

We Have Yet to Cut Off the Head of the King: Foucault's Challenge to Domination Theory

Liberalism stands as the defining political philosophy of the modern West. Liberal ideals of liberty and equality have transformed Western society from feudal hierarchies with mass enslavement to constitutional democracies with extensive civil rights. Liberalism has provided the intellectual framework for some of our greatest advancements in human dignity and political freedom. However, accompanying these successes have been persistent inadequacies in addressing varied issues in contemporary society. In particular, liberalism has failed to provide satisfactory tools for analyzing the systems of power that operate beyond the scope of formal legalism. A specific example I will consider in this paper is that of gender relations in the workplace and of sexual harassment. The liberal conception of power remains limited, focusing solely on protecting individual liberty through formal equality and procedural justice—tools insufficient for addressing many contemporary power relations.

These inadequacies have generated a number of critical responses to the tradition—from anarchism, to socialism, to fascism. Here, I will consider two important critiques offered by Catherine MacKinnon and Elizabeth Anderson, both of whom arrive at conceptions of power through theories of domination. I will argue for the necessity of such alternative theories while ultimately asserting that they remain insufficient in analyzing power in its entirety. Instead, I will turn to the work of Michel Foucault to illustrate how his genealogical method reveals power functioning not primarily through repression and coercion, but through the productive constitution of subjects and the normalization of these systems of power.

MacKinnon provides a systematic critique of liberal legalism's failure to address the totalizing nature of gender relations. Gender is not a mere natural or biological category to MacKinnon, it is "a social system that divides power" (MacKinnon, 8) where inequalities are "a matter not of sameness and difference, but of dominance and subordination" (MacKinnon, 242). Her central argument is that male domination operates systematically rather than through individual relations, with the state "male in the feminist sense: the law sees and treats women the way men see and treat women" (MacKinnon, 161-162). Under liberal philosophy, the state and its laws are to serve the interests of the populace in impartiality and objectivity. However, MacKinnon points out that such "objectivity" is but a biased form. A claim to objectivity is made through a male gaze, and in its embedding into the law, has been naturalized as *the* objective, *the* rational, *the* standard. Male dominance and male objectivity appear both neutral and natural, rather than what they truly are, political.

Regarding workplace harassment, MacKinnon reveals a systematic enforcement of male dominance in the workplace (and elsewhere), rather than isolated misconduct. "The social power of men over women extends through laws that purport to protect women as part of the community... laws that announce their intent to remedy that inequality but do not" (MacKinnon,

241-242). Laws constructed under the male gaze prove insufficient for addressing preexisting relations of domination.

MacKinnon also recognizes the internalization and self-policing of the dominant norms. “Women’s powerlessness was found to be both externally imposed and deeply internalized... it becomes identity to women” (MacKinnon, 8). Women modify their workplace behavior and can even blame themselves for violations committed against them, because they have acquired a conception of the self through the existing relations of domination. Here, MacKinnon approaches Foucauldian themes of normalization and subject-formation, yet her analysis remains grounded in juridical thinking—framing power as something men possess and exercise over women as preexisting groups, rather than examining how these very categories are created through the power relations at hand.

An additional critique of the liberal conception of power comes from republicanism. Elizabeth Anderson argues in *Private Government* that we have neglected the “pervasiveness of authoritarian governance in our work and off-hours lives” (Anderson, 40). Government, to Anderson, exists wherever “some have the authority to issue orders to others, backed by sanctions, in one or more domains of life,” where “the modern *state* is merely one form” amongst others (Anderson, 42). Anderson focuses on the modern workplace, which combines hierarchical authority with centralized control over workers’ lives. Her analysis reveals how liberal contract theory actually legitimizes workplace authoritarianism through fictional voluntary agreement. “Under the employment-at-will baseline, workers, in effect, cede all of their rights to their employers, except those specifically guaranteed to them by law” (Anderson, 53). However, “consent to an option within a set cannot justify the option set itself” (Anderson, 61). Individual choices cannot legitimize structurally coercive arrangements; “free” choices cannot be understood outside of the broader context of structural relations of power and domination. Anderson recognizes the strength found for the dominant group in the concealment of power, where liberal theory “fails to explain the sweeping scope of authority that employers have over workers” and creates “an illusion of workers’ freedom” (Anderson, 50). Such an illusion of freedom enables workplace domination by making authoritarian control appear voluntary under the guise of liberal contract theory.

Under the republican conception of domination, Anderson reveals how hierarchical authority systematically enables abuse, as supervisors exploit discretionary power over employees’ conditions and schedules. Yet, Anderson’s analysis, similar to MacKinnon, operates within a fundamentally juridical framework, conceptualizing workplace relations as domination between preexisting agents, exercised through structures of authority and hierarchy. Her solutions focus on redistributing power through legal means, missing how power operates through subject-formation, normalization, and shaping forms of intelligibility.

