Michel Foucault, "Truth and Juridical Forms," in Foucault, Power, ed. James D. Faubion, pp. 31-45 (New York: ¬New Press, 2000)

In European societies of the Mediterranean East, at the end of the second millennium and the beginning of the first, political power always implied the possession of a certain type of knowledge. By the fact of holding power, the king and those around him held a knowledge that could not and must not be communicated to the other social groups. Knowledge and power were exactly reciprocal, correlative, superimposed. There couldn't be any knowledge without power; and there couldn't be any political power without the possession of a certain special knowledge.

This is the form of power-knowledge that Georges Dumézil, in his studies concerning the three functions, has isolated, showing that the first function was that of a magical and religious political power.[24] Knowledge of the gods, knowledge of the action that can be brought to bear on us by the gods—that whole magico-religious knowledge is present in the political function.

What occurred at the origin of Greek society, at the origin of the Greek age of the fifth century, at the origin of our civilization, was the dismantling of that great unity of a political power that was, at the same time, a knowledge—the dismantling of that unity of a magico-religious power which existed in the great Assyrian empires; which the Greek tyrants, impregnated with Oriental civilization, tried to restore for their own purposes; and which the sophists of the sixth and fifth centuries still used as they could, in the form of lessons paid for in cash. We witness that long decomposition during the five or six centuries of archaic Greece. And

when classical Greece appeared—Sophocles represents its starting date, its sunrise—what had to disappear for this society to exist was the union of power and knowledge. From this time onward, the man of power would be the man of ignorance. In the end, what befell Oedipus was that, knowing too much, he didn't know anything. From then on, Oedipus would function as the man of power, the blind ruler who didn't know, and who didn't know because he could do too much.

So, whereas power was taxed with ignorance, inattention, obliviousness, obscurity, there would be, on one side, the seer and the philosopher in communication with the truth, the eternal truths of the gods or of the mind, and, on the other, the people, holding none of the power, who bore the memory or could still give evidence of the truth. Thus, beyond a power that had become monumentally blind like Oedipus, there were the shepherds who remembered and the prophets who spoke the truth.

The West would be dominated by the great myth according to which truth never belongs to political power: political power is blind—the real knowledge is that which one possesses when one is in contact with the gods or when one remembers things, when one looks at the great eternal Sun or one opens one's eyes to what came to pass. With Plato there began a great Western myth: that there is an antinomy between knowledge and power. If there is knowledge, it must renounce power. Where knowledge and science are found in their pure truth, there can no longer be any political power.

This great myth needs to be dispelled. It is this myth which Nietzsche began to demolish by showing, in the numerous texts already cited, that, behind all knowledge [*savoir*], behind all attainment of knowledge [*connaissance*], what is involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it.

III

In the preceding lecture I referred to two forms or types of judicial settlement, litigation, contest, or dispute that were present in Greek civilization. The first, rather archaic form is found in Homer. Two warriors came face to face to determine who was wrong and who

was right, who had violated the other's rights. The task of resolving that question comes down to a rule-governed dispute, the challenge between the two warriors. One would challenge the other, "Can you swear before the gods that you didn't do what I am accusing you of?" In a procedure like this there was no judge, judgment, inquiry, or testimony to determine who spoke the truth. The responsibility for deciding—not who spoke the truth, but who was right—was entrusted to the fight, the challenge, the risk that each one would run.

The second form is the one that unfolds throughout *Oedipus the King*. To solve a problem that, in a sense, is also a problem of contestation, a criminal issue—who killed King Laius?—there appears a new figure, absent from the old Homeric procedure, the shepherd. Though a man of no importance, a slave holed up in his hut, the shepherd saw what he saw, and because he possesses that little fragment of a recollection, because in his discourse he bears the evidence of what he saw, he can challenge and overthrow the pride of the king or the presumptuousness of the tyrant. The witness, the humble witness, solely by the action of the truth he saw and he utters, can single-handedly defeat the most powerful of men. *Oedipus the King* is a kind of compendium of the history of Greek law. Several of Sophocles' plays, such as *Antigone* and *Electra*, are a kind of theatrical ritualization of the history of law. This dramatization of the history of Greek law offers us a summary of one of the great conquests of Athenian democracy: the story of the process through which the people took possession of the right to judge, of the right to tell the truth, to set the truth against their own masters, to judge those who governed them.

