetorical context, because the need for unitary truth-
-in spite of its received deconstructed and discharged versions--is "necessary" (but "inaccurate"), it continues to be a powerful element in the appeal to pathos and its manoeuvres of identification, both as an attitude of mind (epistemological objectivity) and in the form of genre conventions (indices of formal objectivity). Latour and Woolgar also accede to the necessity of the illusion of objectivity and factuality, explaining it in terms of cost-effectiveness of both energy use and money. In essence, they say, in the construction of scientific facts, a "black box" made up of accepted statements is gradually constructed and acts as a filter and restraint on a multitude of alternative statements potentially just as valid as those in the black box (242). To describe how the illusion of truth emerges, they use as their framework Kuhn's theory of scientific paradigm construction:

a complex variety of processes come into play whereby participants forget that what is "out there" [their facts] is the product of their own "alienated" work. (259)

In other words, the statements of fact become split off from any consciousness of their constructedness. Aletheia, unveiled, already conceals the untruth of truth:

The result of the construction of a fact is that it appears unconstructed by anyone; the result of rhetorical persuasion in the agonistic field is that participants are convinced that they have not been convinced; the result of materialisation [of the fact] is that people can swear that material considerations are only minor components of the "thought process"; . . . as to the circumstances, they simply vanish from accounts, being better left to political analysis than to an appreciation of the hard and solid world of facts. (240)

The "truth-effects" of discursive practices (Foucault The Order of
Things) are reduced to objective truth. In The Postmodern Condition (1984), Lyotard offers this explanation:

the language game of science desires its statements to be true but does not have the resources to legitimate their truth on its own. If this is the case, it is necessary to admit an irreducible need ... to forget. (28)

The paradoxes and double nature of the truth-seeking process are investigated by Latour and Woolgar at the pragmatic-discursive level. In their analysis of how statements are transformed as consensus develops, they devise a continuum of the "truth" status of statements which is loosely based on Foucault’s archaeology. This approach offers a useful model for the present statement analysis. Additionally, the scientific context of their typology of statements helps advance the discussion of truth and truth-seeking strategies, for the discursive conventions that constitute, or are associated with, appeals to truth and identification (logos and pathos) are still generally imbued with elements of the discourse of scientific inquiry and research.

Latour and Woolgar’s typology is consistent with Lyotard’s critique of "the research game" which he describes as a set of practices that operate in institutional discourse to varying degrees, and contribute to the entrenchment of the Cartesian concept of objective truth. Lyotard explains that the research game is "governed by the demand for legitimation" (27). He analyzes this game in terms of the major elements of the rhetorical situation: "sender, addressee, and referent." These elements correspond roughly to Foucault’s discursive formations: the
privileged or expert participants as the addressees; those who are not insiders and so not empowered as "speaking subjects" as the senders; and the objects that one would accept or reject as bonafide facts or entities--the referents. The game is played in accordance with certain rules or "classes of prescriptions which regulate the admissibility of the statement as 'scientific'" (23). These rules imply that "the sender [who wants to be recognized by the addressee] should speak the truth about the referent," "provide proof," and be "able to refute any opposing or contradictory statements" (23); and that the addressee should "give (or refuse) his assent to the statement he hears" in a statement that expresses the referent "in conformity with what it actually is" (23-24). The problematic element of the last requirement here, which is based on an assumption of objectivity, is addressed by the concept of "falsification" which functions to:

allow a horizon of consensus to be brought to the debate between partners (the sender and the addressee). Not every consensus is a sign of truth; but it is presumed that the truth of a statement necessarily draws a consensus. (24)

The game of "producing scientific knowledge" thus involves both "denotative statements" to the exclusion of the connotative, and a "social bond" (25) through which consensus is achieved. As a consequence, "A statement of science gains no validity from the fact of being reported. ... it is never secure from 'falsification.' ... [it] can always be challenged" (26). Such questioning is expressed in a variety of judgments, from strong to mild, and negative to positive:
The scientist questions the validity of narrative statements. ... He classifies them as ... savage, primitive, underdeveloped, backward, alienated, composed of opinions, customs, authority, prejudice, ignorance, ideology. (27)

These judgments can be put into approximate correspondence with both modalities (epistemic and deontic) of weak and strong confidence, and categories of evidentiality such as belief, induction, hearsay, and deduction. This correspondence is elaborated in the next set of analyses and related to positionality.

The negative and positive poles of modality correspond respectively to what the addressee-scientist finds unacceptable or wrong and to what he finds as acceptable or true. At the negative pole, divergences from the normative and objective are judged as the result of defects, historical accident, a lack of development, or even pathology (sickness, madness, deprivation). Such judgments are often accompanied by expressions associated with subjectivity, such as "idiosyncratic," "eccentric," "stubborn," and "capricious." The pursuit of objective truth in scientific research ostensibly seeks isolation from the tainting influences of politics and economics.

In developing their typology of statements the objective of Latour and Woolgar was to "specify the precise time and place in the process of fact construction when a statement became transformed into a fact and hence freed from the circumstances of its production" (105). The transformation process of statements thus provides evidence of the consensus-seeking process at a local
level of discourse production, and additional markers of modality localize it further grammatically. This continuum represents a change in the status of statements as the referent of the statement, whether a substance, fact, value or policy, moves from an object of tentative consideration ("artefact" status) to one of complete acceptance ("fact" status). Changes in the type of statement do not necessarily mean changes in facticity or givenness; but do mean "the possibility of changes in the fact-like status of statements" (Latour and Woolgar 80)--and certainly this is crucial to their use in persuasion. The presence of certain types of statements indicates a certain effort or attempt of the will to persuade, but does not mean the desired effect or change will occur.

Latour and Woolgar identify five types of statements (Figure 1), which they describe according to two sets of criteria. Statements are classified first in terms of a continuum from new to given, unknown to known, contextualized to decontextualized, artefact to fact. Second, statements are classified in terms of speaker position, outsider to insider, and revolutionary to institutional. The continuum represents the process of transformation from statements with specific determinants of place, time, and production toward generic statements that are politically stable (175); that is, from statements that "refer to the conditions of their construction" to those in which "all traces of production are made extremely difficult to detect" (176). One can see in this representation how a parallel transformation in the
uses of modality and evidentiality might develop. At the pole of non-acceptance would be statements modalized by the speaker to qualify her judgments in terms of authoritative confidence (modality) as well as in terms of the status, reliability, and sources of her judgments and knowledge (evidentiality). Both the speaker and the referent would be further contextualized in terms of time and space. At the pole of acceptance or facticity one would expect to find fewer modals and evidentials qualifying authority and knowledge status, and more expressions of certainty ultimately broaching assertives. These would be further decontextualized as "timeless" (Lyons 1977 822). In an anthropological study of decision-making, Irvine (1979) notes that in the position-seeking process, linguistic coding increases with a decentralization of power and authority, and decreases as the centralization of authority becomes greater (783). One could speculate that changes in the linguistic patternings of modality would provide evidence of relative authority, that the utterances of enfranchised authorities would be lightly modalized and those of less central and less authorized speakers more heavily modalized. A set of statement transformations could then be analyzed as a continuum of speaker status extending from sender to addressee.

Figure 1. Statement Continuum Representing the Construction of Truth (adapted from Latour and Woolgar 1979)
Type 1. Conjecture or Speculation: assertions outside the mainstream, counter-propositions, and beliefs regarding the referent with type 5 "given" status.

CONTINUUM

Type 2. Contentious Claim: suggestions, queries about the given status of the referent

of

Type 3. Not Taken For Granted and Implicit: references to the referent with given status, but only implied and not featured (e.g. discussions of alternatives to referent).

STATUS

Type 4. Not Taken For Granted and Explicit: explicit and featured reference to the referent with given status.

Type 5. Taken For Granted/Given: neither thematized nor featured in the discourse.

GIVEN
KNOWN
DECONTEXTUALIZED
INSIDERS OR "ADDRESSEES" OR "SPEAKING SUBJECTS"
INSTITUTIONAL
FACT ("OUT-THERE")
CERTAINTY (POSITIVE POLE)

Type 1 statements often change their status quickly as a result of other assertions, but in other cases they can remain unresponded to as "a claim lingering in an operational limbo" (87).

Type 2 statements tend to express relationships between "what is generally known" and "what might reasonably be thought to be the case" (79). They are often expressed with modalities of query, possibility, and uncertainty; and frequently refer to future
possibilities (e.g. it is puzzling, it is possible, it's [un]reasonable).

Type 3 statements express relationships to type 5 statements (which reflect acceptance of truth or facticity), but the type 5 fact is implied and not featured as a topic. This does, however, still serve to reproduce the type 5 statement, an important factor in building consensus. These are often statements about other statements (reports), and are often modalized by evidentials such as "was reported to be" or "is claimed." Type 3 statements also often include citations and dates (evidentials), and suggested alternatives to the referent.

Type 4 statements express an explicit relationship to type 5 statements and the referent which is featured or topicalized in the discourse. The aim in consensus-building is to increase the concentration of type 4 statements; that is, to drop the modalities of implication of type 3 statements, because an accumulation of similar, i.e. reproduced, statements precipitates acceptance. Such statements become the "truth-effects" of objectivity (83-84). Latour and Woolgar thus emphasize the role that "literary inscription" or textual reproduction plays in building consensus at this stage.

Type 5 statements assume the fact is given. It is neither thematized nor featured in the discourse. Latour and Woolgar describe the object of type 5 statements as having the "artificial reality" of "an objective entity" (64). They borrow Bachelard's description of this transformation as "the phenomenotechnique"
whereby the object takes on the characteristics of a phenomenon (64). They thus define a fact as "some objectively independent entity which, by reason of its 'out there-ness' cannot be modified at will and is not susceptible to change under any circumstances" (174-75).

In terms of modality, it should be noted here that type 4 statements often constitute an expression of the speaker's certainty about a judgment of facticity and are expressed with a corresponding modal (e.g. "We certainly accept the security provisions of the policy."). These are distinct from non-modalized assertions of type 5 statements that imply acceptance or givenness of the referent where it is not even necessary to mention the "policy" or referent (e.g. "The security provisions indicate that trade secrets are protected.").

It is also important to note the differences between truth construction within and without the scientific community. In a general sense, the scientific model for truth building has so permeated western thinking that it has become partially absorbed into everyday thinking. It is the dominant epistemological mode and retains its cultural privilege in this context. So the game of science is viewed here as a given, perhaps unconscious, influence on how truth is generally constructed. This assumption enables us to adapt Latour and Woolgar's continuum of statements for the following analysis of truth construction, which in these documents occurs both in and outside non-scientific institutions. Of course the view that the difference between the two is a matter of degree
(more or less scientific) is not a universally held assumption. In his work on evidentials the linguist Chafe, for example, implies a difference in kind in his discussion of "natural" (everyday) epistemology, which he describes as:

the ways in which ordinary people, unhampered by philosophical traditions, naturally regard the source and reliability of their knowledge. ("Introduction" vii)

Chafe's distinction does not take into account, however, the fact that speakers often construct themselves and the objects of their discourse by fashioning, consciously and unconsciously, their own versions of conventional (science-based) structures in their persuasive strategies and truth construction. In any case, the partial absorption of the scientific model into everyday truth construction does not preclude the influence of other elements, such as folk traditions and beliefs.

The continuum of statement status provides a useful framework for analyzing changes in expressions of modality and evidentiality as speakers make moves toward consensual truth or facticity. It also provides a tool for correlating the grammatical coding of these moves with the positionality of speakers. The continuum can be viewed as a parallel reflection of the transformations in constructions of the self as they broach the status of speaking subject. One might speculate in this way, for example, on the analysis of discursive strategies used to challenge or to enforce the Canada Post I.D. policy. For the representatives of the corporation (addressees) the policy seems to have the status of type 5 statements (and more often of non-modalized assertions of
fact): the policy is accepted as given, correct, and beyond challenge. For the contract worker and the civil liberties lawyer (senders), it is seen as wrong and unjust, open to challenge, and subject to change. The status of the referent would correspond to speaker status, and different positionalities would be implied in the relationship between statement-type and the referent-status.

The first analysis in this section involves designating each sentence of these letters in terms of statement type. Since such categorizing requires judgments that are sometimes approximate, the results are treated to establish broad trends only. Table 8 provides some initial, rough data for the main objects of this study. It categorizes sentences in terms of statement type, suggests speaker position and strategy, and provides partial evidence of the persuasive process involved in truth construction.

**LETTER 1: Sender (contract worker) to addressee (first manager)**

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Statement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Though I am not a member of the Canadian Union of Postal Workers, I should nonetheless, with respect like to raise two important issues in response to the latest corporate policy ...</td>
<td>2 - 3 Contention implied Not Taken For Granted (implicit) Query</td>
</tr>
<tr>
<td>2. Firstly, I believe to be well within the mark when I say that, ..., I am not the property of Canada Post Corporation.</td>
<td>2 - 3 Contention implied Not Taken For Granted (implicit) Indirect challenge</td>
</tr>
<tr>
<td>3. Consequently, whatever argument can be made in defence of a corporate policy that requires me to display a coded identity tag ... must be purely academic.</td>
<td>3 Unfeatured reproduction of referent Implies doubt</td>
</tr>
<tr>
<td>4. a) And since no truly compelling</td>
<td>a) 2 - Unfeatured,</td>
</tr>
</tbody>
</table>
... need can be discerned to enforce such policy in the interest of the public,
b) this policy cannot ... be construed as a reasonable limit to my fundamental rights and freedoms ...
as can be demonstrably justified in a free and democratic society.

5. ... no citizen of Canada can, in my view, be arbitrarily reduced to the level of branded livestock ...

6. ... I should perhaps almost mention ... that even the star of David served as the signal mark of criminality for innocent Jewish individuals ...

7. ... I should also like to say that labour relations evolved ...

8. ... serfs gradually emancipated ...

9. ... the new labour standards [the policy] ... do not reflect this fundamental change

10. Representatives ... admit that these labour standards [the policy] bear little relevance to the reality ...

11. And our discussions with these representatives revealed that many concomitant factors ... were casually omitted ... in the process of computing these labour standards [the policy]

12. ... I will simply state that in the year 1988 A.D. no employer should require MORE than a reasonable day’s work for a reasonable...
day's pay, ...

LETTER 2. Addressee (first manager) to Sender (contract worker)

Sentence                                                                                       Statement Type
1. I am writing ... regarding the wearing of Corporate identity tags [the policy].                          5
   Given: unfeatured and reproduced
2. As required ... in many other major corporations..., Canada Post employees also wear identification cards [the policy]. 5
   Given: featured and reproduced
3. We are entrusted with the security ...                                                              5
   Given: unfeatured and unreproduced
4. One aspect ... is to ensure that only those ... authorized by the Corporation are permitted on our business premises. 5
   Given: unfeatured and unreproduced
5. The identification cards [the policy] are a part of this safeguard.                               5
   Given: featured and reproduced.
6. ... identification tags are worn [the policy].                                                      5
   Given: featured and reproduced.
7. ... the cards identify you [the policy] to your supervisors ...                                    5
   Given: featured and reproduced
8. ... other aspects of your letter were too vague ...                                                 5
    Implied as given.
9. ... please do not hesitate to contact me.                                                            5
    Implied as given.

LETTER 3. Sender (BCCLA lawyer) to Addressee (second manager).

Sentence                                                                                       Statement Type
1. We are writing you to express ... concern over the Canada Post Cor-                                    2
   Implied doubt: un-
poration’s recent policy to require its workers to wear identification tags in the workplace [the policy].

2. This matter was brought to our attention by ...

3. We would like to express ... our recognition of Canada Post’s legitimate interest in requiring security ...

4. There are a variety of alternatives ... to provide this security ...

5. ... we think that the requirement that these tags be worn outside of garments, physically visible [policy], is unreasonable and an invasion of privacy.

6. In an attempt to obtain justification for the policy, the complainant was informed that ... it is common practice in the business world for employees to wear tags [the policy] ...

7. We cannot see how either of these reasons justify the practice [the policy].

8. The fact that something [the policy] is common practice does not justify it.

9. What is required to justify such an invasive practice [the policy] are ...

10. It is also difficult to understand how tags [the policy] recognition of co-workers ...
11. If other reasons for this policy exist, ...

12. It is the B.C. Civil Liberties view that the Corporation's policy to require employees to wear I.D. tags ... is unnecessary and an infringement on the ... rights ...

13. We would suggest that, as an alternative, ...

14. We believe this would satisfy the Corporation's interests in security.

15. We welcome the opportunity to further discuss this matter [the policy] with you.

LETTER 4. Addressee (second manager) to Sender (BCCLA lawyer)

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Statement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I am in receipt of your letter ... regarding our plant rule that employees' identification cards be displayed at all times while in our facilities.</td>
<td>5 Asserted as given: featured and reproduced</td>
</tr>
<tr>
<td>2. I apologize because no response has been received ...</td>
<td>?</td>
</tr>
<tr>
<td>3. ... I wish to emphasize that the security of the mail is a perpetual and ongoing concern.</td>
<td>5 Implied as given: unfeatured and unreproduced</td>
</tr>
<tr>
<td>4. The particular plant rule ... is but one element ...</td>
<td>5 Asserted as given:</td>
</tr>
</tbody>
</table>
5. I assure you ... it is our intention to continue to offer a safe, consistent and reliable postal service.