Anderson's analysis arrives at a strikingly similar conception of power to MacKinnon via a theory of domination. This convergence reveals a broader limitation found in post-liberal criticisms and how they make many of the same assumptions as liberal theory when it comes to systems of power. Both thinkers come to understand power from essentially the same framework: as something possessed by dominant groups (men, employers) and exercised over subordinate groups (women, employees) through identifiable mechanisms of control. Both theories of domination do partially escape juridical thinking—MacKinnon criticizes the “difference approach” taken by other feminists that focuses on formal legal parity; Anderson criticizes liberal contract theory's misguided legitimization of workplace authoritarianism. Each independently recognizes that power operates through concealment and internalization and not just through top-down control; however, their analyses continue to see power as relations between preexisting subjects and remain focused on its repressive and coercive aspects.

In turn, it is clear that, despite the efforts made to understand systems of power differently than liberalism, both traditions remain trapped within a juridical model. They focus on redistributing power between subjects or constraining arbitrary authority, missing power's non-juridical manifestations. “In political thought and analysis, we still have not cut off the head of the king” (Foucault, *History of Sexuality* 88-89).

Michel Foucault's genealogical method operates fundamentally differently than theories of domination. Rather than analyzing relations between subjects, Foucault examines how subjects themselves are constituted, establishing a distinct ontological approach to relations of power. A cornerstone of his method lies in the complete abandonment of the juridical model:

We must cease once and for all to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production. (Foucault, *Discipline and Punish* 194)

Power is not something possessed by agents and wielded over others. It instead constitutes a “multiplicity of force relations immanent in the sphere in which they operate,” an intensely “complex strategical situation in a particular society” (Foucault, *History of Sexuality* 92-93). While power was once concentrated in monarchic institutions who exercised juridical control through repression and coercion, it has since transformed. The new mechanisms of power normalize, control, and produce reality itself. The juridical model of power has become “utterly incongruous with the new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control” (Foucault, *History of Sexuality* 89). Power no longer simply constrains, it creates, and this normalization process extends beyond domination theorists' insights about internalization—it is an entirely

new form of power in which prisoners become their own wardens. Subject-formation involves being both “subject to someone else by control and dependence” and “tied to his own identity by a conscience or self-knowledge” (Foucault, “Subject and Power” 781). Power’s productive nature shapes our forms of intelligibility—not only how we understand the world around us, but how we come to understand ourselves.

In regard to workplace harassment, Foucault reveals additional dimensions invisible to liberals and domination theorists alike: contemporary workplaces operate as systems of subject-formation and normalization through mechanisms like performance monitoring, conduct normalization, and the production of professional identities. Sexual harassment emerges not simply as individual deviance or even as systematic male dominance, but as part of a broader normalization process that has established “proper” workplace conduct and individual identities. Women, as subjects formed by these very systems, must construct professional identities that are neither too feminine nor too masculine, navigating an identity constantly subjected to and defined by unequal power relations.

Another key aspect of Foucault’s analysis is that power is most potent when concealed, as subjects actively participate in their own subjection. Power is “tolerable only on condition that it masks a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms” (Foucault, *History of Sexuality* 86). When we perceive ourselves as free, power over us is strongest. Subjects monitor themselves according to internalized norms, making external coercion all but unnecessary. It is then that we can see why formal legal protections prove ultimately insufficient. The problem is not that the existing laws are poorly enforced or that dominators resist—it is that the subjects themselves have shaped their identities, desires, and possibilities through a normalized lens, rendering alternatives unthinkable and their own compliance inevitable.

It is important to note that Foucault’s analysis, while penetrating to deep constitutive levels of power’s expression in society, has its own limitations. Most notable is the lack of a normative component to his arguments. His analysis fails to produce a prescriptive ethical framework or tangible remedies. Where MacKinnon and Anderson both offer concrete political programs, Foucault’s analysis remains normatively ambiguous and observational rather than action-oriented. Despite these limitations, Foucault’s insights remain crucial for understanding contemporary power relations in a world where liberalism, despite delivering massive gains in human flourishing, has continued to perpetuate old and create new systems of power while lacking the tools to address them. The theories of domination explored here, while addressing key liberal inadequacies, remain ultimately insufficient and partially trapped within the conceptual frameworks they seek to transcend. MacKinnon and Anderson provide critical insights into power’s operation and begin to analyze power in its newer forms of concealment, internalization, and shaping intelligibility, yet both continue to conceive of power in the same

juridical structure as liberalism. Foucault's genealogy of power, on the other hand, offers the most comprehensive account of power's functioning in contemporary society. Not because it captures every dimension, but because it reveals the productive and constitutive mechanisms through which subjects are formed and power is exercised. Understanding power requires not only stronger theories but fundamental reexamination. Until we achieve this, we remain vulnerable to reproducing the very relations we seek to transform. In many ways, we have yet to cut off the head of the king. Doing so requires a radical reconceptualization of power that even some of liberalism's most penetrating critics have failed to accomplish.

Works Cited

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