That great conquest of Greek democracy, that right to bear witness, to oppose truth to power, was established in a long process born and instituted in a definitive way in Athens throughout the fifth century. That right to set a powerless truth against a truthless power gave rise to a series of major cultural forms that were characteristic of Greek society.

First, there was the elaboration of what we may call the rational forms of proof and demonstration: how to produce truth, under what conditions, what forms to observe, what rules to apply. Those forms are philosophy, rational systems, scientific systems. Second, and in relation to the previous forms, an art of persuading developed, an art of convincing people of the truth of what is said, of

winning the victory for truth or, what is more, by means of truth. Here we have the problem of Greek rhetoric. Third, there was the development of a new type of knowledge—knowledge gained through witnessing, through recollection, through inquiry. A knowledge by inquiry which historians such as Herodotus, a short time before Sophocles, naturalists, botanists, geographers, Greek travelers, would develop and Aristotle would totalize and make encyclopedic.

In Greece there was, then, a sort of great revolution which, through a series of political struggles and contestations, resulted in the elaboration of a specific form of judicial, juridical discovery of truth. The latter constituted the mold, the model on the basis of which a series of other knowledges—philosophical, rhetorical, and empirical—were able to develop and to characterize Greek thought.

Quite curiously, the history of the birth of the inquiry remained forgotten and was lost, having been taken up again, in other forms, several centuries later, in the Middle Ages.

In the European Middle Ages, one sees a kind of second birth of the inquiry which was slower and more obscure than the first, but had much more success. The Greek method of inquiry had remained stationary, had not achieved the founding of a rational knowledge capable of indefinite development. By contrast, the inquiry that arose in the Middle Ages would acquire extraordinary dimensions. Its destiny would be practically coextensive with the particular destiny of so-called "European" or "Western" culture.

The old law that settled disputes between individuals in Germanic societies, at the time when these came into contact with the Roman Empire, was in a sense very close in some of its forms to archaic Greek law. It was a law in which the system of inquiry did not exist; disputes between individuals were settled by the testing game.

Ancient Germanic law during the period when Tacitus began to analyze that odd civilization extending to the gates of the Empire can be characterized, schematically, in the following way.

In the first place, there was no public legal action; that is, there was no one—representing society, the group, authority, or the holder of power—charged with bringing accusations against individuals. For a penal type of trial to take place, there had to be a

wrong, or at least someone claiming he had suffered a wrong or presenting himself as a victim, and this self-declared victim had to name his adversary. The victim could be the person directly offended or someone who belonged to his family and was handling the relative's suit. What characterized a penal action was always a kind of duel, an opposition between individuals, families, or groups; there was no intervention by any representative of authority. It was a matter of a complaint made by one individual to another, involving only these two parties, the defendant and the accuser. We only know of two rather curious cases in which there was a sort of public action—treason and homosexuality. The community then intervened, considering itself as being injured, and collectively demanded reparation from the individual. Consequently, the first condition for a penal action in the old Germanic law was the existence of two personages, never three.

The second condition was that, once the penal action was introduced—once any individual declared himself to be a victim and called for reparation from the other party—the judicial settlement would ensue as a kind of continuation of the clash between the individuals. A kind of private, individual war developed, and the penal procedure was merely the ritualization of that conflict between individuals. Germanic law did not assume an opposition between war and justice, or an identity between justice and peace; on the contrary, it assumed that law was a special, regulated way of conducting war between individuals and controlling acts of revenge. Law was thus a regulated way of making war. For example, when someone was killed, one of his close relatives could make use of the judicial practice of revenge, which meant not renouncing the possibility of killing someone, normally the murderer. Entering the domain of law meant killing the killer, but killing him according to certain rules, certain forms. If the killer had committed the crime in such-and-such manner, it would be necessary to kill him by cutting him to pieces or by cutting his head off and placing it on a stake at the entrance to his house. These acts would ritualize the gesture of revenge and characterize it as judicial revenge. Law, then, was the ritual form of war.

The third condition was that, while it was true that there was no opposition between law and war, it was nonetheless possible to reach an agreement—that is, to break off those regulated hostilities.

Ancient Germanic law always offered the possibility, throughout that long series of reciprocal and ritual acts of revenge, to arrive at an understanding, a compromise. The series of vengeful actions could be broken with a pact. In that event, the two adversaries would appeal to an arbiter who, in harmony with them and with their mutual consent, would set a sum of money that would constitute the compensation—not compensation for a transgression [*faute*], for there was no transgression but only a wrong [*tort*] and a vengeance. In this procedure of Germanic law, one of the two adversaries would buy back the right to have peace, to escape the possible revenge of his adversary. He would redeem his own life, and not the blood that he had spilled, by thus bringing an end to the war. The cessation of the ritual war was the third act or the final act of the judicial drama in ancient Germanic law.