Table 8. Preliminary Statement Analysis of Four Letters Exchanged in the Postal Corporation Policy Dispute.

1. Statement type as indicator of speaker position.

Two clear and predictable trends emerge from the data: the senders' sentences are clustered in the range of statement types 1 to 3, and the addressees' sentences are consistently type 5 statements. The policy or referent has the status of givenness or acceptance in the discourse of the managers of the institution that regulates and enforces the policy. For the contract worker and his advocate the policy has the status of contention: it is either queried or rejected.

There is clearly a correspondence between statement type, the use of modals and evidentials, and speaking position. It would seem that despite whatever constructions they have made of themselves as speaking subjects, in order to be more forceful and persuasive, the senders cannot but assume their designated position outside the corporation. As a result, they are required to adopt more frequent and elaborate strategies of modality, and to operate within a correspondingly designated range of statements (approximately 1 to 3). It might be said that they are already relegated to a certain range of manoeuver within which they may creatively pursue their persuasive goal. Addressees operate within what might be described as a more definable range of strategies and
tactics, for the position offered to them--the designated vehicle for their status as speaking subject--is within the institution where they have some authority to speak. Given their apparent agreement with the institution's policies, their uniformly type 5 statements are likely one reflection of their univocity. And where they apparently have little investment in change, their modal choices support a belief in their authority to proclaim the status quo. This is a non-problematic action compared to a challenge to the policy, and requires little tactical innovation. On the other hand, should they wish to challenge a policy themselves, unless there were an institutional change their position would deny them the effective use of negating or challenging statements and disentitle them as speaking subjects if they uttered such expressions. In terms of their position, assertives with the modality of "rules and regulations" are most functional, both for proclamations of the policy and for arguments supporting it.

The different sets of constraints that govern the positionality of senders and addressees are thus apparently correlative with both a pattern of statement type and a grammatical code of modality and evidentiality. A further comparison between these indices of position and the construction of the subject should bring the analysis into the context of the ultimate concern of this investigation. In particular, it is important to explore how and why features of the constructed self (in the rhetoric of the freedom fighter, for example) are consistent with the moves to truth signaled by different statement types, yet are inconsistent
with or subverted by modal choices that in effect betray the fiction of the constructed self. The problem seems to be that statement type correlates with both strategic moves to truth and closure (whether effective or not) and with modality: the former apparently reinforces constructions of the self while the latter reveals the disjunction of the self and the appropriate position. This apparent inconsistency can be pursued by undertaking a statement analysis correlated with codes of modality and contrasted with features of the constructed subject. The aim would be to illustrate how the statement contains such an aletheic operation; that is, how it contains or fosters both conventional discursive constructions of the self that make up types in our cultural narratives (freedom fighter, academic evaluator, researcher, etc.) and power formations or actual positions of speakers which are correlated with modality but not with inappropriately positioned constructions of the self. And it is important to show how these function as knowledge-power.

These speculations will be pursued in the next chapter in an attempt to reinsert micro-analyses of statement type and modality into the philosophical problem of the anxiety of the subject and the individual's paradoxical (aletheic) response. Perhaps subject-dislocation is an effect of a misalignment between possible positions for the subject, which the individual rejects or does not see, and other constructions of self and truth that she utilizes. And perhaps it is this experience of dislocation and powerlessness that serves as the impetus for a shift in focus from this level of
224
global strategy to that of local tactics and resistance.

2. Statement type as evidence of the persuasive process.

As has been asserted throughout, this study resists endorsing
traditional concepts of truth and correctness. Instead one of its
fundamental assumptions is that truth and the subject are social
constructions, arrived at through an agonistic process that, as
persuasion, can be elucidated by rhetorical analysis. It should be
obvious that traditionalists of course do not support this view.
For example, in his study of modality, A.R. White expresses the
traditional belief that a theory of modality should accommodate the
principle of objectivity as applied to concepts of correctness and
incorrectness. He states that it must account for:

the objectivity implied in our use of modal and
evaluative concepts, that is, for such facts as
that, though people may legitimately express con-
tradictory views, only one of these views can be
correct, that we do normally characterize assert-
ings in which modal and evaluative concepts are
used as being true or false, and that we do norm-
ally apply modal and evaluative concepts to items
in the world. (175)

However, in the context of postmodern strategies for putting truth
into question, such objectivity can be construed as metaphorical
objectivity, that is, as an attitude of objectivity necessary in
the game of truth-seeking. An attitude of objectivity is not the
same as a belief in absolute correctness or truth; and as a concept
of objectivity it is quite compatible with my approach. At most,
the theory of modality should identify the discursive implication
of statements as true or false as a pervasive speaker attitude, a
contingent effect of the influence of the scientific game of truth on everyday discourse. Such a theory should make central the notions of trustworthiness (conveyed through modalities of speaker authority) and of reliability (conveyed through related or overlapping evidentials of knowledge or information integrity). It is the will to truth and power that first impels the speaker to appropriate conventional means in truth establishment, but a will that must find negotiable ground, where attitudes of lesser and greater truth and non-truth, certainty and uncertainty, are available for expressing agreement and disagreement. And since speakers are validated and heard from only certain positions in discursive structures (disciplinary and institutional), an intermediate range of choices, however limited, is imperative to the individual’s sense of personal freedom in consensus-building. This range necessitates a contingent, not an absolute concept of (in)correctness and (un)truth.  

Institutional constraints on speaker position, as they are reflected in linguistic patterns of modality and evidentiality, are often equated with ideology—received constructions of truth and reality. Hodge and Kress (1988), for example, relate modality and speaker/hearer relationships to ideology:

Since signifiers of modality are constructed from ideological categories of the semiotic and mimetic planes, modality and ideology can interact, ideology assigning modality values and modality legitimating ideological values. Conversely, a repudiation of the ideological values ... will include a drastic reclassification of its modality. (142)  

Moreover, since patterns of modality seem to correlate with status
and speaker position, in addition to its role in reproducing or altering ideology, it can also be used to realign or construct relationships between discourse participants:

modality judgements typically express and are expressed by other major relationships in the semiotic plane, so that modality markers and definitions of "truth" and "reality" are used to express or construct specific social relationships. (264)

Examining changes in statement type and modality over time is one way to track such changes as they develop in the persuasive process at the micro-level. In their study of the construction of a fact in a laboratory setting, Latour and Woolgar found a shift in the relative frequency of statement types corresponding to polarities of given/new and acceptance/non-acceptance. In the hospital policy dispute examined below. I have utilized the same categories to see if such a shift also occurs. The policy, like the "fact" in the laboratory, can vary in its status; it can be accepted, queried and challenged. And, on the assumption that authority and policy status are related, the position of the speaker should correspondingly vary.

It should be noted that I have chosen the hospital policy dispute instead of the postal dispute above to enhance the data yield. In the small and preliminary sample of letters exchanged in the postal corporation dispute, there seems to be little or no shift in statement type. Both managers utilize exclusively type 5 statements, and both the worker and his advocate utilize type 1 to 3 statements. In this early, strongly polarized stage of persuasion, there is little apparent movement. The one exception
is a single type 5 statement in the lawyer’s letter, and could perhaps represent the beginning of a transformation towards agreement: "We would like to express ... our recognition of Canada Post's legitimate interest in requiring security in its premises to ensure the safe delivery of mail." As a strategy of identification, it is geared to break down differences between addressee and sender. On the other hand, the lack of change in statement type over these two pairs of exchanges may simply reflect the polarity between individual and institution. In terms of speaker position, this representation could be seen to corroborate the view that the average lay person is powerless when challenging state institutions, and that even in a prolonged discursive exchange the polarity might be sustained.

In the following discussion, both speculations are pursued in a description of a more extended exchange. It should be possible to depict the reciprocal relationships of participants by describing the persuasive strategy of identification as a gradual reduction in the polarity of modal expressions used by speakers in disagreement. Presumably modal and evidential choices, which mark moves to truth, will develop some overlap as consensus is approached. This description includes a consideration of any support that might be offered by a statement analysis as well.

The relationship between speaker position and truth construction is explored by extending the earlier analysis of the correspondence between M and the chair of the hospital board. Each letter is initially described in its rhetorical framework, and
then each is analyzed for indices of truth construction. The latter analysis focuses on constructions of the hospital’s policy for patient access to personal information, and includes a comparison of the chair’s (early) responses (two letters) to M’s request to change the policy and his later response (a third and final letter). The two early letters were sent in January/91 and the third in April/91. The overall sequence of letters is as follows:

November 20 and 26/90  M to Chair
November 23/90        M to Director of Hospital Programs, B.C. Ministry of Health
December 17/90        Director’s response to M
January 9/91          Chair’s first letter to M
January 22/91         M to Chair
January 28/91         Chair’s second letter to M
February 11/91        M to Solicitor for hospital
February 28/91        Solicitor to M
March 15/91           M to Solicitor
April 4/91            Government appointee on hospital board to chair
April 16/91           Chair’s third letter to M

What is important in this sequence is the intermediate correspondence carried on between M and government and hospital representatives. This correspondence reveals that, by the time the chair writes his third letter (about three months later), certain events have taken place. The Director of Hospital Programs for the provincial government has spoken to the Vice-President of Medicine
at the hospital and has expressed support for the current policy, which requires patients to go through their physicians to access their medical records. M has requested and received from the hospital’s solicitor the name of the board’s government appointee. The solicitor has talked to M by phone and has expressed unequivocal support for the current policy. Finally, in a letter immediately preceding the chair’s last response the government appointee has written to M that the chair will:

... provide [M] with a copy of the Hospital’s policy in regard to the release of medical records as at October 1990, which [M] requested earlier [and] ... will further respond to the eight points in [M’s] letter as he thinks are appropriate.

The appointee also states that he "[has] been advised that these written responses from [the chair] will be complete and mailed to [M] by the end of [that] week."

An initial description of the chair’s two early letters indicates how he has positioned himself rhetorically. The first letter is written in response to a seven-page request from M to change access guidelines at the hospital, with support from her own personal research (transcripts of a number of telephone requests M made for access to personal records at a variety of hospitals, and references to other policies and laws on access to personal information). The chair’s first letter is reproduced below:

Dear

In response to your correspondence of . . . , please be advised that your concerns were brought to the attention of the Board of Trustees at their last regularly scheduled meeting . . . . As a result of the discussions that took place at that meeting, our current policy was reviewed and we are satisfied that it does provide the
patient reasonable access to their medical charts. The only requirement is that the patient's request for access to the medical charts be discussed with the attending physician. We believe this is a reasonable request, however, we have asked our Medical Records Committee to review this policy in due course and to provide us with any comments they may have.

Thank you for bringing your concerns to our attention and should any further developments occur with respect to this issue, we will advise accordingly.

The chair is authorized to write this letter first because of his status as chair of the board. The letter head reflects his institutional membership. His reference to the Board members' decision that the current policy is satisfactory reflects his right to speak for the hospital, and his use of "we" and "our," although common practice when referring to committee transactions, reflects his identification with the hospital board and his influence. In particular through this use of the "royal we" he symbolically appropriates for himself "ownership," or at least governance over the Medical Records Committee ("our Medical Records Committee"). His authorization is thus so pre-constructed by his institutional identity that he can confidently assume a tone of authority and assert that, should future concerns develop, "we will advise accordingly."

While this letter is rather cursory (as M points out in her response), it does incorporate sufficient elements of a discursive structure one might describe as the "official investigation," a common institutional discourse that aids the speaker in establishing the credibility of his claims. For example, he discredits the results of M's "research" (her term for the
transcripts and studies which were a major portion of her letter), and reduces it to merely "your concerns." He does not disclose much of his own "findings" (details of the "discussion" at the board meeting). But as a responsible investigator he reports that he did ensure that M's "concerns were brought to the attention of the Board" and that "as a result of the discussions . . . [the] current policy was reviewed and [members] are satisfied that it does provide the patient reasonable access to their medical charts." He then reiterates the rule that access requests should be discussed with the attending physician, describing it as a "reasonable request." The Chair's recourse to "reasonable" (twice) reinforces the sense of rationality and procedure that should inform a respectable, "objective," investigation. The status of M as subject is put into question from this perspective since her seven pages of argument and evidence have been so reduced to mere "concerns," and also since the chair, having carried out a proper investigation, implies an institutionally sanctioned end to the issue she has raised.

As in his first response, the second letter from the chair reflects a tone of condescension and authority:

Dear

We are in receipt of your correspondence dated . . . . Firstly, the letter dated . . . that you question was a cover letter by your addressed to . . . in which you enclosed the letters written to the Board (dated . . . ).

Secondly, as previously stated, your concerns were brought to the attention of the Board of Trustees at their . . . meeting. Although we appreciate the research you conducted, this is a hospital policy
matter and as it was **unanimous** conclusion among the Board members that our current policy is satisfactory, this is no longer a matter for Board examination.

We have therefore referred your file to our patient representative, . . ., and would suggest that any further communication with respect to this matter be conveyed to her.

In spite of a self-assured reliance on his official status as Chair and his connection with the hospital, perhaps provoked by M's response, he does implicitly concede that M has conducted bonafide research. He then invokes his own authority as hospital spokesperson to exclude further consideration of M's petition:

> Although we appreciate the research you conducted, this is a hospital policy matter and as it was a **unanimous** conclusion . . ., this is no longer a matter for Board examination.

In order to responsibly end a relationship, terminate an employee, or simply dismiss a troublesome associate, speakers adopt a certain pattern of strategies. First the Chair provides information about M's "second letter" which could be seen as a conventional, initial gesture of good will. He then reiterates the previous decision as clearly as possible so that there will be no misunderstanding or messy ending to the association ("it was a **unanimous** conclusion"). This reiteration, however, is accompanied by an effort at placation (and politeness) to defuse the dismissed person's response: "we appreciate the research you conducted."

Finally, the Chair refuses future reconsiderations ("this is no longer a matter for Board examination"), and terminates contact with M:

> We have therefore referred your file to our patient representative. . . and would suggest that any further
communication with respect to this matter be conveyed to her.

The Chair's response to M is achieved through these conventional strategies for dismissal and would seem to be effective. In his discourse M is constructed as fragmentary. She seems to merit politeness strategies but is condescendingly denied legitimacy, both in terms of her "research" and in terms of her status of speaker. She will be treated civilly but denied a voice in his institutional presence. This may be what Spivak means in her description of subject reduction: while there is the reduction of a potential subject to the object-form, it is not a total reduction, but instead a disappearance "into a violent shuttling . . . between subject- and object-status" ("Subaltern" 128). In the final chapter of this study, this quasi-reduction of the subject is explored in relation to the question of the possibility of effective resistance by individuals positioned like M in relation to institutions. The use of modality as an encoder of politeness is a key resource and function in such conflicts.

The chair's last letter, much longer than the first two, is a fairly formal recapitulation of the procedures and rules involved in the hospital's access to personal records policy:

Dear

In response to your letter of . . ., I offer the following comments:

Question #1:

[The] Hospital's Policy and Procedure Manual has within it a section titled "Release of Information". This section has a number of policies and procedures which deal directly and indirectly with
Medical Records. All policies and procedures are reviewed on a regular basis and are updated as deemed appropriate. The last review of the policies and procedures relating to the release of information was done in the Fall of 1990 prior to the Accreditation review (See attached "Policy Statement and Related Procedure, Appendix "A").

**Question #2 and Question #3**

The terms Charts, Medical Charts, Hospital Records and Medical Records are interchangeable. The content of the Hospital record or medical chart includes all information as defined within the British Columbia Hospital Acts. The term "Attending" is often substituted for the term "Attending Physician". The attending physician is the physician who has the primary responsibility for the care of the patient during the individual's hospitalization and the attending physician is the individual responsible for the completion of the medical record.

The current policy in [the] Hospital is that all requests for medical records be made in writing to the Medical Records Department. All requests by patients for access to the medical record are referred to the attending physician prior to any such release being made. In many circumstances the individual patient discusses ahead of time with the attending physician his or her desire to review the medical record. On rare occasions, individuals do show up at the Medical Records Department requesting the opportunity to review their records. In these particular circumstances the individuals are requested to complete the release of information form. At the same time the attending physician is contacted and if there are no concerns expressed, the individual is allowed to review the record in the Medical Records Department. Often the attending physician will meet the patient in the Medical Records Department to answer any questions.

The Medical Records Department handles numerous requests from patients for their medical records. Patients are informed as to the Hospital's policy and provided with directions as to how they might access their records. In no circumstance, once a completed request has been approved, have our patients been denied access to their charts, which may include photocopying the record. (See attached "Guidelines for the Release of Information", Appendix "B").
Question #4:

The release of information to other physicians or other hospitals is covered in a very detailed policy which is designed to guarantee confidentiality of the medical record. This includes verification of the authenticity of all calls and written request prior to any medical records being released outside the hospital to other physicians or institutions.