The system that regulated conflicts and disputes in the Germanic societies of that era was therefore entirely governed by struggle and compromise, involving a test of strength that could end with an economic settlement. It depended on a procedure that did not allow for the intervention of a third individual who would stand between the two others as a neutral party seeking the truth, trying to determine which of the two had told the truth. A procedure of inquiry, a search for the truth, never intervened in this type of system. This was how the old Germanic law was constituted, before the invasion of the Roman Empire.

I won't linger over the long series of vicissitudes that brought this Germanic law into rivalry, competition, and at times collusion with Roman law. Between the fifth and sixth centuries of our age, there was a series of penetrations and conflicts between those two systems of law. Every time a state would begin to take form on the ruins of the Roman Empire, every time a state structure began to emerge, Roman law, the old law of the state, would then be reinvigorated. Thus, in the Merovingian reigns, and above all during the epoch of the Carolingian Empire, Roman law overshadowed Germanic law in a certain way. Moreover, every time there was a disintegration of those embryonic forms, those first lineaments of a state, the old Germanic law would reappear. When the Carolingian Empire collapsed in the tenth century, Germanic law triumphed, and Roman law fell into oblivion for several centuries, slowly reappearing only at the end of the twelfth century and in the

course of the thirteenth century. Hence feudal law was essentially of the Germanic type. It doesn't present any of the elements of the inquiry procedures, the truth-establishment procedures of Greek societies or the Roman Empire.

In feudal law, disputes between two individuals were settled by the system of the test. When an individual came forward with a claim, a contestation, accusing another of having killed or robbed, the dispute between the two would be resolved through a series of tests accepted by both individuals and by which both were bound. This system was a way of proving not the truth, but the strength, the weight, the importance of the one who spoke.

First of all there were social tests, tests of an individual's social importance. In the old law of eleventh-century Burgundy, when a person was accused of murder, he could completely establish his innocence by gathering about him twelve witnesses who swore that he had not committed the murder. The oath was not based, for example, on the fact that they had seen the alleged victim alive, or on an alibi for the alleged murderer. To take an oath, to testify that an individual had not killed, one had to be a relative of the accused. One had to have social relations of kinship with him, which would vouch not for his innocence but for his social importance. This showed the solidarity that a particular individual could obtain, his weight, his influence, the importance of the group to which he belonged and of the persons ready to support him in a battle or a conflict. The proof of his innocence, the proof that he had not committed the act in question was by no means what the evidence of witnesses delivered.

Second, there were tests of a verbal type. When an individual was accused of something—robbery or murder—he had to reply to that accusation with a certain number of formulas, affirming that he had not committed any murder or robbery. By uttering these formulas, he could fail or succeed. In certain cases, a person would utter the formula and lose—not for having told a falsehood, or because it was proved that he had lied, but, rather, for not having uttered the formula in the correct way. A grammatical error, a word alteration would invalidate the formula, regardless of the truth of what one asserted. That only a verbal game was involved at the level of the test is confirmed by the fact that in the case of a minor, a woman, or a priest, the accused could be replaced by another

person. This other person, who later in the history of law would become the attorney, would utter the formulas in place of the accused. If he made a mistake in uttering them, the person on whose behalf he spoke would lose the case.

Third, there were the old magico-religious tests of the oath. The accused would be asked to take an oath and if he declined or hesitated he would lose the case.

Finally, there were the famous corporal, physical tests called ordeals, which consisted in subjecting a person to a sort of game, a struggle with his own body, to find out whether he would pass or fail. For example, in the time of the Carolingian Empire, there was a famous test imposed on individuals accused of murder, in certain areas of northern France. The accused was required to walk on coals and two days later if he still had scars he would lose the case. There were yet other tests such as the ordeal by water, which consisted in tying a person's right hand to his left foot and throwing him into the water. If he didn't drown he would lose the case, because the water didn't accept him as it should; and if he drowned he had won the case, seeing that the water had not rejected him. All these confrontations of the individual or his body with the natural elements were a symbolic transposition of the struggle of individuals among themselves, the semantics of which would need to be studied. Basically, it was always a matter of combat, of deciding who was the stronger. In old Germanic law, the trial was nothing more than the regulated, ritualized continuation of war.