All members of the Medical and Hospital staff are aware of the policies as they relate to the Medical Records Department.

Question #7:

As you are aware [the] Hospital, at the present time, does not have a patients’ bill of rights. We do, however, have a Patient Representative and believe this to be a unique program in British Columbia.

Questions #5, #6 and #8:

These are internal . . . Hospital Board matters and I would like to think that, upon reflection, you would agree that it is somewhat impractical for me to attempt to answer these questions.

I trust that this letter now satisfactorily deals with your concerns.

The following table offers data for a comparison of the early and later letters in terms of modality, evidentiality and statement type.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Modality/Evidentiality</th>
<th>Statement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Non-modalized</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Evidentials: November 20 and November 26, 1990 (recency)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Non-modalized</td>
<td>4 (policy is mentioned and sup-</td>
</tr>
</tbody>
</table>
that took place, policy was reviewed, reasonable access (verification, validity)

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Modality/Evidentiality</th>
<th>Statement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Non-modalized, formulaic Evidential: dated January 22, 1991 (recency)</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Non-modalized Evidentials: dated November 26, written by you (recency, source)</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Non-modalized Evidential: as previously stated (verification)</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Non-modalized Evidential: a unanimous conclusion (verification)</td>
<td>4 (policy is featured and supported)</td>
</tr>
<tr>
<td>5</td>
<td>Modals: would suggest, communication ... [should] be conveyed</td>
<td>4 (policy indirectly mentioned: this matter)</td>
</tr>
</tbody>
</table>

Chair's third letter:

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Modality/Evidentiality</th>
<th>Statement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Non-modalized Evidential: reference to policy &quot;Manual,&quot; &quot;a section&quot; (source)</td>
<td>4 (policy is mentioned and given)</td>
</tr>
</tbody>
</table>
Non-modalized
Evidential: "this section" (source)

Non-modalized
Evidentials: "reviewed on a regular basis," "updated" (verification)

Non-modalized
Evidentials: "the last review...in the Fall of 1990 prior to the Accreditation review" (verification, recency)

Non-modalized, formulaic
Evidential: reference to supporting document "Policy Statement ..." (source)

Non-modalized

Non-modalized
Evidential: "as defined within the British Columbia Hospital Acts" (source)

Modal: often (usuality, rules and regulations)

Non-modalized

Modal: "requests ... [are] to be made" (rules and regulations)

Non-modalized

Modal: "in many circumstances" (usuality, rules and regulations)

Modal: "on rare occasions" (usuality, rules and regulations)

Modal: "in these particular circumstances" (tentative, rules and regulations)
<table>
<thead>
<tr>
<th></th>
<th>Modality</th>
<th>Statement Type</th>
<th>Evidentiality</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Non-modalized</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Modal: &quot;often&quot; (usuality, rules and regulations); &quot;will meet&quot; (rules and regulations)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Non-modalized</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Modal: &quot;they might access&quot; (rules and regulations)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Modals: &quot;in no circumstance&quot; (usuality, rules and regulations); &quot;may include&quot; (rules and regulations)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Non-modalized, formulaic Evidential: reference to supporting document &quot;Guidelines...&quot; (source)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Non-modalized Evidential: &quot;a very detailed policy&quot; (validity, source)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Non-modalized Evidential: &quot;verification of the authenticity of all calls&quot; (validity)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Non-modalized</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Modal: &quot;as you are aware&quot; (presumptive)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Modal: &quot;we ... believe&quot; Evidential: &quot;a unique program&quot; (validity)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Modals: &quot;I would like to to think ... you would agree,&quot; &quot;it is ... impractical&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Modal: &quot;I trust&quot;</td>
<td></td>
<td></td>
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</tbody>
</table>

Table 9. Modality, Evidentiality, and Statement Type in the Chair's Letters.
Although M herself has no direct audience in the chair, by mobilizing the voices of state and institutional authority, she is apparently able to bring some pressure on the chair. While her own discourse constructions change little in tone, modality, and self-construction, the institutional voices of the mediators do suggest movement toward an institutional version of, or agreement on, a solution to the problem. They re-define her problem and work out a decision. Fundamentally they all express or imply support for the hospital’s policy, which is clear from the chair’s discourse. His strategies seem to aim for identification with other state and institutional authorities by cooperating with their requests, but since they are vested in endorsing the policy he need not change his relationship with M. These rhetorical strategies are indexed in his grammar. There is general corroboration for this interpretation in the lack of significant difference in modality in the chair’s earlier and later letters--and a possible indication that his positional attitude towards M has not changed. In other words, the relative consistency in his use of modality--to convey his sense of authority about both his judgements of the status of the policy and his own status vis-a-vis M, as well as the type of statements his utterances belong to (which convey the desired status or "truth" of the policy), suggests a lack of movement on his part towards any agreement with M that the policy should be changed to allow patient access to medical records without physician permission.

There is only a modest increase in his use of modality as an
index of his authority and position. Table 10 depicts the incidence of modals in the chair’s letters. Expressions of the modality of rules and regulations in his explanation of procedures and rules have been noted but not included in the tally, for they have only an indirect function in terms of speaker attitude towards the policy (epistemic modality) or towards M (deontic modality). Of importance here are those modals that are clearly related to the status of the policy from the speaker’s point of view.

<table>
<thead>
<tr>
<th>Letter</th>
<th>Modals: verbs, adjuncts projecting clauses</th>
<th>Modals: rules and regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Two</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Three</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>

Table 10. Incidence of Modals in the Chair’s Letters.

While the number of modals directly related to the referent does double, the eight modals in the last letter are all clustered in the last four of twenty-seven sentences, and seem to reflect the chair’s awareness that, since his earlier letters have invited opposition and criticism, and since institutional officials are scrutinizing his response, it would be in his own interest to be tactful and adopt appropriate expressions of politeness and deference. While this letter is expressed with the force of authority, the increased use of modality nevertheless reflects a somewhat diminished sense of self-confidence. The chair thus extends an invitation for agreement in this letter to M. In Hallidayan terms, a high median value of obligation is conveyed:
"I would like to think that, upon reflection, you would agree that it is ... impractical" and "I trust that this letter now satisfactorily deals with your concerns." With the presumptive projecting clause, "as you are aware" (which implies strong agreement as in "no doubt") this cluster of modals is congruent with the chair's position of institutional authority and with the dominance of type 5 statements. And this turns out to be effective. At the time of this writing, his response has not been seriously challenged by other institutional authorities even though M continues to write to such authorities--public health and hospital representatives, provincial and federal ministers, and advocacy groups.

Another perspective on the data might suggest how this institutional hegemony has operated to co-opt and silence M. There is a significant difference between the early and late letters in terms of the presence of evidentials in the chair's discourse:

<table>
<thead>
<tr>
<th>Letter</th>
<th>Evidentials</th>
<th>Types of Reliability</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>6</td>
<td>recency, verification, validity</td>
</tr>
<tr>
<td>Two</td>
<td>5</td>
<td>recency, source, verification</td>
</tr>
<tr>
<td>Three</td>
<td>13</td>
<td>recency, source, verification validity</td>
</tr>
</tbody>
</table>

Table 11. Incidence of Evidentials in Chair's Letters.

The increased use of evidentiality, about two and a half times the earlier incidence, may reflect a strategy geared less to reach an agreement with M than to reinforce identification and agreement among the chair's state and institutional peers. For this audience, the model for establishing truth and right is based on
the provision of evidence that has the support of time, precedent, and state authority. This orientation is also reflected in the predominance of type 5 statements. The chair heeds his position relative to these peers, not to a non-expert, ex-patient who has no direct power over his reputation and advancement. This certainly seems to be the context that drives the chair's final letter.

A closer look at the letter to M from the government appointee, who represents both state and institutional power, provides further support for this interpretation of the chair's strategy. The appointee "confirms" for M that the chair "will provide [M] with a copy of the Hospital's policy in regard to the release of medical records as at October 1990" (as she had requested), and that the chair "will further respond to the eight points in [M's] letter as he thinks are appropriate." The high value of obligatory modality ("will") reflects the appointee's positional power as a board member, and not the force of M's requests. This institutional cohesion of positionality is also evidenced in the chair's capacity to mystify his authority over M by an assertion of secrecy ("These are internal ... matters"). Furthermore, such mystification enables the chair to disclaim his own responsibility ("it is ... impractical for me") through deferral to the authority of the Board:

These are internal . . . Hospital Board matters and I would like to think that, upon reflection, you would agree that it is somewhat impractical for me to attempt to answer these questions.

Based on both this description of grammar and its potential relationship to power, one might speculate that, if M has not
succeeded in her objective to have the policy changed, she has not exactly failed either, for her actions seem to have contributed at least in part to a temporary reconfiguration of the chair's power. It may be that her tactic to provoke those with institutional authority to at least take up her questions creates an opening, a riparian line of force, that may eventually become aligned with and influential (if only temporarily) upon certain power-knowledge strata, the adjustment of which may even permit eventual official change by official bodies. As it turns out, with the passing of Bill 50, the Freedom of Information and Protection of Privacy Act, by the B.C. government in June, 1992, the conditions for changing such hospital policies may soon exist. Much of the impetus for this bill came from the B.C. Freedom of Information and Privacy Legislation Association (FIPA), an advocacy group that M and others like her have lobbied. M thus incites a variety of spokespeople through which her concern and challenge to the policy become re-inscribed, both negatively and positively, but repeatedly: a "charge" builds around the policy, opens up and intensifies along certain lines of force. The spokespeople include officials within the hospital, in both the provincial and federal governments, advocacy groups such as FIPA, and (through advocacy groups) officials of the media. As M engineers the multiplication of this discourse at the local level, certain lines of force are also reinforced and the issue is eventually raised to a level of institutional salience. As this intensification develops, the issue is inserted at appropriate junctures with other forces, such
as the political correctness that attends issues of rights and freedoms. Ultimately, M’s addressees and appropriated authorities are positioned such that their reinscriptions of her statements coincide with institutional power. A number of calculations and accidents at an auspicious moment and place bring about the conjunction of statement, position, and power. It is therefore not simply a matter of the discursive structure that M borrows as a persona that induces the emergence of her desired objective. Nor is it a matter of merely multiplying inscriptions of one’s challenge among a variety of highly-placed officials: they must be carefully selected for the strategic possibilities in their position in relation to relevant structures of power. This is why the contract worker’s action of copying his letter to the three national leaders at the time, Mulroney, Turner, and Broadbent, does not apparently generate any further influence. He thinks too globally perhaps, in terms of grand power struggle, opponents, and strategy—whereas he might have pursued a more subtle, tactical approach. Unlike the officials M writes to, who are associated with health care and privacy, national leaders are only in very indirect ways connected to the postal corporation and privacy issues.

It should however be emphasized that, while lay petitioners may eventually achieve their specific ends, the structures that impede or restrain their efforts persevere and must be re-negotiated each time. The lines of force that have enabled their efforts are temporary and multiply various. The particular
combination of spokespeople and the unique interaction of their particular, respective lines of influence and exigency are unlikely to be repeated or reinscribed, even in a similar dispute. Individuals and the advocacy groups that represent them are always both handicapped and enabled by their outsider status. They are faced with the ongoing challenge of forging tactics to enhance certain lines of political force with a hodge-podge of available means. They build rickety bridges to power no engineer would consciously reinscribe as a model for duplication.

IV. Conclusions

The analyses in this chapter have yielded certain formulations of the relationships between modality, rhetorical strategy, and institutional power. The following are my preliminary conclusions:

* A decreased incidence of modal expressions suggests a speaker who can rely on institutional power instead of persuasive tactics, and construct herself as a speaking subject who experiences little or no incongruity between this construction and her real position in a structure of power.

* Conversely, an increased use of modality suggests a speaker who, in a real position of less power relative to the addressee, must adopt tactics for protecting the authority of his statements and for advancing his persuasive purpose.

* Incongruity between the rhetorical and grammatical domains of a given discourse seems to undermine speaker credibility and encourage dismissal by addressees.

* In a discursive exchange, as a polarization of views decreases, the uses of modality by both the sender and addressee in the disagreement tend to converge. In other words, the need for modality markers may decrease or increase in a convergence of modal use that corresponds to a balance of power as consensus-based.

* Moreover, as a convergence of views occurs, it may be that the frequency of modality use and the type of modality also undergo corresponding changes.
Statement analysis indicates that, in a discursive exchange, the petitioner-sender's utterances reveal a preponderance of markers of an attitude of contention towards the referent under discussion, and that the addressee's utterances reveal a preponderance of markers of an attitude of acceptance of the same referent.

The different sets of constraints that govern the positionality of senders and addressees are apparently correlative with both a pattern of statement type and grammatical codes of modality and evidentiality.

In certain respects, both addressees and senders seem to be "already" relegated to a range of manoeuvering within which they may exercise some creativity in their pursuit of a persuasive goal. However, addressees seem to operate within a more definable range of strategies and tactics, that is, within the institutional space and positionality that create addressee authority.

The statement is an aletheic phenomenon: it seems to contain or foster both conventional discursive constructions of the self, that make up types in our cultural narratives, and power formations or actual positions of speakers which are correlated with modality but not with inappropriately positioned constructions of the self.

Increased use of modality and evidentiality by institutional authorities in conflict with the individual-petitioner may reflect a strategy geared less to reach an agreement with the individual than to reinforce identification and agreement among institutional peers cognizant of the conflict.

Tactics used by individuals to provoke those with institutional authority to take up and thus reinscribe an individual's complaint or request may create openings that can eventually, though temporarily, become aligned with, and influential upon, certain power-knowledge strata. Such conjunctions of statement, position and power exist quite separately (and are sometimes even disjoined) from discursive structures that the individual has borrowed in order to create an effective persona.

The productive aspect of this manoeuvering for power is pursued here by the insertion of this discussion into Foucault's theory of (self-)government and its corollary of resistance as opposed to conventional power struggle. The proposed interjacency of these two domains should enable a return to the key concerns of this investigation: the question of the anxiety of the subject,
further explication of those strategies individuals adopt to alleviate the sense of dislocation (such as seeking membership in the community of advocacy), and deeper scrutiny of the relationship between micro-analyses of power and macro-level rhetorical criticism.
Notes to Chapter Four: Archaeology, Rhetoric, and Pragmatics

1I have deliberately avoided using the term "microlinguistics," which connotes decontextualized analysis (see Lyons 1977, Vol. 2, 590, 632-633) precisely because my intent is to examine modality in certain of its pragmatic, rhetorical, and therefore contextualized uses. Also see Lyons (1977) who does however note that "although there are methodological advantages in restricting one's attention to what we earlier referred to as microlinguistic semantics--the semantic analysis of maximally decontextualized system sentences . . . , there are limits to this process of depragmatization, as far as the representation of modality is concerned" (849).

2Palmer points out that "Epistemic necessity, unlike factual assertion, makes ... a judgment; making the strongest of all judgments is not the same as making a factual assertion ... a factual assertion makes a stronger claim than the strongest of all epistemic judgments" (43).

3For a complete list of modal verbs (both central and marginal) see Quirk (1985) and Palmer (1979).

4While some linguists distinguish between evidential and validational, for the purposes of this study both are classified as evidential.

5See Chafe ("Evidentiality" 266-270).

6Descartes describes the mental attitude of objectivity in Discourse, p. 92.

7See also Lyons (1977 Vol.2) on "straightforward statements of fact" (797, 809).

8The obtrusion of contingency, however, does not prevent the development of an objective definition of truth that is also contingent.

9The "Discussion Paper on Extending Law to Remaining Public Bodies" was released in September, 1992. The B.C. government hopes it will lead to access to information and protection of privacy legislation in 1993 to cover local governments, municipalities, hospital and school boards, universities and colleges, and self-governing professional bodies.
I. Aletheia and Power

In the analyses of Chapter Four, I have pursued the phenomenon of power through certain of its aletheic manifestations in discourse. The linguistic coding of modality has provided one kind of evidence for a preliminary grammatical description of the operation of truth games in persuasion. In this section, the discussion takes a further theoretical turn in an effort to suggest how such linguistic patterning, an index of the status of truth and the position of the speaking subject (reflected in modals, evidentials, and statement types), is further reflective of the operation of power and aletheia.

Among others, Kress and Hodge (1979) articulate the connection between discourse and power in general. They state that "[t]he grammar of a language is its theory of reality" (7), and elaborate as follows:

Ideology involves a systematically organized presentation of reality. ... If a systematic theory, an ideology, is guiding the use of language here, then we could expect systematic use of linguistic forms to be evident. (19)

The "theory of reality" encoded in grammar and reflective of a dominant ideology is also correlative with privileged conceptions of truth within that ideology and should indicate how a version of truth is promoted through linguistic choices within the code. Such a theory of reality, the force of which is revealed in choices and
changes in modality and corresponding speaker position, may therefore also reveal the paradoxical (aletheic) nature of truth: its double move to both reveal the truth of truth (contingency) and to conceal it so that closure and illusion necessarily prevail. In the examples examined so far, there are two aletheic operations, one related to subject construction, and the other to truth construction.