I could have offered more convincing examples, such as the fights between two opponents during a trial, physical fights, the famous judgments of God. When two individuals clashed over property ownership, or because of a killing, it was always possible, if they agreed, for them to fight, so long as they obeyed certain rules—length of the fight, type of weapons—in front of an audience present only to ensure that what occurred was consistent with the rules. The winner of the combat would win the case, without being given the possibility of telling the truth, or rather, without being asked to prove the truth of his claim.

In the system of the feudal judicial test, it was a matter not of truth-seeking but of a kind of game with a binary structure. The individual accepted the test or declined it. If he declined, if he didn't want to try the test, he would lose the case in advance. If the test

took place he would win or be defeated: there was no other possibility. The binary form is the first characteristic of the test.

The second characteristic is that the test always ended with a victory or a defeat. There was always someone who won and someone who lost, the stronger and the weaker, a favorable outcome or an unfavorable outcome. There was never anything like a judgment [*sentence*] of the sort that would come into practice at the end of the twelfth century and beginning of the thirteenth. Judgment consisted in a declaration by a third party that, a certain person having told the truth is judged to be right, another having told a lie is judged to be wrong. Consequently, judgment did not exist in feudal law; the separation of truth and untruth between individuals played no role in it—there existed only victory or defeat.

The third characteristic is that this test was, in a certain way, automatic. The presence of a third party was not necessary in order to distinguish the two adversaries. It was the balance of forces, luck, vigor, physical resistance, and mental agility that would distinguish the individuals, according to a mechanism that developed automatically. Authority intervened only as a witness to the regularity of the procedure. When the judicial tests took place, someone was there who bore the name of judge—the political sovereign or someone appointed with the mutual consent of the two adversaries—simply to verify that the fight went by the rules. The judge attested not to the truth but to the regularity of the procedure.

The fourth characteristic is that in this mechanism the test did not serve to name, to identify the one who had told the truth; rather, it established that the stronger individual was, at the same time, the one who was right. The judicial test was a way of ritualizing war or of transposing it symbolically. It was a way of giving it a certain number of secondary, theatrical forms, so that the stronger would be designated thereby as the one who was right. The test was a mechanical executor [*opérateur*] of the law, a commutator of force into law, a sort of gearing that enabled the shift from force to law. It didn't have an apophantic function, it didn't have the function of designating or manifesting or discovering the truth. It was a legal device, and not a truth device or an apophantic device. That is how the test operated in old feudal law.

This system of judicial practices disappeared at the end of the twelfth century and in the course of the thirteenth. During the en-

tire second half of the Middle Ages, one would witness the transformation of those old practices and the invention of new forms of judicial practice and procedure—forms that were absolutely essential for the history of Europe and for the history of the whole world, inasmuch as Europe violently imposed its dominion on the entire surface of the earth. What was invented in this reformulation of law was something that involved not so much the contents of knowledge as its forms and conditions of possibility. What was invented in law during this period was a particular way of knowing, a condition of possibility of knowledge whose destiny was to be crucial in the Western world. That mode of knowledge was the inquiry, which appeared for the first time in Greece and which, after the fall of the Roman Empire, remained hidden for several centuries. However, the inquiry that reappeared in the twelfth and thirteenth centuries was of a somewhat different type than the one we saw exemplified in *Oedipus*.

Why did the old judicial form, some of whose basic features I have presented to you, disappear during that era? We may say, schematically, that one of the fundamental traits of Western feudal society was that a relatively small segment of the circulation of goods was carried out by commerce. It was handled through mechanisms of inheritance or testamentary transmission, and above all through warlike, military, extrajudicial, or judicial contestation. One of the most important means of ensuring the circulation of goods in the early Middle Ages was war, rapine, occupation of a piece of land, a castle, a town. There was a moving border between law and war, seeing that law was a certain way of continuing war. For example, someone in command of an armed force would occupy an estate, a forest, any kind of property, and then assert his right; thus began a long dispute at the end of which the one who possessed no armed force and wanted to recover his land obtained the invader's departure only by means of a payment. This stood on the border between the judicial and the bellicose, and it was one of the most frequent ways for someone to become rich. In early feudalism, the circulation and exchange of goods, impoverishment and enrichment were brought about in most cases through this mechanism.

It is interesting, moreover, to compare feudal society in Europe and the so-called primitive societies currently studied by ethnolo-

gists. In these, the exchange of goods occurs through contestation and rivalry enacted above all in the form of prestige, at the level of displays and signs. In a feudal society, the circulation of goods also took place in the form of rivalry and contestation, but rivalry and contestation that were belligerent rather than prestige-driven. In so-called primitive societies, things of value are exchanged in competitive levies because they are not just goods but also signs. In feudal societies, things of value were exchanged not only because they were goods and signs, but because they were goods, signs, and weapons. Wealth was the means by which both violence and law were brought to bear on the life and death of others. Throughout the Middle Ages war, judicial litigation, and the circulation of goods were part of one great fluctuating process.

So a dual tendency characterized feudal society. First, there was a concentration of arms in the hands of the most powerful, who tended to prevent their use by the less powerful. To defeat someone was to deprive him of his weapons; the result was a concentration of armed power that, in feudal states, gave more force to the most powerful and finally to the most powerful of all, the monarch. Second and at the same time, there were judicial actions and contests that were a way of causing goods to circulate. We can thus understand why the most powerful sought to control judicial disputes, preventing them from developing spontaneously between individuals, and why they tried to take hold of the judicial and litigious circulation of goods—which implied the concentration of arms and of the judicial power that was forming during that period—in the hands of the same individuals.

The existence of executive, legislative, and judicial power is thought to be a rather old idea in constitutional law. The truth is that it's a recent idea, which dates approximately from Montesquieu. But what interests us here is to see how something like a judicial power took form. In the early Middle Ages, there was no judicial power. Settlements were reached between individuals. People asked the most powerful figure, or the one exercising sovereignty, not to see that justice was done but to verify the regularity of the procedure, as a function of his political, magical, and religious powers. There was no autonomous judicial power, and no judicial power in the hands of the holder of military and political power. Insofar as judicial contest ensured the circulation of goods,

the right to regulate and control that judicial contest was usurped by the richest and most powerful because it was a means of accumulating wealth.

The accumulation of wealth and armed power and the concentration of judicial power in the hands of a few were one and the same process operating in the early Middle Ages, reaching its maturity at the time of the formation of the first great medieval monarchy, in the middle and at the end of the twelfth century. At that time, things appeared that were completely new relative to feudal society, the Carolingian Empire, and the old rules of Roman law.

First: A mode of proceeding [*une justice*] that is no longer a contestation between individuals and a voluntary acceptance by those individuals of a certain number of rules of settlement but, rather, one imposed from above on individuals, adversaries, and parties. Thereafter individuals would no longer have the right to resolve their own disputes, whether regularly or irregularly; they would have to submit to a power external to them, imposing itself as a judicial political power.

Second: There appeared a totally new figure, without precedent in Roman law—the prosecutor. That curious personage, who appeared in Europe around the twelfth century, would present himself as the representative of the sovereign, the king, or the master. When there was a crime, an offense, or a dispute between individuals, he would appear as a power that was injured by the mere fact that an offense or a crime had occurred. The prosecutor would make common cause with the victim; he would be behind the one instituting an action, saying: "If it is true that that man did injury to another, I can affirm, as the representative of the sovereign, that his sovereignty, his power, the order that he ensures, and the law that he established have also been injured by that individual. Thus, I too stand against him." In this way, the sovereign and political authority stood in for and gradually replaced the victim. This utterly new phenomenon would enable political power to take control of the judicial procedures. The prosecutor, therefore, appeared as the representative of the sovereign, who was injured by the offense.

Third: An absolutely new concept appeared—the infraction. So long as the judicial drama unfolded between two individuals, the victim and the accused, it was only a matter of the wrong that one individual had done to another. The question was whether there

had been a wrong committed and who was right. From the moment that the sovereign, or his representative, the prosecutor, said, "I too was injured by the offense," the wrong was not just an offense of one individual against another, but also an individual's offense against the state, against the sovereign as the state's representative; not an attack upon an individual but an attack against the law of the state itself. Thus, in the concept of crime the old concept of wrong was to be replaced by that of infraction. The infraction was not a wrong committed by one individual against another, it was an offense or injury done by an individual to order, to the state, to the law, to society, to sovereignty, to the sovereign. The infraction is one of the great inventions of medieval thought. We thus see how state power appropriated the entire judicial procedure, the entire mechanism of interindividual settlement of disputes in the early Middle Ages.