First, in the policy challenges above, one could say that the will to power motivates lay individuals to challenge the "truth" or status quo and the received nature of institutional policy; yet these individuals ultimately must borrow official, non-lay voices to espouse their cause so that an examination and any ultimate dismantling of the policy come under the control of those who are institutionally invested. Any potential opening up of the policy entails a restriction of the individual’s voice. The challenge becomes transformed through the appropriation of organizational, disciplinary discourse. The statements of disciplinary discourse transmute the utterances of individuals into the hegemonic, institutional discourse of the "addressee" (who has speaking status), which is aligned with the will to power and salient positionality. As her voice becomes tamed, absorbed, and reduced to the same, there emerges an institutional subject-object who is marginal, excluded, silent. The contract worker, as we have seen, also produces and is produced by an aletheic phenomenon. In effect, he seals himself off from any transactional potential in the challenge itself through the construction of an adversarial
persona uncompromisingly staged (and positioned) as the other.

In terms of truth construction, because the individual's challenge to the institution (the edifice of "truth" symbolized by the policy) may seem vulnerable, it will often be followed by a response of repossession as the policy is reinscribed into the institutional fabric. Challenges to the status quo are discursively and necessarily attended to just as an accident is policed, cordoned off, and rationalized into a category of normalcy. On the other hand, this rationalization takes place exactly as contingencies are disclosed. In addition to the voice of dissent, a positivity is produced, a trace of resistance that must be woven into and incorporated as part of the dominant discourse. Every contingency invites another re-action of closure. "Consistency," for example, becomes a politically expedient argument in support of enforcing the postal corporation I.D. policy: it functions to absorb the challenge to power when contingent possibilities are introduced in the concept of individual differences and exceptions, which the worker requests. Exceptions may be tolerated elsewhere, but here the manager claims that the "security" of the postal corporation might be jeopardized if the instrument of surveillance (the ID tag) does not have a totalizing function. "Consistency" is invoked, instead of "exceptions" as in other policies and laws, in order to maintain panoptic control. In other circumstances exceptions would be preferred to consistency, for example in response to the concerns of people with special needs or in special circumstances, such as
single parents. The contract worker's reason for exceptional treatment, his contract status, does not elicit a comparably sympathetic response. Moreover, the rational appeal of consistency is less likely to be seen as an encroachment on individual freedom. In any case, the move to closure seems to succeed, and the policy remains protected from challenges of dismantling and revision.

Productive strategies such as the incorporation of "consistency" into the narrative of security are not simple confrontations of power, but involve a confluence of forces. Institutional authorities can attend to and incorporate certain salient statements in an ongoing negotiation with critical forces. Rules, regulations, and other discursive mechanisms of control are adjusted through re-actions of closure in order to "discipline" individuals and protect state power. However, the force of the individual is not separate from the force of the state. In neo-liberal political systems, this dynamic of disciplinary collusion has been substituted for sovereign force. As Gordon explains, the neo-liberal model for government emulates the economic model which redistributes risk and capital on an exchange basis within a certain system of constraints:

The fulfillment of the liberal idea in government consists--over and above the economic market in commodities and services ... --in a recasting of the interface between state and society in the form of something like a second-order market of governmental goods and services. It becomes the ambition of neo-liberalism to implicate the individual citizen, as player and partner, into this market game. (36)

In the disciplinary model of government, the exchange principle
operates to regulate and distribute individual freedom so that the

cost of freedom to the state is minimized:

The notion of the social body as a collective
subject committed to the reparation of the in-
juries suffered by its individual members gives
place to a role for the state as a custodian of
a collective reality-principle, distributing the
disciplines of the competitive world market
throughout the interstices of the social body.
The state presents itself as the referee in an
ongoing transaction in which one partner strives
to enhance the value of his or her life, while an-
other endeavours to economize on the cost of that
life. (45)

As social responsibilities, formerly relegated to the state, have
devolved to the micro-level of government (institutions, advocacy
groups, etc.), individuals have been drawn into roles of greater
initiative in order to guarantee a comfortable degree of freedom
within the range tolerated by the state for whom the maintenance of
power remains paramount. In this model, for example, government
utilizes the rhetoric of human rights, but is not correspondingly
committed to enacting the promise of its rhetoric. The exchange or
distribution model, however, preserves the illusion of such action:

The priority of the neo-liberal government here
is not indeed to annul [the marginally responsible],
but rather to dissipate and disperse the mass of
handicaps present in a given society. (46)

Institutions therefore revise their narratives to serve
prevailing ideologies and truths, carefully expanding and rewriting
themselves to incorporate the changing threats to their power that
arise from actions of freedom. At the same time, as part of this
revision, their laws and policies, that apparently support the
individual's rights and freedoms, are also rewritten. Recent
proposals for access to information and privacy protection legislation in B.C. illustrate such rewriting. In June, 1991, the (previous) Social Credit government, which had been the subject of a series of scandals involving breach of trust and secret deals, proposed Bill 12 for such legislation. As an obvious move to stem the flow of criticism from journalists and politicians, who were repeatedly denied access to government information on the basis of the principle of "ministerial secrecy," the government's press release included the following statement:

"Introduction of the proposed Access to Information and Protection of Privacy Act underscores our government's commitment to open and accountable government... ("Message From the Minister")"

By acceding to the demand for legislation, the government had an opportunity to rewrite the story of its recent history. Moreover, the proposed legislation similarly appropriates the advocacy discourse (of FIPA), for its human rights rhetoric. No such legislation has ever existed in B.C. so this bill represents a major re-inscription of the theme of rights and freedoms as supplied by advocacy and other official groups. In the proposed legislation, of the five stated purposes three refer to rights:

(a) to give the public a right of access to information in government records, subject to ...
(b) to give individuals a right of access to personal information about themselves in government records, subject to ...
(c) to give individuals a right to request the correction of personal information about themselves in government records, ...
(Bill 12 5)

While this rhetoric is also borrowed from the federal act, it
involves a mutual rewriting by both critics and supporters of past government policy. A second bill, passed in June 1992 by the succeeding New Democrat government, is based extensively on submissions from advocacy groups, in particular from FIPA. We see collusion, co-optation or collaboration (as one wishes) in FIPA's response:

FIPA described it as "...well on the way to being the best FOI and privacy act in Canada," .... FIPA President ... described the effort as "the fairest and most progressive piece of legislation in Canada to date. ... Bill 50 also received a good reception from many leading journalists and commentators in the province .... However, it was not without its critics. ... These claims were quickly countered by information law expert Murray Rankin, by FIPA's President David Loukidelis, and by B.C Civil Liberties' John Westwood, who asserted that "The general balance the bill strikes between access to information and the requirement for government secrecy is a good one. The privacy protections are strong, and they should be..." ("Freedom of Information and Privacy Association" Bulletin 1)

As the consensus is achieved, institutional univocity emerges. As institutional power is redistributed, modalized expressions give way to assertions of facticity, and the tone of challenge gives way to one of agreement. It is at the more local level of policy challenge that investigation can reveal traces of the moves to construct or protect the received truth of the policy's status. Policy challenges from lay individuals can contain contingent or anomalous elements that would open up and expose the flaws in the fabric of truth. If they have some cultural force, these problematic elements are incorporated; if not they can frequently be successfully ignored. Often they disappear from the arguments of both advocates and opponents, and are not reproduced at the
ministerial level. For example, the victim status of the contract worker is implied in his comparison between regulations at the postal corporation as a threat to his person and the persecution of Jews, serfs, and cattle. These analogies fit neither the BCCLA nor the corporation’s narrative of security. Nor does the worker’s argument that there is no reason to enforce I.D. policies where people are known to each other or where the mail is already safe. In the operation of aletheia, these problematic situations are transposed from the narrative of state security to that of the "security" of the mail.

The historical development of state security as a principle occurred with the delegation of the mechanisms used to ensure the security of the sovereign at a multiplicity of institutional sites instead of a central locus; and recently (in current legislation) as part of the western world’s repertoire of war and espionage stories. It continues to be invoked as a fundamental principle in legislation. Rankin notes that the language of the Official Secrets Act

remains that used by British Parliamentary drafts- men on the eve of World War I. Although the Act was passed in order to deter espionage it has served to codify the concept of government property in information. Couched in very sweeping, ambiguous language it encompasses much more than traditional notions of spying. (Freedom of Information in Canada: Will the Doors Stay Shut? 32)

The reproduction of this principle has regularly reinforced its privilege. For example the 1970 Federal Court Act states:

When a Minister of the Crown certifies to any court by affidavit that the production or discovery of a document ... would be in-
jurious to international relations, national
defence or security, ... discovery and pro-
duction shall be refused ... (quoted in Rankin
25)

The sanctity of the term "national security" has been used to
protect state control and actions repeatedly, as Rankin points out:

it seems sufficiently clear that at any time
the Canadian Executive sought to camouflage
a politically embarrassing document behind
the rubric of "national security", the courts
would be powerless to inquire further. (27)

The power of the term and its appearance in institutional lore
attest to Rankin's judgment of its political value:

Inevitably, any general principle of disclosure
will necessarily be tempered by an exception in
the name of "national security." This exception,
therefore, may represent the bottom line of any
legislation on the subject and contains the
greatest potential for scuttling any would-be
changes in the status quo. (3)

Similarly, the narrative of medical authority, another
disciplinary manifestation of state authority, is also utilized to
shore up institutional power. The requested change in the
hospital's policy would permit the disclosure of how M is
constructed as a patient in her medical documents. Just as the
provincial government appropriates elements of advocacy discourse
into the new law, the mechanisms of professional solidarity, which
essentially silence M as an individual and block proposed changes
to the policy, nevertheless reinscribe her concerns in medical
discourse. The effect of this co-optation is the diffusion and
deferral of a potential threat. The disclosed data could be
subject to multiple interpretations such that ethically a doctor's
construction of illness might be put into question. Direct
patient access could displace doctor authority and reveal the forces of indeterminacy, or conversely of professional face-saving strategies, in medical practice. Through official spokespeople such disclosure is forestalled by excision or refusal to take up and respond to M’s research and criticisms, which attests to the general fate of type 1 statements which could otherwise open up the question of doctor authority. In effect, M’s challenge is deferred first through the authority of the medical profession as represented by the board appointee who acts as a mediating authority, and then through the authority of a higher level of government represented by the official who becomes a second mediating authority. Both the victim statements of the contract worker and the research statements of M have the status of type 1 statements from the point of view of their interlocutors: they remain in a kind of limbo, unacknowledged in the disciplinary discourse of medical authority and state security.

The aletheic operation is also evident in the linguistic choices of individuals at odds with institutional power, in their use of modals and evidentials for rhetorical purposes. As has been suggested, heavily modalized discourse (as in that of the lay speakers here) seems to be associated with institutionally marginal positions from where the status quo is questioned. The relationship of the sender to the addressee might explain the need to modalize this questioning as an indication of vulnerability in the status of the sender. In the reverse situation, one could speculate that authorities would challenge a local, non-
institutional practice with little recourse to such modality, but likely with the free application of negative imperatives. The modal choices of the sender mark both her resistance to the policy and her awareness of her relative position.

The modals and evidentials in M's speech indicate to what degree her discourse is shaped by the rule that, to be heard, she must utilize a number of features of institutionalized speech, including those of the politeness code that positions her institutionally as petitioner: "I was left wondering why [the hospital] could not ignore...," "I wondered what were the prevailing conditions ...," "To reiterate, I ask that ...". Her modal choices serve various functions from deferring to authority ("I ask") to protecting her own authority over her information and arguments: "I was left wondering why ..." (instead of a bald assertion), "as you are probably aware," and "as I learned from my family physician." M's assertion of the injustice of the current policy (which is construed in the chair's letter as open and fair to those individuals who deserve the right to know) is only one meaning of her utterances (the propositional). Another is conveyed through the modality that presents the challenge, and this modal meaning works against the first. The paradox is tantamount to self-sabotage. There is first her call for the disclosure of and redress for unfairness, and second the simultaneous submerging of her challenge in the adoption of an available inferior position, reflected in her use of modals. The latter forces seem to have the effect of reversing her construal of the situation and rendering
her collusive in undermining her own authority.

In the chair's response, first the "right to know" is taken up and treated separately as a respected tenet of fairness in the policy. "Patient access" is also taken up but the pivotal request for "direct" access is ignored. And in the discourse of mediating officials, M's depiction of the policy as unjust and institutionally self-serving disappears, so that a number of strategies, M's included, undercut her criticism of the policy.

As illustrated earlier, from one perspective the ethos she creates is a failed strategy, a fake persona that cannot activate a suitable narrative. And from another perspective, consonant with the aletheic principle, M's identity as a subject is dependent on finding a structure that will give it salience. An effort is made to conceal its fictive status through moves to reaffirm another, institutionally defined identity, this time an appropriate construction that can sustain the illusion of truth, but which may not, in the end, be effective. Such moves are institutionally driven through the discursive structures of the dominant ideology. These structures function both to protect the versions of truth and reality that support the ideology, and to reproduce their effects: positions, modalities, and statements. Moreover, as a force of alignment with these structural effects, the anxiety of the individual both produces and is generated by a lack of congruity between how she sees and constructs herself as a speaking subject, and how the institution constructs her as object. Similarly, the worker who chooses the persona of a freedom fighter also becomes
dislocated because this persona exists outside the range of his possible subject-positions. It is a fiction adjacent to the structures that seeks but does not find a voice and identity.

Derrida's development of aletheia further elucidates this paradoxical operation. In Of Spirit he concludes his analysis of Heidegger with a discussion of the fundamental human resistance to ultimately disclosing the (un)truth or (non)identity of the subject. The risk of pursuing truth, and the reason for the deferral of the question of the subject (and of meaning itself), is the risk of disclosure of the subject (de)constituted. Aletheia as truth, then, entails the deferral of the unconcealment of truth by human desire through discourse, for discourse constitutes the material of subject construction. Through discourse individuals are prefigured as social entities and public faces, recognize themselves and others, and work out their respective status relationships. Similarly, in his exegesis of Nietzsche's association of truth and woman (Spurs), Derrida explores the contradictory and dual nature of the protection of truth in discursive practices that pursue truth and then inexorably, at the moment of its disclosure, absolutely conceal it. At the end of Spurs, Derrida suggests this modern philosophical ambivalence is in fact a strategy to defer the unconcealment of "the untruth of truth." He deconstructs Nietzsche's unreflective belief in the possibility of the unconcealment of truth. Such a dangerous confrontation with indeterminacy was sought by Nietzsche in his anti-nihilistic pursuit of the richness of multiple truths ("my
truths") as opposed to the metaphysical concept of unitary truth: "the truth." Resistance to this invitation, however, persists, for as Derrida points out, the untruth of truth is also the untruth of being, and at some point the individual must effect closure to protect being:

Being remains absent in a singular way. It veils itself. It remains in a veiled concealment which itself veils itself. ... Inasmuch as it is a concealment, however, it is no doubt a protective concealment which safeguards the still Undisclosed. (Spurs 141)

The recourse to illusion, to the veils of aletheia, is a "necessary but inaccurate" effort to rescue identity and subjecthood. Spivak (1992) discusses this condition of the subject in the context of post-colonialism, noting the social and political necessity to create a determinate (but mistaken) "national" identity:

What we call experience is a staging of experience, .... A most tenacious name, as well as the strongest account of the agency or mechanics of the staging of experience-in-identity is "origin" .... Yet to feel one is from an origin is not a pathology. It belongs to that group of grounding mistakes that enable us to make sense of our lives. ("Acting Bits" 781)

This "grounding mistake" both protects the identity of being and constrains it within the parameters of its definition. To exercise one's being and protect it in the most profound of senses, then, requires a certain tactical play around the lines of definition.

II. The Speaking Subject
1. Subject construction and positioning.

The relationship between the speaking subject and the persona
of a constructed subject can be one of co-extension or non-alignment. They may coincide at a structural site where power can be appropriated; or a constructed self may exist as a mere fiction ("mere rhetoric") unstrategically positioned and marginal to the dynamics of power. For example, M, whose professional identification is not related to medicine, and who is requesting her medical records from a hospital, constructs for herself the persona of a rights expert or a performance evaluator assessing the hospital and its staff. The misalignment between her persona and any empowering institutional position available to her denies her a speaking position, and marginalizes her as an apparently powerless outsider. Like the contract worker in the post office, M will eventually seek more strategically placed advocates.

In effect the individual who aspires to speaking status must manoeuvre with two general sets of constraints. First M must choose a self-construction that at least secures initial attention from her auditors. She is faced with a limited range of possible persona or conventional roles in the available institutional and cultural narratives. Such constructions are described by some anthropologists as "public or positional identities" as opposed to "personal identities." The distinction is a useful one for this discussion, even though here I have restricted the application of "positional identity" to those situations in which the constructed public identity coincides with an institutionally designated speaker position, and "persona" to any public identity constructed by a speaker. Irvine explains as follows:
Formal occasions invoke positional and public, rather than personal, identities .... Public, positional identities are part of a structured set likely to be labeled, and widely recognized in a society .... Personal identities ... are individualized and depend more on the particular history of an individual's interactions. They are perhaps less likely to be explicitly recognized or labeled and less likely to be common knowledge in the community at large. (Irvine 778)

Personal identities have some latitude within which an individual may be able to strategically position her persona to appropriate the power she desires. On the other hand, a second set of constraints inherent in public identities limits her options to only a certain range of positions, so that it is not simply a matter of inventing strategy, but also of negotiating external constraints of positionality which are apparently beyond her power. Sites for the speaking subject are to some extent "always, already" designated within molar structures such as state institutions. As has been established earlier, these structures function to preserve institutional power by proferring the gambit of individual freedom in exchange for a social and apparently benign version of state or sovereign control.

In effect only a limited freedom is available, and from the state's perspective necessarily so, since social order and control can be achieved only through such a limit. As Foucault maintains, what the sovereign formerly controlled through force is now, in liberal democracies of ballooning populations, controlled by local, disciplinary means. Such deferral of the control of mechanisms from a central head to numerous bureaucratic and other "policing" agencies, through the persuasive appeals to individual freedom and
"security," sustains this control without force ("The Ethic of Care"). In his interpretation of Foucault’s theory of "government," Gordon traces the history of these mechanisms in France to their installation in private industry:

this system of delegated, legally mandated ... authority [in post-Revolutionary France] ... does in fact accurately foreshadow both reality and the rationale of the French industrial system ...
(25)

This delegation of authority has necessarily gone hand in hand with rules and regulations, laws and policies to ensure control over the diversity of individuals in growing populations:

the detailed exigencies of order in the sphere of production are recognized by a liberal government as capable of being grasped and determined, not just ... "only by a sufficiently detailed examination", but furthermore only by a delegation of regulatory oversight (and power) to the proximate, distributed micro-level of the individual enterprise and employer. ... Liberal security means here not so much a bonfire of controls as a recoding of the politics of order.
(26)

Foucault’s concept of panoptic surveillance is thus an early theorizing of the relationship between individual freedom and state power:

... the Panopticon follows a similar logic: the function of control by inspection and surveillance passes from the political sovereign to the individual, entrepreneurial manager of the Inspection House. (26)

Ultimately this control pervades both private and public institutions in what Foucault calls the "disciplinarization of the state" ("Lecture" 1978 in Gordon). There develops "a focusing of the state’s immediate interest in disciplinary technique largely on
the organization of its own staffs and apparatuses" (Gordon 27).

The examination of grammatical features in Chapter Four suggests the efficacy of these constraints on individual freedom and how they reflect certain discursive mechanisms for controlling individuals. The latter range from rules for speaking, such as what one is permitted to be an expert on or who one is allowed to address, to rules for how, when and where one is allowed to construct oneself. The speaking subject must conform to different sets of criteria in different institutional settings. There is one set for an I.D.-tagged worker whenever he is present within the postal corporation, another for an ex-patient who may be forever a medicalized subject of hospital records, and another for an employee whose subjecthood is identified as evaluated in a job competition in the records of the public service commission. The evidence of one’s linguistic choices points to a circumscribed pragmatics that accommodates certain conjunctions of a number of vectors of positionality. The positional choices of the speaking subject are dependent on certain conditions of possibility. In his analysis of nineteenth century medicine, and in general, Foucault has investigated these constraints:

... who is speaking? Who, among the totality of speaking individuals, is accorded the right to use this sort of language (langage)? Who is qualified to do so? Who derives from it his own special quality, prestige, and from whom, in return, does he receive if not the assurance, at least the presumption that what he says is true? What is the status of the individuals who--alone--have the right, sanctioned by the law or tradition, juridically defined or spontaneously accepted, to proffer such a discourse? ....
We must also describe the institutional sites from which the doctor makes his discourse, and from which this discourse derives its legitimate source and point of application (its specific objects and instruments of verification). ... 

The positions of the subject are also defined by the situation that it is possible for him to occupy in relation to the various domains or groups of objects: according to a certain grid of explicit or implicit interrogations, he is the questioning subject and, according to a certain programme of information, he is the listening subject; according to a table of characteristic features he is the seeing subject, and, according to a descriptive type, the observing subject; .... To these perceptual situations should be added the positions that the subject can occupy in the information networks... (Archaeology of Knowledge 50-52)

These constraints can seem rigid and non-negotiable, yet they are available to the individual as a set of multiple choices within a certain range. The individual's self-constructions provide evidence of this freedom--one can be a legal expert, a performance evaluator, a freedom fighter, a righteous victim, etc. But such "free" and "creative" constructions can be mere fictions, such freedom can be illusory: the fiction works only if it coincides with a speaking position of relational power. Hierarchical psychosis prevails.

The function of government, in the general sense intended by Foucault, is to create a limited freedom for individuals in the interests of power maintenance. There is a correlation then with the function of government: the pragmatic-grammatical indices of modality and statement type reflect control and power; and the rhetorical, strategic creations of identity forged by individuals reflect the uses, effective and ineffective, of a limited freedom.
This correlation can be further explained in terms of what Deleuze describes as "the primacy of the statement" (Foucault 67). If we think of the "body" as an inarticulable visibility, like the prison or the hospital, we could say that it also generates second-degree statements focusing, like delinquency and illness, on its articulable effects such as the individual, subject, and identity. What is articulable is different from any visibility (the non-discursive), so that an "identity" produced by the statement and discursively reflected in linguistic choices, is fundamentally and radically different from the body or visibility whose meaning can never be articulated or known. The body-desiring-to-be-known, or identified, is presumably masked in a number of identities. Some of these identities temporarily find alignment with vectored positions and seem to confirm the identity of that body. However, because they are also otherwise unaligned with these positions and the framework that has produced them, the experience of identity is ultimately one of tenuousness. Since power is aligned with the statement and its complementary modalities of position, the experience of identity-anxiety can become intensified as unaligned self-constructions are mobilized in an impossible attempt to articulate the body as a unitary and absolute identity. The imbalance between the articulable and the visible promotes institutionally defined identity, rendering other self-defined identities as irrelevant and illusory. To give the body meaning or identity then requires a massive reduction of the great flow of desire and life, a visibility reduced through the superior power of
the discursive. Moreover, the body-individual becomes invisible, disappears whenever it flows over the boundaries of institutional identity into other versions of itself.

2. Institutional talk.

The effectively positioned speaker can be seen as only conditionally possessing "interpretive power." On the one hand, she has the power that the conjunction of her persona and her institutional position confer; on the other hand, her position in the hierarchy is also relative and curbs her enunciatory freedom. On the one hand, she is empowered to represent truth and reality manifested in assertive statements of facticity and givenness; on the other, when responding to challenges to institutional power, she has little latitude for veering from the given institutional talk. Just as the contract worker is heard by the postal corporation only in terms of his inferior worker status, the manager is heard within the corporation only in terms of his own relative status. The lack of fit between persona and position implies the contract worker's "disobedience" as a subject; conversely, the appropriateness of the manager's speech to his position reflects his "obedience" as a subject. This suggests that institutionally the difference between the worker and manager is one of degree and not kind. As obedient subject, the manager must presumably also have recourse to strategies that would enable him to practice his freedom.

Like the hospital board chair, the post office manager reports and affirms rules and regulations from a position of authority and
expertise. The statement modality for such discourse may vary to some extent, but is within a range corresponding to an institutional position that empowers a speaker to interpret on behalf of, and to oblige, his auditors. The modalities of "may" and "can," as used by authorized speakers, cover the semantic gradation from (deontic) obligation to (dynamic) possibility and (epistemic) necessity. This general taxonomy from Palmer has been applied to statements of rules and regulations:

[i] Giving permission, laying obligation.
[ii] Reporting rules and agreeing with them.
[iii] Reporting rules.
[iv] Saying what is possible or necessary. (150)

Such modalities are generally utilized in the formal discourse of institutional rule recitation and are perlocutionary acts of verbal enforcement. In this sense, they resemble ritual speech, and are as such paraphrases of "sacred" institutional documents such as laws and constitutions. The following excerpts from letters written by both the hospital chair and the postal corporation manager are rule statements:

1. We are entrusted with the security responsibilities of our customers' mail. [reporting a general rule of responsibility from another mission statement text or discourse]

2. Further, the cards identify you to your supervisors and co-workers, therefore, making recognition easier for everyone. [reporting and agreeing with a rule]

3. The particular plant rule ... is but one element in a well administered process which Canada Post Corporation has a right to implement to ensure that we keep our obligation of a safe, loss-free postal system to our customers. [reporting and agreeing with the rule or policy, and reporting the general rule of responsibility, implying its source is in some sort of corporate principle]
4. ... and it is our intention to continue to offer a safe, consistent and reliable postal service. [reporting and agreeing with the rule and laying an obligation]

5. Patients are informed as to the Hospital's policy and provided with directions as to how they might access their records. [reporting of rules with implied agreement, giving permission]

6. In no circumstance, once a completed request has been approved, have our patients been denied access to their charts, which may include photocopying the record. [giving permission]

The modality of the rule statement is often coupled with an appeal to logos as an argument or rationale for the rule. For example, the first part of sentence six provides a defensive point, and the latter part the modalized rule assertion ("which may include"). Similarly, repeated and ritualized utterances of organizational objectives (in mission statements, for example) are adapted as appeals to ethos: "safe, consistent and reliable" postal service, and "recognition easier for everyone." These incorporations or "mediations" of other authoritative or "sacred" institutional discourses into the discourse of the effectively positioned speaking subject are strategies to provide both authority and evidence for persuasive purposes. They operate to protect speaker authority just like the strategy of deferral by a proximate speaker to a second or prime speaker, "who will withstand the scrutiny better" (Bu Bois 323).

This general modification in modality, through a strategic alignment between the speaking subject and other authoritative positions, also involves the borrowing of those linguistic features associated with sacred institutional discourse that "contribute to
persuasion by defining [the speaker's] ethos as trustworthy" (323).
While sociolinguistics generally defines ritual speech as strictly and literally sacred, there are some striking similarities between ritual speech and institutional discourse. For example, out of fourteen features identified by Du Bois as characteristic of ritual speech, seven are also found in institutional discourse:

**Ritual register.** A single meaning is often expressed with two different lexical items, one in colloquial speech, the other reserved for ritual.

**Euphemism.** Ritual speech is often highly circumlocutory.

**Meaning opaqueness.** The effect ... is often obscurity in meaning, even for those members of the culture for whom the ritual is being carried out ... and sometimes even for the ritual practitioner.

**Fluidity.** Ritual speech is typically more fluent than colloquial speech. ... without false starts, afterthoughts, or other disfluencies.

**Personal volition disclaimer.** The ritual speaker often explicitly disclaims any credit for or influence on what is said. A traditional source is often credited instead.

**Shifter avoidance.** In much of ritual speech, shifters are avoided, especially those which index the speaker as an individual, particularly "I."

**Mediated speech.** ... the passing of the message through an additional link (or links), so that the simple relation between speaker and hearer is made complex. (Du Bois 317-320)

The following excerpt illustrates some of these features.

As required for employees in many other major corporations where a secure workplace is necessary, Canada post employees also wear identification cards. We are entrusted with the security responsibilities of our customers’ mail.

An example of ritual register and meaning opaqueness is found in the words "secure" and "security," which have an extraordinary
function here beyond their everyday meaning. They are "god-terms" that tend to mystify rather than explain, and derive their force from state discourse on sovereign security. Their mystification is a device to ward off inquiry. A partial disclaimer of personal volition and the device of mediation are found in the reference to evidence that such policies are observed "in other major corporations," presumably of some authoritative status. There is also an avoidance of shifters that would identify the speaker personally--the only personal pronouns are the corporate "we" and "our." This excerpt also conveys the "so-be-it" meaning component of directives that Lyons (1977 825) further associates with "magical" speech acts:

What is especially interesting about magical or sacramental directives . . . is that (according to those who believe in their efficacy) their "so be it . . ." automatically guarantees the truth of "it is so . . .": their perlocutionary effect is an automatic consequence of their illocutionary force. Utterances such as Austin's I name this ship 'Liberte' . . . are not sharply to be distinguished from utterances which we would more readily describe as magical or sacramental. (827)

It is also worth reiterating that the "eternal present" tense, another feature of statements of rules and regulations, contributes to a mystification of the source of authority: since it is clearly in neither the past nor the present, a sense of both the immediate and the eternal pervades the enunciation of the rule, creating the impression that it is self-evident. The following excerpts illustrate this effect:

The only requirement is that the patient's request for access to the medical charts be discussed ...
The current policy ... is that all requests for medical records be made in writing ...

All requests by patients for access ... are referred ...

... the individuals are requested .... the attending physician is contacted and ... the individual is allowed ...

The use of the existential verb also reinforces this sense of timelessness. As Du Bois points out, evidentials and other linguistic devices (modality, tense, etc.) are used by the speaker to indicate how reliable she believes her information or knowledge is: the more recent, the more reliable. This is particularly so in claims of analytical and scientific truth. One can see how the eternal present of existential "be," which suggests unanchored recency and timelessness, is an index of enhanced reliability, and therefore of speaker authority. Further, one can see how in ritual speech its mystifying effect permits the same high level of reliability accorded to analytical truth. Moreover, as noted in the discussion of modality, the ambiguity and vagueness of modal auxiliaries are also used by speakers to mystify. Since modals can refer both to future obligation and to "a general law which applies now, in the past, and in the future" (Kress and Hodge 1979, 125), their ambiguity can be manipulated by those with interpretive power and, if coupled with the eternal present of rule discourse, can contribute to the self-evidence of such an authoritative interpretation. The following excerpt illustrates this strategy:

Often the attending physician will meet the patient in the Medical Records Department to answer any
questions.

As a speaking subject, the chair of the hospital board is in a position that enables him to appropriate a policy and repeat its rules so that they are both self-evident and subject to his authority for interpretation. In his position, he can use modal ambiguity to accrue power through interpretation—speaking not unlike the religious hermeneut to whom prophetic powers are attributed.

As in ritual speech, institutional discourse captures the speaking subject in a practice that is to a great extent already framed for her. To use Spivak’s term, she speaks “ventriloquially” through others (“Acting” 775), her voice co-opted in the effects and production of institutional power. One might go so far as to suggest that as the institutional subject increasingly appropriates the features of mediated speech, she approaches a state of trance. Du Bois describes how, as these features accumulate along a continuum of speaker category, there occurs a transformation from ordinary to trance consciousness:

in the initial category of sovereign speech, the proximate speaker controls all of these features. ... As control of each successive feature is turned over to a second prime speaker, we pass through the rest of the hierarchy of speech categories: quotation, allusive quotation, mimicry, impersonation, and finally, as even ego is released from proximate speaker control, trance. (329)

A corresponding sequence of stages of speaker status culminates in the non-personal. Du Bois thus proposes:

... eight categories of prime speaker, ranged along a continuum of degree of "personal presence" in the situation at hand .... The categories range
from the first person (the proximate speaker himself ...) ... to five categories of the third person. ... Within this set there is a rapid decrease in personal presence. ... The vacant square in the final position ... represents the possibility, which may prove to be more than theoretical, of an ultimate vanishing point of personal presence. (329)

While for the practitioner of sacred rites such ego-dissolution may be desirable, in a secular context such a prospect is an ultimate threat to one's sense of self. Du Bois' continuum can thus be seen to suggest not only how the speaking subject of institutional discourse develops as a set of institutional effects and locations, but also how in general all subject-positions can in some sense become "final positions." The speaking subject gains power through his alignment with certain statements and practices, but in so doing cedes more and more of his individual force to the institution. While the lay individual can find no opening, the official subject finds an opening that is a vacuum. And while an individual may intend to seek representation of her interests through advocates, such recourse to the mediated speech of advocacy groups as institutions risk subject-reduction to a final position of silence.