Fourth: There is one more discovery still, a last invention just as diabolical as that of the prosecutor and the infraction. The state, or rather, the sovereign (since we cannot speak of a state existing during that period), was not only the injured party but also the one that demanded the compensation. When an individual lost a trial, he was declared guilty and still owed a compensation to his victim. But the compensation was absolutely not that of ancient feudal law or ancient Germanic law: it was no longer a matter of buying back one's peace by settling accounts with one's adversary. The guilty party was required not just to compensate for the offense he had committed against another individual but also to compensate for the offense he had committed against the sovereign, the state, the law. In this way there appeared, along with the mechanism of fines, the great mechanism of confiscations. These confiscations of property were one of the chief means for the great emerging monarchies to enrich and enlarge their holdings. The Western monarchies were founded on the appropriation of the judicial system, which enabled them to apply these mechanisms of confiscation. That is the political background of this transformation.

Now we need to explain the establishment of the judgment [*sentence*], to explain how one reached the end of a process in which one of the principal figures was the prosecutor. If the main victim of an infraction was the king, if the prosecutor was the primary plaintiff, it is understandable that judicial settlement could no

longer be obtained through the mechanisms of the test. The king or his representative, the prosecutor, could not risk their own lives or their own possessions every time a crime was committed. The accused and the prosecutor did not confront each other on even ground, as in a clash between two individuals; it was necessary to find a new mechanism that was no longer that of the test, of the struggle between two adversaries, to determine whether someone was guilty or not. The warlike model could no longer be applied.

What model was to be adopted? This was one of the great moments of the history of the West. There were two models for solving the problem. One was a model indigenous to the judicial institution. In feudal law itself, in ancient Germanic law, there was a circumstance in which the collectivity as a whole could intervene, accuse someone, and obtain his conviction: this was the flagrant offense, where an individual was surprised in the very act of committing the crime. In that instance, the persons who surprised him had the right to bring him before the sovereign, the holder of a political authority, and say, "We saw him doing such-and-such thing and so he must be punished or made to pay a compensation." Thus, in the very sphere of law, there was a model of collective intervention and authoritative judgment for the settlement of a judicial suit. It applied to the flagrant offense, when the crime was discovered as it was taking place. Obviously that model couldn't be used when the individual was not caught in the act, which was usually the case. The problem, then, was to determine under what conditions the model of the flagrant offense could be generalized and used in the new legal system that was emerging, completely controlled by political sovereignty and by the representatives of the political sovereign.

The authorities preferred to use a second, extrajudicial model, which was in turn subdivided in two or, rather, during that period, had a double existence, a double usage. This was the inquiry model, which had existed in the time of the Carolingian Empire. When the representatives of the sovereign had to resolve a problem of law, of power, or a question of taxes, morals, ground rent, or ownership, they initiated something that was perfectly ritualized and regular—the *inquisitio*, the inquiry. The representative of power would summon the persons regarded as being knowledgeable about morals, law, or property titles. He would assemble these

persons, making them swear to tell the truth, to tell what they knew, what they had seen or what they had learned from having heard it said. Then, left to themselves, these persons would deliberate; at the end of this deliberation they would be asked for the solution to the problem. This was a model of administrative management, which the officials of the Carolingian Empire routinely applied. It was still employed, after the breakup of the empire, by William the Conqueror in England. In 1066, the Norman conquerors occupied England; they seized the Anglo-Saxon properties and entered into litigation with the indigenous population and each other over the possession of those properties. To establish order, to integrate the new Norman population into the ancient Anglo-Saxon population, William the Conqueror carried out an enormous inquiry concerning the status of properties, the status of taxes, the system of ground rent, and so on. This was the famous *Domesday Book*, the only comprehensive example that we have of those inquiries that were an old administrative practice of the Carolingian emperors.

This procedure of administrative inquiry had several important characteristics:

1. Political power was the essential personage.
2. Power was exercised first of all by posing questions, by interrogating; it did not know the truth and sought to discover it.
3. In order to determine the truth, power appealed to the notables, to the persons fit to know, given their position, their age, their wealth, their notability, etc.
4. Contrary to what one sees at the end of *Oedipus the King*, the king consults the notables without forcing them to tell the truth through the use of violence, pressure, or torture. They are asked to meet voluntarily and give their collective opinion; they are allowed to say collectively what they deem to be the truth.

We thus have a type of truth-establishment closely tied to the administrative management of the first great state form known in the West. [. . .]