The extreme case of discourse in the "final position" is "the language of total administration," a term Kress and Hodge borrow from Marcuse, who defines it as: "the language which gives cohesion to total administrators, the functionaries of large bureaucracies, and mediates their reality" (Marcuse in LI 1979, 71). In order to speak, the individual positions herself to appropriate the authority of the institution which in turn
appropriates her force--desire and body--in the production of power. Again, Foucault attributes this institutional prestidigitation to the mechanisms of liberal democracy. Government cannot control the political economy to which it has a heterogeneous relationship, and so it defends itself against the unpredictable as it might be manifested in underclass subjects. A potential threat exists in this non-positioned subject, for she is neither supported by nor necessarily invested in the socio-political structures of state institutions. As noted earlier, the need for disciplinary mechanisms (regulations, laws, constitutions) is recent, emerging with pre-industrial liberalism:

The amoral, pre-industrial solidarities of the poor come to be perceived as the purest form of social danger, not only as the obvious political threat of riot and sedition, but also, and more profoundly, as the danger of an anti-society, a zone of unchecked instinct incompatible with truly social being, blocking the free circulation of labour and capital which is the sine qua non of liberal welfare. (Gordon 38)

The unappropriated flow of desire of the non-socialized individual threatens the structures of organized power. The institutional multiplication and deployment of sovereign authority throughout society culminates in the language of total administration: its aim is to counteract the possibility of an anti-language, a non-disciplinary discourse. The effect is that at the institutional level official subjects achieve an unreflexive version of self-governance by "freely" speaking from institutional sites where position and power interface.

Auspicious positioning is also clearly necessary for the
management of truth. Speaker position, modality, and statement type are harmonized in persuasive moves to truth. This is the case for both the process of truth construction and the repetition of "self-evident," given truths. The game of truth construction is based on "moves" made in accordance with the model of scientific or analytical truth, and is exemplified by non-modalized, self-evident statements of certainty. Ritual speech, which aspires to a certainty without evidence and is received as given, reflects a similar conjunction of discursive features:

In the domain of highest certainty (which ... includes analytic, as well as a priori synthetic, given-by-revelation, presupposed, and deictically obvious statements) the use of evidentiality is not required. ... Nor is evidence found in the domain of lowest certainty, irrealis, where it is impossible. ... both analytic statements and religious statements of a certain type achieve the highest certainty without evidence .... it is the business of ritual language ... to merge two apparent extremes: to equate the ritual truth with the analytic truth. (Du Bois 326)

Significantly, Du Bois also alludes to the role of ideology and power in this merging of the ritual and the analytical:

Such an equation may, of course, depend on a metaphorical sleight of hand, effective just within the framework of a particular culture. (326)

This "metaphorical sleight of hand" (rhetorical troping par excellence) again raises the questions of truth and the truth of the subject, their institutional manipulation and illusory, "metaphorical" reduction from the possible and the indeterminate.

Of course, in the above examples power is again primarily conceived as operating only at the global, institutional level (a view that no doubt engenders a sense of threat for certain
individuals). However, as Foucault implies, there may be other possible sites of power appropriation that are not strictly "positional" and that, while not affecting institutional structure, may be effective at a more tactical level.

III. Resistance and Ethics

As a political and intellectual necessity, Spivak and others support the dismantling of those institutional structures of identity that give both the individual a sense of subjecthood and power, and political groups a collective identification. Spivak argues that the activist intellectual must critique and separate herself from collective, political identifications in order to diffuse power by putting its vehicle of identification into question. The intellectual must "offer scrupulous and plausible accounts of the mechanics of staging" ("Acting Bits" 781), yet carry out this critique with the awareness of the inevitable, protective aletheic return to identity and the same:

Deconstruction-work shakes the stakes of the spirit's ahamvada [ego-ism] to show idamvada [repetitions of the same], and therefore we protect ourselves in the name of a specific national identity; we do not want to know it, we dis-pose of it rather than pro-pose it. (774)

The reflexive project promoted by Spivak to counteract the consequences of collective identity may also be described in terms of what Foucault calls the condition of contemporary liberal governments. In his discussion of Foucault, Gordon explains:

Government itself assumes the discourse of critique, challenging the rigidities and privileges of a blocked society. (46)
The reflexive enterprise analyzes the operation of power in its contemporary reproductions of *aletheia*—both the raw, reductive lines of power at the top and the complex web of statements and contingencies that ravel and unravel in every domain. This critique is what ultimately serves as an ethics of power in that it enables the detection and refusal of the unacceptable, and does so without jeopardizing face which is the necessity of ethos in resistance. Again, Foucault advocates this refusal and argues against allowing fear to immobilize action (which he sees as a characteristic of Marxist criticism):

the fear (and hope) that the existing state will finally show its true colours as a police state blunts ... our ability to perceive and refuse the unacceptable in what actually exists. (Gordon 47)

The objective of such an ethics is comparable to what Deleuze and Guattari seek in their critique of oedipalization and capitalism: a deferral of the psychoanalytical interpretation of the unconscious, and instead a reflexive opening to the unconscious where the unacceptable lives and feeds human desire. The goal itself is a project of ethos: to achieve a care of the self that operates through blocks and structures of power yet invests in their leakage, a surplus of force that necessarily escapes any attempt at constructing Leviathan. Such doubling strategies of resistance involve mapping action multiply over the lines of force that both structure and de-stabilize, block and flow. One can save face by maintaining an ethical stance, yet at the same time achieve a measure of freedom. Such engagement with both the salient and the marginal amounts to saving face by exploiting the "back" or
non-privileged regions of social existence:

Back regions . . . often do form a significant re-
source which both the powerful and the less power-
ful can utilize reflexively to sustain a psychol-
ogical distancing between their own interpretations
. . . and those enjoined by 'official' norms.
(Giddens 126)

Back regions can include "'odd corners' of the floor, tea rooms,
toilets, and so on" (128), whereas ritual sites are highly visible
and organized. By their very nature, back regions are
characterized by features opposite to those of institutional
situations:

Ritual occasions seem . . . distinctively dif-
ferent from the range of circumstances in which
back regions are zones within which agents re-
cover forms of autonomy which are compromised or
treated in frontal contexts. These are often
situations in which sanctions are imposed upon
actors whose commitment to those norms is marg-
inal or nonexistent. (127)

The problem is that the enterprise of reflexivity does not
apparently achieve its goal--it has not particularly enabled
individuals who wish to achieve an identity and speaking status not
necessarily conducive to the status quo--nor has it taken hold in
the political arena. Deleuze (1988) articulates a series of
questions that follow from this appraisal and that echo the paradox
in Giddens' "duality of structure":

But what happens ... if the transversal relations of
resistance continue to become restratified, and to
encounter or even construct knots of power? .... If
power is constitutive of truth, how can we conceive
of a 'power of truth' which would no longer be the
truth of power, a truth that would release trans-
versal lines of resistance and not integral lines of
power? How can we 'cross the line'? (Deleuze 94-95)
First, it is often very difficult to distinguish so-called tactics of resistance from strategies of power. Second it is equally difficult to link such resistance--described in terms of micro-level diffusions of power--to the intellectual exercise of reflexivity. For example, M writes to various officials for support, yet they will re-interpret her request according to their own needs. Is her strategy one of resistance? Is it in itself effective in achieving her objective? What other forces have been galvanized by institutional structures? Does advocacy occur in back or frontal contexts? What about the unintended effects of her efforts? Even if a new law does facilitate the policy change she proposes, what effect does this have on her as a subject?

The aporia that results from the gap between institutionally determined modalities of enunciation and identity (as statements), and the self-constructions of the individual (as visibilities) reflects the radical difference between reduced identity and non-reduced identity: the first a necessary capitulation to power and the statement, and the second a fierce little fiction of freedom that attempts to make the visible articulable. In its battle with the statement, the visible is rescued by power, yet it continues to exert its force in spite of the primacy of the statement:

it is the statements and visibilities which grapple like fighters, force one another to do something or capture one another, and on every occasion constitute 'truth.' ... Speaking and seeing at the same time, although we do not speak of what we see, or see that of which we speak. But the two comprise the stratum. ... Between the visible and the articulable we must maintain all the following aspects at the same time: the heterogeneity of the two forms, their difference in nature or anisomorphism;
a mutual presupposition between the two, a mutual grappling and capture; the well-determined, primacy of the one over the other. (Deleuze 67-68)

Deleuze further describes the general relationship between the marginal and the salient:

... relations between forces will remain transitive, unstable, faint, almost virtual, at all events unknown, unless they are carried out by the formed or stratified relations which make up forms of knowledge [savoirs]. (74)

What success does individual resistance achieve here? Is some resistance effective, or does it merely produce the effects of heroic but doomed action? And if the latter, how are these unintended effects interpreted?

Within the terms and framework of this dissertation it is premature to answer these questions. My purpose is to focus on certain discursive features that may help form a basis for such a response. The context for this analysis has been subject construction and the status of the subject in the privacy issue of control over one's personal information. Thus far it has been argued that such control, when apparently threatened by institutions, is a matter of considerable concern and anxiety for individuals. And it has also been argued that this anxiety is related to an intuitive need to control how one is to be constructed by others as a "subject." The individual generally tends to resist the direct experience of the "subjected," and strives to be free or "subjectivized" instead. One must ask, however, whether one can achieve this resistance by adopting
positional identities (contract versus union worker, worker versus manager, victim versus oppressor). Central to this question is the connection implied by Foucault and asserted by others like Spivak between effective resistance and subjectivation.

Foucault describes subjectivation variously as "the relation to oneself," "self-government," and "care of the self." It is the capacity to construct a self who is respected socially and ethically, who has face and inspires the trust of others, and who achieves all this within a domain of privacy and freedom. However, the independence or freedom to tend to the self this way often seems seriously constrained. In Deleuze's commentary, modern subjectivation is threatened by institutional systems:

For the relation to oneself will not remain the withdrawn and reserved zone of the free man [as with the Greeks], a zone independent of any 'institutional and social system'. The relation to oneself will be understood in terms of power-relations and relations of knowledge. It will be reintegrated into these systems from which it was originally derived. The individual is coded within a 'moral' knowledge, and above all he becomes the stake in a power struggle and is diagrammatized. (103)

In spite of this threat, however, it is implied that subjectivation can be maintained through resistance:

There will always be a relation to oneself which resists codes and powers; the relation to oneself is even one of the origins of these points of resistance. (103)

The following section develops this concept of resistance in order to explore its relationship to both institutional power and relations of force in general; and then to evaluate the possibility of resistance in the discursive actions of the lay individual in
contention with institutional power.

IV. The Micro-Physics of Resistance

Foucault's term, the "micro-physics of power," has been used somewhat loosely in this discussion. First it was utilized specifically in an application of the method implied by "micro-analysis" at the institutional level in the context of the rhetorical situation. The term was also borrowed in an application at the micro-level of the statement (following Latour and Woolgar). And it has been used to describe pragmatic-grammatical analyses of modality and positionality. The term will continue to be used in these senses in order to distinguish such analysis from conventional critical applications. These latter macroanalyses occur at the global level and involve a rhetorical description of conflict between major contenders for power. A micro-level analysis does not replace the macro-level analysis of conventional criticism, but shifts the focus to additional locations of power relations where insights, corroboration, and/or discontinuities may emerge.

It is important here to review how these two levels are related. Although Foucault expressly claims an emphasis on relations and strategies in order to differentiate his approach from conventional motivational analyses, he also explicitly acknowledges the role of agents in using power:

For let us not deceive ourselves; if we speak of the structures or the mechanisms of power, it is only insofar as we suppose that certain persons exercise power over others. ("The Subject and Power" 217)
As suggested earlier, it would seem that a micro-analysis of power implies and constitutes a simultaneous rhetorical analysis at the level of ideology and motivation. One might suggest that the micro-physics of power can most productively and properly be viewed as related to and constitutive of, but not co-extensive with or simply "adding up" to macro-level power. It does not seem logical or useful to argue that one subsumes the other, or that one has primacy over the other. The corresponding strata of action and analysis can be viewed as simultaneous but different perspectives on a very complex set of relations of power. To paraphrase Foucault, the micro-level analysis borrows the phenomena of rhetorical strategy from the macro, but its emphasis and dynamics are very different. In "Two Lectures" Foucault describes his approach as follows:

One must rather conduct an ascending analysis of power, starting, that is, from its infinitesimal mechanisms, which each have their own history, their own trajectory, their own techniques and tactics, and then see how these mechanisms of power have been--and continue to be--invested, colonised, utilised, involuted, transformed, displaced, extended etc., by ever more general mechanisms and by forms of global domination. (99)

He further describes how he has used this approach in his analyses of how certain individuals have come to be identified as non-normal and as such excluded from society. He has investigated such means of exclusion as "the apparatuses of surveillance, the medicalisation of sexuality, of madness, of delinquency, all the micro-mechanisms of power" (101). A concrete explanation of how a micro-physics of power operates in the larger picture does not
emerge in Foucault’s commentary.

In his comments on the project of micro-analysis, Foucault describes his general approach, cited from "The Confession of the Flesh" in Dreyfus and Rabinow:

... if power is in reality an open, more-or-less coordinated (in the event, no doubt, ill-coordinated) cluster of relations, then the only problem is to provide oneself with a grid of analysis which makes possible an analytic of power. (184)

As we have seen, Latour and Woolgar loosely adapt Foucault's suggestion for their analysis of fact construction:

our concern ... is with the microprocesses whereby facts are socially constructed.... the sense in which we use the term social refers to phenomena other than the obvious influence of ideology ...., scandal ..., or macroinstitutional factors. ... we want to demonstrate the idiosyncratic, local, heterogeneous, contextual, and multifaceted character of scientific practices .... that Auge (1975) calls "practices of interpretation" and which comprises local, tacit negotiations, constantly changing evaluations, and unconscious or institutionalized gestures. (152)

Perhaps the most elucidating explanation of how power operates at the micro-level comes from Deleuze whose exegesis, presented in Chapter Two, is discussed further in this section. To begin, he says:

Foucault will say that power refers back to a 'micro-physics'. But we must not take 'micro' to mean a simple miniaturization of visible and articulable forms; instead it signifies another domain, a new type of relations, a dimension of thought that is irreducible to knowledge. 'Micro' therefore means mobile and non-localizable connections. (74)

Deleuze provides a diagram, reproduced below (Figure 2), to illustrate his interpretation of Foucault's topological account of
The strategic zone of power struggle (2) lies between the limit of the outside (1) from which the forces come, and the strata (3) of power-knowledge. Here exist the unappropriated forces of both the articulable and the visible. Deleuze explains:

up above [the strata], the particular features have no form and are neither bodies nor speaking persons. We enter into the domain of uncertain doubles and partial deaths, where things continually emerge and fade .... This is micropolitics. ... Each atmospheric state in this zone corresponds to a diagram of forces or particular features which are taken up by relations: a strategy. (121)

The role of strategy is to appropriate and structure certain of these contingencies and indeterminacies and "to be fulfilled in the stratum" (121). This analysis has potential implications for subject construction, particularly the relationship between the subject and power, and the potential here for subjectivation. In terms of his diagram of force relations, Deleuze comments that "the relation to oneself has the task of calling up and producing new modes of subjectivation" which are represented as the fold (4) itself (120). Resistance and subjectivation seem thus to be
situated in a non-ideological domain of micro-manoeuvering, a place of contingencies, impurities, and temporary possibilities.

In "The Subject and Power" Foucault opens up the micro-analysis of the operation of resistance and its effect of "self-governance." He describes the general object of his analysis as "the links between rationalization and power" (210), a reference to the relationship of disciplinary practices and power. By examining phenomena of resistance--that is, "the antagonism of strategies"--one can "bring to light power relations, locate their position, find out their point of application and the methods used" (211).

Foucault describes the micro-physics of power as a non-uniform and non-constant "coordination" of three types of relations: "finalized activities [capacities or abilities], systems of communication, and power relations" (218). These relations do not establish a "general type of equilibrium," but they are subject to a variety of unpredictable flows and blocks that converge into both specific configurations and hegemonic structures:

there are diverse forms, diverse places, diverse circumstances or occasions in which these inter-relationships establish themselves according to a specific model. But there are also "blocks" in which the adjustment of abilities, the resources of communication, and power relations constitute regulated and concerted systems. (218)

The complexity and instability of power relations is due in part to the mixture of the "aims and agents" of power which:

[focus] the development of knowledge of man around two roles: one, globalizing and quantitative, concerning the population; the other, analytical, concerning the individual. (215)

Freedom and resistance, it is implied, can be exercised within the
range of individualizing forces which are nevertheless largely constrained by totalizing forces.

V. Power and Freedom: The Tactics and Domain of Resistance

1. The Individual and the state.

In the micro-physics of power, institutional power and individual freedom imply each other. As established in Chapter Two, power is defined as a unilateral and independent "set of actions upon other actions" and does not act directly upon "others." Two conditions are essential to this operation, the first of which constrains and the second of which provides latitude and openness. The conditions are

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. (220)

Foucault explicitly states that "[p]ower is exercised only over free subjects, and only insofar as they are free"; for "without the possibility of recalcitrance, power would be equivalent to a physical determination" (221). This recalcitrance guarantees the possibility of resistance which is expressed not as freedom in its ideal sense, but as an active struggle:

Rather than speaking of an essential freedom, it would be better to speak of an "agonism"--of a relationship which is at the same time reciprocal incitation and struggle; less of a face-to-face confrontation which paralyzes both sides than a permanent provocation. (222)

Just as Spivak advocates reflexivity for the activist intellectual, Foucault posits the analysis and elaboration of this agonism as a
necessary (and ethical) practice for everyone:

the ... 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. (223)

Analysis leads to reflexivity, elaboration leads to strategies of resistance, and both function to put limits on power:

Every power relationship implies, at least in potentia, a strategy of struggle, in which the two forces ... do not lose their specific nature, .... Each constitutes for the other a kind of permanent limit, a point of possible reversal. (225)

The domain of resistance is therefore that strategic zone of struggle, a space of instability, of a limited range of choices where surveillance is exercised from a distance and the state experienced as a tolerant presence. Here the simultaneously individualizing and totalizing effects of government can potentiate subjectivation:

between a relationship of power and a strategy of struggle there is a reciprocal appeal, a perpetual linking and a perpetual reversal. At every moment the relationship of power may become a confrontation between two adversaries. Equally, the relationship between adversaries in society may, at every moment, give place to the putting into operation of mechanisms of power. (226)

Such reversals are unlikely to disturb the ideological apparatus or its rhetoric, but more significantly can involve local disturbances in the distribution of power.

Foucault’s question is, "Who are we? in a very precise moment of history" (216). In the domain of resistance identity is manipulated, its possibilities brought into play, and selves as
personae or subjects are created to take up strategic positions. But frequently the subject seems caught in "the 'double-bind' of the simultaneous individualization and totalization of modern power structures (216), and is implicated, as Deleuze asserts, in the "restratification of power." However, in spite of the failures of resistance, Foucault counsels the strategy of refusal and hopes for an alternative discourse that would enable subjectivation:

Maybe the target nowadays is not to discover what we are, but to refuse what we are .... The conclusion would be that the ... problem of our days is not to try to liberate the individual from the state ... but to liberate us both from the state and from the type of individualization which is linked to the state. We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for several centuries. (216)

But how is resistance known and experienced if its strategies are always, already games that play into the forces of restratification? How can one refuse the positional from a place of non-positionality? What new modality of non-position could enter discourse to operate simultaneously as a refusal of power and a disengagement from the structures of power, its ideology and its rhetoric?

In her own commitment to the exercise of resistance, Spivak’s endeavours to deconstruct identity have, in terms of these concerns, questionable effectiveness. Her strategies include theorizing both literary constructions of the subject and identity, and her own self-stagings as exercises in multiplying identity. For example, she describes her position as an Indian "lecturing in
her] mother tongue, in Calcutta, on the subject of 'Deconstruction-Translation,' in front of a university audience many of the senior members of whom were [her] former fellow students" (772). She likens occupying such a position to the "presentation of an identity-card," in this case for the "testing of the expatriot by the locals" ("Acting Bits" 773). For Spivak every staging of every position involves a violation, an alien inscription and identity. It involves the production of an I.D. card by a subject who both produces herself through a positional assumption, and who is produced or represented by the other and so marked with an alien identity. It is often a courageous action, and a movement of receptivity, as the subject positions herself; but in this act there is reciprocally a refusal to become the other in spite of being so marked. The result is a "wound" that identifies the subject as other. Whether the subject of autobiography, imperialism, institutional apparatuses, or the state, she cedes this hold on "original" identity--her belief, and is divided against herself as both subject and object, a "speaking subject" yet "subjected to." Spivak’s interpretation of the subject under imperialism thus serves as an analogy and metaphor for the relationship between the sovereign-state and the identity of the subject in general.

Two opposed exigencies confront each other in the paradoxical state of contemporary subjecthood. On the one hand, there is the element of subjection and control by the other that provokes the refusal to play the sovereign’s game. The subject demands that a
state institution relinquish to her person its version of her as medicalized, or as professionally incompetent; or the subject refuses the institution’s requirement to wear an I.D. card (a symbolic mechanism of subjection). This refusal, and its implied subjection as object or other, constitute those rhetorical strategies Burke would associate with division. On the other hand, in order to speak at all, the individual must enter the discourse(s) available and stage herself in the available position(s). These are strategies of identification. It would seem the subject is more or less controlled by the other, yet more or less free within the scope of this control. Since subjects can speak only from within the dominant discourse, they are subject to the experience of "the double bind of the practice of the conqueror’s writing" ("Acting Bits" 771). In this sense, Spivak’s description of multiculturalism as an institutional force of self-division, insofar as its discourse multiplies instead of sustaining a single (originary) cultural identity, is an apt description of the subject in general as a multiplied and divided participant in the dominant discourse.

Aporia, wound, paradox, "the originary synthesis with the absolute other" (776), the untranslatable. Spivak describes this experience variously. In her discussion of Toni Morrison’s *Beloved*, she calls this mark of identification "an aporia or unbridgeable gulf" that cannot be but is "passed on, with the mark of untranslatability on it" (792). Identity per se is the mark of the dominant on the subjected, of the master on the slave:
In slavery and less extremely in migrancy, the dominant mark must be made by the master in order to be claimed as "my mark." (793)

And for the subject as immigrant, the mark of identity, the I.D. card performs the same operation (though less brutally):

This identification ... can only be described through the political affect of the green ... or alien registration (identity) card--an unnameable identity, named only as "alien." (780)

The subject in general is similarly ID-ed as alien or other, and must pass a number of tests, producing a variety of state or corporate documents, each implying a certain subjection.

Spivak therefore implies that strategies of resistance will not be ideally effective for the individual who refuses official identity in order to retain a certain sense of originary self. She describes this sense, echoing Heidegger and Derrida, as "the ontic ... the intimacy of being" and "the way we are when we are close to ourselves" (797). This is a pre-agonistic subject whose sense of self is predicated on an experience of the flow of being, at home in the world: "the subject at ease with itself decentered from the mind to the body ... the level at which war has no meaning" (797). While not originary, it is nevertheless this sense of the self that the individual becomes alerted to protect from the invasiveness of the state. However, as Spivak points out, it is also this sense of self that must be sacrificed in identification: what is left is a mutilation or wound, a remembrance of the self as the mark of a radical other. The experience of identity is thus like the movement of a shuttle, or navette, the individual shuttled back and forth through a space bounded, at one end, by the
inarticulable experience of wounded being and, at the other, by a series of positions in the discourse of the other, between the untranslatable and the translated, the subject-in-being and the subjected.

What can be undertaken then is not so much a goal-oriented resistance, "an act of liberation"; but resistance as survival, as everyday living, "practices of freedom" as "an ethic of the care for the self" (Foucault "The Ethic" 3). For this is a resistance "that cannot speak itself as resistance" ("Acting Bits" 792); it is "the impossibility of translation in the general sense [and] ... readily points at absolute contingency" (793). Certeau, similarly, comments on the universal "foreignness" of the speaking subject and the universality of this wound of identity. He implies a subject that is irrevocably immigrant and "other":

And since one does not "leave" this language, since there are ... only illusory interpretations, since in short there is no way out, the fact remains that we are foreigners on the inside--but there is no outside. (13-14)

In short, although the speaking subject cannot be the individual it must somehow protect her as an ethical and "true" construction.

The deconstructive strategy of resistance is therefore devised to defer absolute meaning and instead generate a series of actions or interpretations of the self as strategies for forgetting the violence of identity and absolute meaning. Spivak refers to Derrida for whom such resistance can be practiced through strategies of deferral:

[to] do nothing other ... than cite ... : to displace the syntactic arrangement around a real
or sham physical wound that draws attention to and makes the other be forgotten. (Glas 215)

Ideally such strategies are adopted to shift the lines of force that contribute to polarized power struggle and domination. Resistance thus entails both a loss and a gain:

When we mobilize that secret ontic intimate knowledge, we lose it .... Cultures are built violently on the enforced coercion that they are. War is its most extreme signature .... Our lesson is to act in the fractures of identities in struggle. ("Acting Bits" 803)

To act thus, to both refuse and accept identity, discloses a multiple, divided, alternately blocked and liberated self, generated and tolerated precisely so that one can "go on":

Postmodernist practice manages the crisis of postmodernity--the end of the dream of modernization as the imperialist dream. (796).

Intellectual practices of resistance notwithstanding, in everyday practices of refusal the lay individual must negotiate power "in the fractures of identity. As an intentional act, the contract worker's refusal to wear the I.D. tag may give him the fleeting satisfaction of articulating his challenge, but the rhetoric in his letter fades away before authoritative reassertions of institutional policy. And M's experience, also fractured and subjected, simultaneously involves multiple acts of resistance that are in return reinscribed to erase the outline of her subjecthood.

It would seem that, like the subject of imperialism, M's resistance may be a lay action that potentiates subjectivation by activating official spokespeople and thereby deferring further confrontation between her and the chair. Resistance may be
described, to manipulate Spivak's term, as a "staging of the self" off-stage, elsewhere from the main action, outside the circumference of a designated rhetorical situation, away from the scene-act domain. Its only trace may be the notation at the end of a letter indicating who has received copies. Ethnographic studies lend support to this interpretation. For example, in her studies of the Ilongots of the Philippines, Irvine observed that:

any restrictions on participation in formal meetings do not necessarily apply to other contexts, which may be the ones where political decision making actually occurs and where political freedom is, therefore, more at issue. (784)

Perhaps in the back regions of sociality, the local actions of resistance, fleeting and temporary though they may be, may coincide at the higher levels of power-knowledge strata with effective lines of strategy and power. At such junctures non-appropriated forces become appropriated and "articulable," "heard," and "visible": speaking subjects, objects, and truths emerge. These microphysical junctures of power-knowledge appropriations are "transformation points": "the routinized intersections of practices . . . in structural relations" which are related to the "modes in which institutionalized practices connect social with system integration" (Giddens xxx). These junctures or points are the "'circuit switches' underlying observed conditions of system [institutional] reproduction" (24). Local practices in themselves do not have "'structures' but rather exhibit 'structural properties'" such that "structure exists . . . only in its instantiations . . . and as memory traces" (17). Instantiations really amount to the
reinforcement or alignment of local forces with institutional frameworks. Such a description helps explain the elusive trace-effects or fading trajectories of local forces of resistance, the mere suggestions (fictions?) of movement and action.

New privacy legislation might thus be seen as a gain for M in terms of her goal, even though she is not able to achieve speaking status herself. Nor is she able to control such an outcome or any other unintended effect. Even though she is not a "subject" in Foucauldian terms, her actions (for Giddens) constitute agency:

Agency refers not to the intentions people have in doing things but to their capability of doing those things in the first place (which is why agency implies power: cf. the Oxford English Dictionary definition of an agent as 'one who exerts power or produces an effect'). (9)

For Giddens, agency thus does not require a speaking subject, yet it seems to have much in common with microphysical effects of a multiplicity of local relations of force which would also include unintended consequences:

... there may be circumstances in which I intend to achieve something, and do achieve it, although not directly through my agency. (9)

In Foucault such consequences are the effects of contingency and non-appropriated forces and not a matter of achievement.

Although the effects of medicalization may eventually be mitigated for M, she is still a subject-object of the institution overall. Like Spivak's subject-as-woman, petitioners like M are "either silenced or ventriloquial, not-quite-subjects who hold up the culture or, if conscientized, [they are able to] resist"
"Acting Bits" 775). The result, Spivak says, "is a kind of ventriloquism that then stands in for free will" and involves "[o]ur own complicity in production" (798). Similarly, the contract worker for the postal corporation refuses the wound of identity, yet must abide by the ID policy. However, his style of resistance is different. In choosing a victim and outsider position, instead of identifying with corporate employees and culture, he enacts resistance as ressentiment. In such a situation of slavery or serfdom, he manoeuvres for power through resistance. The contract worker refuses the I.D. of a "serf," yet appeals for sympathy as a serf-victim; he challenges the policy yet petitions as an outsider, who, like Deleuze and Guattari's schizophrenic, opts for a modality that is at risk. Does his refusal serve his local goals? His strategies are bold, discursively and rhetorically incongruent and incoherent. Could one argue that in the moment he engages freely in a flow of historical identities of his own choosing? That the story he constructs, though soon silenced, allows him to momentarily assert his own self and truth?

2. Advocacy.

What of the resistance of advocacy groups? Within the range of the possibilities of their own circumscribed freedom, they can make a certain number of conventional choices, which may seem to enhance the effectiveness of their strategies and speaking positions. They are closer to institutional forces and more in touch with the lines of power delegated downward, from the state to management and official groups. In the official space between the
totalizing forces of an institution (its rules and policies) and the individualizing forces of freedom (human rights and freedoms), the agenda and non-agenda of the state, there is posited a range of modalities or positions. In this strategic zone, advocacy groups as institutional structures themselves seem to exercise some real power on behalf of their members' interests. However, as with any institution-individual relationship, this entails a compromise or exchange, a gain and a loss. An advocacy group can preserve the rights of a sub-group by creating an identity at the global level ("Acting" 781) through its positional options in relation to legal institutions. But it is removed at least once from those individuals and representatives who are institutionally placed; and, conversely, the represented individual experiences the outcome at a remove:

rights as written by Law are not "experienced" as such by an individual-in-identity, but rather animate an abstract agent-in-experience. ("Acting Bits" 782)

Rights groups obey conventions with less risk partly because there is not the experience of being close to oneself. They succeed first by behaving in accordance with their position in the power hierarchy, and second by expertly and creatively maneuvering within the tactical terrain of resistance. Resistance then can succeed more easily through recourse to this removed and higher level of organization, perhaps in part because there are fewer immediate effects of subject anxiety. The advocacy group is the group as buffer, the chosen vehicle of deferral, the alethic strategy so necessary to protect the self from its sense of being-
in-the-world as a state of "absolute contingency."

What are the conventional moves, identities, positions, modalities, that tend to work for these groups? First, they defer to the expected modalities of social relationships which "can be the motor for definitions of reality and truth" (Hodge and Kress 144). They obey the polite forms of solidarity toward this end, and sometimes in their rhetoric can even approach the condition of ritual speech and speaking trance, for example, in the incantatory repetitions of human rights slogans. They remain "subjugated" as opposed to "subject" groups. But advocacy groups are more distant from institutional power bases than are other hegemonic organizations, and it is in the space created by this distance that they can gain power. For example, in their analysis of a particular election upset, Hodge and Kress note that the groups involved are "'grass-roots' organizations, with alternative communication networks, which sustain an alternative community" such that they are able to effectively "resist" a dominant media campaign (159. As any political organizer knows, numbers and strong organization are clearly key factors:

The resistance must work through real alternative networks that bond a strong community, aware of its own identity and its hostility to the society or group which is mounting the campaign [against it]. (160-61)

The plethora and successes of human rights groups attest to a very strong community bond based on identification with a particular issue, and to the channelling of collective energy and forces into current political processes of change. Such groups have in their
favour the slow and complex processes involved in hegemonic power struggle. Opportunities for strategies of resistance are richer where there are more gradual shifts "to modality systems, to discursive positioning, to realignments, and reconstruction of social subjects and social agents" (160). Where there is a chance for movement on both sides of a power struggle, that is, where the institution is also undergoing a shift in modalities of truth and reality, resistance from advocacy groups can also be effective:

in the battle for social control through competing definitions of truth and reality, there is not a single inevitable outcome. Resistance is possible, and modality strategies that prevail in some instances may fail in others, always because of specific analysable reasons. (161)

The enabling phenomenon, Hodge and Kress point out, is:

the interdependence that exists between modality systems and functions and social relationships as they are constructed and mediated through semiotic activity. (161)

In terms of Certeau's distinction between strategies and tactics, the efforts of advocacy groups are clearly strategic and to be differentiated from the tactical efforts of individuals. In the application of a strategy:

a subject of will and power (a proprietor, an enterprise, a city, a scientific institution) can be isolated from an "environment." A strategy assumes a place that can be circumscribed as proper (propre) and thus serve as the basis for generating relations with an exterior distinct from it (competitors, adversaries, "clienteles," "targets," or "objects" of research). (Certeau xix)

The discourses of civil liberties lawyers and government officials who write as organizational representatives is strategic. They not
only function separately from the actual environment of struggle (the workplace or hospital) and have their own structures for positionality, but they also have a "connection with the power that sustains [their strategies] from within the stronghold of [their] own 'proper' place" (xx). Their relationship with the structures of power is entirely different from that of individuals and power.

Granting that advocacy groups are generally more effective than the discrete actions of individuals, and that effective resistance is always a social or relational phenomenon, it may nevertheless be reductive to simply dismiss the efforts of the lay individual. Is the only recourse to refer the individual to the group, send him up the hierarchy for help, and judge his singular acts of resistance as heroic but misguided, usually ineffective, and accidental when successful?

3. Bricolage as resistance.

Certeau describes other non-reductive possibilities. While he clearly eschews the idea of an author-subject and the concept of individualism, he nevertheless suggests ways individuals can undertake effective strategies of resistance. Like Spivak, he sees important potential in the tactics of individual resistance, partly because of the increasing numbers of individuals who are marginalized: "Marginality is today no longer limited to minority groups, but is rather massive and pervasive" (xvii). These individuals experience the same double-bind in the act of identification as, in more extreme ways, do the colonized and the
immigrant. However, in the practice of resistance, because the individual is increasingly constrained and detached from dominant structures, she can only "try to outwit them" (xxiv). Unlike actions at the strategic level, these local tactics--while still "subordinate to syntactical forms," are "unsigned, unreadable, and unsymbolized" (xvii). In Spivak's vocabulary they are untranslatable.

Certeau even imagines a massive shadow-resistance of individual-immigrants, and in the context of his analysis of urban space he sees a "migrational, or metaphorical, city [which] slips into the clear text of the planned and readable city" (93). The actions of these individuals form "indirect" or 'errant' trajectories obeying their own logic, and generating "unforeseeable sentences, partly unreadable paths across a space" (xviii). They "poach," use, and manipulate existing mechanisms and structures and "conform to them only in order to evade them" (xiv); they "elude discipline without being outside the field in which it is exercised" (96). Certeau calls the employment of such tactics in this domain of resistance "poiesis" (invention) or bricolage.3

He compares users (individual tacticians) to readers, and the producers of the products users manipulate to writers. Simply put, users read the world differently, at an angle so to speak, to the perspective of those who have constructed it: "A different world (the reader's) slips into the author's place" (xxi). This different world which is negotiated through local tactics is unreadable or opaque to those writers-producers whose transparent
social codes have become actively and transversally appropriated and locally re-interpreted. As suggested, the efforts of lay individuals in their interactions with institutions may appear ineffective and dismissable only from a totalizing perspective. M has, for example, obtained her medical charts from the hospital (although indirectly through a medical doctor) and added her force to the direction of policy change. Where her actions of resistance have not been effective—in her confrontational power struggle with the Chair—the reason may be that she has inappropriately adopted strategies instead of tactics. Since she lacks the positionality that effective strategies require, her efforts fail to influence the chair of the board. Similarly, the contract worker employs strategies of confrontation and threat in the absence of any actually empowering connection to a centralized power or authority. An advocacy group, strategically situated in institutional space, must speak for him. The BCCLA lawyers of course are themselves constrained by corporate attitudes towards civil libertarians.

One could argue that M is more knowledgeable in her selection and arrangement of available means. Whereas the contract worker chooses means that intensify differences between sender and addressee, and in spite of some counter-productive strategies in M’s discourse, both her discursive tactics and her non-discursive actions produce a bricolage that is in the long term more favourable to her cause. Her discursive coherence is original: she uses research and an academic style of critique and evaluation
that must strike some resonance with the addressees' worlds of medicine, administration, and government; she cites and refers to information and authorities on access to information law, policy, and argument which can potentially enhance her own authority and are compatible with the legal interests of government officials; and she uses political knowledge such as the highly charged nature of human rights issues and a general official receptivity to hearing related cases, as well as knowledge of the network of bureaucratic communication involved in reviewing and changing such policies. The conjunction of these strategies with the non-discursive tactic of approaching other officials than the chair produces a potentially effective bricolage of statements. Certeau cites Barthes to describe this practice: "'The user ... picks out certain fragments of the statement in order to actualize them in secret'" (R. Barthes, quoted in C. Soucy, L'Image du centre, 10, quoted in Certeau 98). One might speculate that M is more capable than the contract worker at incorporating tactical elements into her discourse so that, instead of attracting attention as anomalies, they exist as low-level and therefore unimportant ("secret") disturbances.

M's use of tropes also contributes force to her request. As a primary device of aletheic closure geared to appropriate and reinterpret unintended effects, troping is an essential (rhetorical) skill. Certeau identifies two rhetorical tropes that are commonly operative in the everyday uses of language at the tactical, local level: synecdoche and asyndeton. However, they
must be employed knowledgeably. The contract worker, for example, does not share M's troping competence. The slogan in his letter is a trope of synecdoche: "a reasonable day's work for a reasonable day's pay." It substitutes a part (the fair labour practice of fair pay) for the whole (the fair labour practice of worker freedom from slavery [symbolized by the I.D. tag]). In everyday use, it is probably, simply a code for worker solidarity around labour-management issues. However, it is offensive in the contract worker's letter, partly because it entails a threat, but also because it is such an obvious anomaly in formal correspondence and management. M is more successful in aligning her tactics with dominant discursive structures. From her letters two examples of synecdoche and one of asyndeton are examined below.

Synecdoche is used to "expand[s] a[n] ... element in order to make it play the role of a 'more' (a totality) and take[s] its place" (101), as follows:

this financial imposition [fees for access] automatically discriminates in favour of the wealthy. Justice Krever's third principle, (".... the patient will have a better understanding of his or her treatment and be in a better position to assist in the future."), previously quoted on page 5 of this letter is non-discriminatory and consistent with Canada's Health Act that "continued access to quality health care without financial or other barriers will be critical to maintaining and improving the health and well-being of Canadians.

Here the cost argument, the main topic on the previous page of this letter, is only part of the argument linking health and affordability but is appropriated and enlarged to substitute for the general argument linking health and patient knowledge (i.e.
personal access to information). The tactic, however, does not draw attention to itself because it is embedded in the conventional, academic orchestration of statement, proof and citation. Similarly, in M's second letter she lists a number of questions about details in the hospital's current policy, many of which are not directly related to the issue of personal access, but which blend superficially into the conventional practices of list format and evaluation questionnaire. In this excerpt, the questions about definitions of terms, which constitute a selected part of the policy, stand in for the policy as a whole, and represent the policy as generally problematic by substituting the problem of definition for the problem of personal access:

Could you please define and explain:

a) "charts" as in "medical charts"?
b) "attending" as in "attending physician"?
c) "reasonable" as in "reasonable access"?
d) "discussed" as in "patient's request for access to the medical charts be discussed with the attending physician"?
e) "reasonable" as in "reasonable request"

The second trope, asyndeton, is summarized by Certeau as a suppression of conjunctions, an elision that "skips over links and whole parts," which "creates a 'less,' opens gaps in the ... continuum, and retains only selected parts of it that amount almost to relics" (101). This tactic of ellipsis is used by M in the following excerpt where she elides the institutional logic that would identify here two clearly separate events, one the accedence to her specific request and the other an official change in policy:

After a series of telephone conversations between myself, the B.C. Ministry of Health, and [Hospital's]
staff it was then determined I could have the reports I had requested: i.e. Discharge Summary and Operation Report. (Ironically at this time I was having my car repaired and it occurred to me that I had more written information on the repairs to my car than on the "repairs" to my body.)

Certainly I was pleased to ultimately obtain permission to access my hospital medical reports, but I was left wondering why [the hospital] could now ignore its own policy. ...

The elision of this logic allows her to carry on with her narrative, incorporating elements of her story such as the occurrence of telephone calls to repeat her request for her medical reports, the result of having her request granted, and the incident of having her car repaired. These become incorporated into the story, ending in the equation of the granting of her request with a change in hospital policy. The gaps between the two, the problems arising from the absence of conjunctions and connections, disappear in the narrative framework. M is thus able to adapt everyday discourse into a formal context. By itself the former is a discourse "transformed into enlarged singularities and separate islands," "swellings, shrinkings, and fragmentations" (Certeau 101-102). These "abnormalities" also appear as such in the contract worker's letter, but in M's letter the aptness of her troping helps to hide their traces.

M also draws on her competence in other domains. For example, although she still lacks the power to speak outside of institutionally designated positions, she seems to understand the modality appropriate to formal written requests (even where an antagonism is strong), whereas the contract worker does not seem
to. A further review of the data discussed in Chapter Four suggests a distinction between two domains of modality in the discourse of the senders. As the earlier analysis has shown, on the one hand, modality seems to correlate with "actual" speaker position and in a sense betrays the persona implied in M's self-constructions; on the other hand, in terms of these general rhetorical strategies, constructing herself as a researcher and performance evaluator, her modal choices within self constructions are quite appropriate to the respective fiction. M's modal competence within the fiction of her persona contrasts with the slippage between the non-salient and salient fictions in her discourse, that is, between non-positionality and positionality, not-being-heard and being-heard.

Earlier suggestions that such slippage is unconscious were applied to the lapse of knowledgeable individuals into destructive actions against their own interests and articulated ideology, and to emphasize such lapses as fascism as focal and motivating concerns in the work of both rhetoricians like Burke and theorists like Deleuze and Guattari. Given that there are differences in the degree of acceptance of and resistance to the hierarchical identity inscribed for individuals, perhaps it should be said that institutionalization does take its toll, on everyone, but shows up most markedly and surprisingly in the actions of the most reflexive. One might say that the more striking the differences between subject construction and modality and positionality, the more resistant, the more marginal, and the more at risk one may be.
Conversely one might speculate that the closer the fit between these, the more accepting, the more susceptible to the status quo, and the more (institutionally and psychologically) secure one may be. At one extreme is the schizophrenic; at the other the "totally adjusted" individual whose self is merged with institutional discourse, whose modality and position overlap with his own self-construction. In the former, the schizo's personality slips around the containments of identity, escapes positionality; in the latter, the individual personality of the total administrator disappears into a block of institutional power. At one extreme--flows of desire, the nomad, modality at risk, depolarization; at the other--blocks of power, the fixed authority, modality intact and polarization.

Hodge and Kress cite psychological studies showing schizophrenia "as in effect a pathology of modality systems, in which schizophrenics are unable to correctly label even their own thoughts and communications, to say nothing of those of others" (143). Such communications cannot be appropriated meaningfully into discourse:

The suppression of modality markers contributes to a reader's [addressee's] disorientation, concealing the status of the communication; it leaves the text unlocated in both the semiotic and the mimetic plane. ... the semiotic forms of schizophrenic language are ideally adapted to express a complex and fundamentally ambiguous set of social relationships. (146)

If such thorough positional confusion were deliberate, it could be seen as the strategy of resistance par excellence. In a way the self-constructions of M and the contract worker might be seen as
located somewhere between the two extremes: in the domain of resistance, within the range of "normal" modality or "freedom," where they register their refusals through self-constructions, the internal grammatical modality of which does not fit with the global, institutional modality of their position. Their use of certain institutionalized "codes" thus marks their singular "way of being in the world" (Greimas in Certeau 100):

Style and use both have to do with a "way of operating" (of speaking, walking, etc.), but style involves a peculiar processing of the symbolic, while use refers to elements of a code. They intersect to form a style of use, a way of being and a way of operating. (Certeau 100)

The question of why they do it involves a complex set of forces: subject anxiety, the will to power, and situational contingencies. And all paradoxically reinforce the experience of anxiety and dislocation, and the drive for certain ameliorating effects, however temporary and ephemeral they may be.

If these practices can be called effective resistance, they then belong to a repertoire of practices for self-government, a care of the self that necessarily entails both the perpetuation of anxiety and those imperfect actions deployed to alleviate it. Above all, care of the self is protection of the self, the operation of which contains the aletheic paradox of subject construction. To show one's face to the world involves achieving a competent self-construction that discloses a self to the world by concealing the evidence--spillage, leakage, uncontained flows--of what is not self. Moreover, if this self is unstrategically positioned, others who are more structurally empowered can erase
the face turned to the world, or make another one that "fits."

VI. Care of the Self

. . . for man it is ever a question of finding what is fitting in his essence which corresponds to . . . destiny; for in accord with this destiny man as ek-sisting has to guard the truth of Being. Man is the shepherd of Being. (Heidegger "Letter on Humanism" 210)

Heidegger's injunction to humanity to "guard" and "shepherd" the self has become a focal point of departure for contemporary theorists of the subject. Both Foucault and Derrida seek to develop the post-modern implications of this concern for the "Being of man." In Heidegger this Being is ideally "pre-discursive" and still mystified by an essentialist aura:

But if man is to find his way once again into the nearness of Being he must first learn to exist in the nameless. . . Before he speaks man must first let himself be claimed by Being, . . . But in the claim upon man, . . . to make man ready for this claim, is there not implied a concern about man? Where else does "care" tend but in the direction of bringing man back to his essence? What else does that in turn betoken but that man become human? (*Letter* 199-200)

In Foucault's interpretation of Heidegger's concept of "care" (the Being of Dasein), an advanced interrogation of the subject changes the context and definition. In The Care of the Self (1988) Foucault describes the practices and concepts of ethos that characterize the da-sein of Hellenistic Greece. However, he does not wish to encourage a return to these practices per se, which would be inappropriate for a postmodern humanity. Instead his concern is to provide a description of one system of ethical, everyday practices that contribute to the creation of transversal relations of force available for the use of subjects in creating
themselves as social and free individuals. These practices elude formalization and are not easily appropriable by institutional power.

In tracing the sexual practices, mores, and beliefs of classical Greece and early Rome, Foucault suggests that conventional reconstructions of Greek and Roman history, based on traditional and modern moralities, have been blind to the informal status of these practices, and in particular to the absence of a strongly articulated and institutionally enforced morality around many of these practices. For example, while heterosexual marriage was morally enshrined, there were no strictures comparable to those in modern Western society regarding homosexuality and adultery. Practices morally prescribed for "the care of the self" focused elsewhere on notions of status in the social hierarchy, authority, and purity—and they were often expressed in terms of self-mastery. For contemporary society Foucault proposes the development of its own version of self-mastery intended to displace the unconscious obedience and internalization of institutional discipline. It would entail the manipulation of freedom within the domain of resistance as a conscious use of disciplinary practices in the interests of individual.

Practices geared for the care of the self would involve protecting the staging of the self through the creation of representations that are consonant with sanctioned moralities, but which also enable subversive practices of freedom from institutional control. Such self-management succeeds through the
productions of bricolage. For example, certain lines of force may be activated to encourage empowered subjects to interpret these representations in a light favourable to the individual. This now seems a necessary strategy. The difference between classical and contemporary practices of the care of the self is that individuals are now more effectively constrained by governmentalization, and have unreflectively internalized disciplinary practices that serve organizational structures and practices, often to the loss or detriment of the individual person. The imbalance noted by Heidegger between truth/power and untruth/resistance, homelessness and abode, or in Foucault’s terms between disciplinary power and self-government, still favours molar structures at the expense of the individual whose body power is employed to make these institutions work.

The individual today has less freedom than ever in terms of the practices of her personal, everyday existence. The pervasiveness of surveillance mechanisms in society means that the domain of privacy has shrunk such that in order to exhibit competence and self-mastery, to maintain a self-construction that is ethical and has integrity, much more work must go into resisting institutional invasiveness and deploying face-saving strategies. Reflexivity and tactical knowledge thus become critical factors for effectively allaying subject anxiety and attaining self-government. The individual who appears competent in frontal, institutional contexts, who can comfortably present her face to her community and neutralize the aletheic effects of the contingent, constructs
and protects her self as an ethical, speaking subject.

In terms of privacy protection, it has been important to examine the elements of the subject's self-representations and the modality of her statements, for these form a basis for interpretation of her representations, and indicate their (in)validity in terms of institutional fit. It has also been important to look at the motivating experience of anxiety in the context of self-protection, and to validate this anxiety as an ethical response to threats to one's integrity and "face." This means identifying where there is a poor fit. Where informal and flexible practices of the individual are reduced through disciplinary practices, the ethical life of the individual becomes rigid and hollow, legalistically defined, and co-opted. Where the private practices of individuals resist co-optation, and face-saving self-constructions are competently inserted into institutional frames, the individual can protect her sense of self by concealing undesirable contingencies, and present a face turned toward the socius, a self that makes truth her truth, and the ethical her ethos.

The strategic objective is to establish both where there is an overlap of private and public subject, where the self-staged and institutionally staged are indistinguishable. These are the junctures or sites where local lines of force are susceptible to divergence, contingency, and dispersal, and in certain strategic moments to reappropriation and reconfiguration. This stasis point of aletheic doubling is theoretically the place of opportunity for
effective resistance, for resistance as the freedom to care for the self.

The theoretical postulation of multiple truths in the place of a single, essential truth, with the possibilities it offers for self-staging, has been embraced generally only by alternative moralities. In the mainstream, the assumption that there is a single, true version of the subject persists:

The first [aim of information legislation] is simply to protect the rights of individuals--to give people the right of access to information about themselves held in government files, and the right to correct that information if it is misleading or untrue. (Information Rights for British Columbians xi)

The one "true" self is the object of protection in privacy legislation. However in the practice of constructing the self, both informal and legal, this originary self, though claimed, remains elusive. Representations are transformed into re-representations; self-stagings multiply in the moment as desires and means change. And the pursuit of institutions to reconstruct the subject often results in a series of deferrals and reinterpretations of the rules of subject construction. Chimera after chimera of subjects and selves pass between manoeuvres for power and shifting plates of structure.
Notes to Chapter Five: Resistance and Power

1 Some would no doubt argue that the irreducible but problematic visible is precisely that metaphysical element of the self that contemporary criticism so repudiates.

2 Giddens, among others, echoes this concept of freedom in his definition of agency: "An agent ceases to be such if he or she loses the capability to 'make a difference', that is, to exercise some sort of power" (14).

3 See also Giddens (92).
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