

Michel Foucault's Discipline & Punish: The Birth of the Prison Reader/Workbook

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While you read Foucault's **Discipline and Punish**, I'd like you to do a few things.

1. Read with a pen in hand and notepaper by your side.

Underline parts that you think may be key statements or summaries of Foucault's position, passages you don't understand, and sections that you might want to return to.

Make tables of the oppositions and explanations that Foucault uses (for example, what characterizes the difference between a "terror" and "discipline" society).

This workbook should give you some examples of how to do this.

I'm asking you to do this in order to practice focusing on the "hot spots" of a big text, the key passages that you (or other critics) might use to ground and signpost their arguments.

By making a skeleton of the argument, you'll be able to think more clearly about what points you want to further explore, take issue with, or complicate in your own thought and writing.

2. After you read a section, take stock of the argument's flow.

Think about what Foucault argued in the section and what questions he poses that he'll move to explain in the next section. In other words, think of the text as a series of questions and answers, which speak to one another "across the space" of the section breaks. Conceptualizing the text as a dynamic argument, rather than static thesis (a statement that gets said and then insistently repeated, as if reiteration equals persuasion) will be useful when we turn to literary narratives. Novels, and other cultural documents, often pose, wittingly or not, a question or problem that it tries to answer by using the terms or language it initially proposed. Literary narratives "think in print" about social issues and problems. Sometimes they have solutions, other times they run aground. It's this difference that makes reading texts in light of a common problematic interesting.

Before you actually read the Foucault section, you might want to review this workbook in order to help notice the argument. But don't take my outline as gospel. Vary the ways in which you use the workbook, sometimes reading it after you read the text, sometimes before.

3. Think of practical examples of what Foucault is arguing.

4. Consider how Foucault's arguments may (or may not) illuminate your own personal experiences and interests.

Foucault is writing a history, but he calls it a history of the present. His motive is to look at the past in order to explain our present condition. Does this narrative speak to you as a subject in modern society? Does it feel relevant? If you disagree with Foucault, why did you disagree?

A general overview of Foucault's historical narrative in *Discipline and Punish* might be something like this:

Early modern society (here meaning before the 18C but after the medieval age. i.e. the period of absolutist states, the ancien regime) conceptualized power in a vertical, top-down fashion. The king expressed his total power through spectacles of punishment and terror to display his overwhelming authority and ability to crush any popular resistance. If a prisoner was publicly tortured, the point to be made was that the king (as a surrogate for God) had complete and utter power over his subjects.

Despite what we may think, there was a rational system to early modern aristocratic torture; it was not random and it had certain rules, or internal logic. Torture justified itself by the act of confession, which was the ultimate proof of a prisoner's guilt. But the king's authority could also be challenged by the prisoner refusing to confess, since at the moment of torture, when the criminal should be the weakest, the prisoner was able to (symbolically) confront the king as an individual. This was dangerous because it suggested that the prisoner could be equal to royalty, and if equal, then perhaps the king's social superiority (and behind it ancien regime society) could also be challenged. (Ridley Scott's *Gladiator* enacts this). Foucault implicitly argues that we can study something like the procedures of punishment as a means of analyzing how societies constitute themselves.

The king's "terror" system began to come under two pressures in the eighteenth century. First, the common people (plebeians) no longer saw the person on the scaffold as their enemy, but as a (class) comrade; the spectacles of punishment became opportunities for popular dissent, and these events became increasingly risky as they might catalyze a riot that would seriously threaten royal power (as would happen in the French Revolution).

The second pressure came from the middle class, who plotted to replace the nobility. The increasing challenges to early modern codes of crime by plebeians gave the rising bourgeoisie (the Third Estate) an opportunity to undermine the powers of the aristocracy (the First Estate) in two ways. First, the middle class encouraged popular illegality by not prosecuting crimes so that actions by the lower classes would weaken the nobles' treasury and symbolic authority (prestige). In this way, the middle class "used" the lower classes as their instrument to covertly confront the king's authority.

Secondly, the middle class used the Enlightenment language of humanism (benevolence, charity) to criticize the king's "brutality," as a means of delegitimizing the old social order and advertising the middle class moral superiority as a means of justifying their political right to rule. Humanism as a rhetoric allowed the middle class to portray the king as the degeneration, not epitome, of "civil" society.

The middle classes attacked the old justice system was because they were angry that king denied them juridico- administrative offices and the social status that came with these offices. The bourgeoisie were also upset about the seeming irrational, confusing overlap between the various courts and tax officials, since a businessman's worst nightmare *is not* having to pay taxes, but never being able to calculate exactly what taxes are owed. Finally, the "gentle way of punishment" was proposed by middle class writers to create career opportunities as jurists, lawyers, medics, psychologists, sociologists, i.e. as the people who earn a living through working with ideas rather than physical labor. Foucault argues that the middle class also changed the criminal codes to seem more "universal" because the bourgeoisie felt confident that they could avoid punishment through better (financial) access to defense lawyers, etc.

The problem that the middle class faced, however, was that after the fall of the ancien regime, the popular classes, now freed from royal authority, might turn against the middle class by robbery, warehouse theft, or riots against (food) speculators. [Keep this argument in mind when you read Marx]. Therefore, penalty had to be changed to protect the middle class's profits from the mob. Hence the middle class created a new system of punishment and discipline, which sought to control the population by creating oppositions within them. These oppositions came about by creating disciplined "souls" through a variety of institutions, like schools, hospitals, and prisons, that work by oppositions such as normal/abnormal or healthy/diseased.

Foucault presents a history of the changes in criminal codes and punishments to explore why we moved from a bodily punishment of torture to a "gentle" punishment of prison sentences. He argues that we did not stop torturing people because we became more enlightened. Instead, he claims that the codes of "justice" are always biased because they represent and materially enact social power. The difference between early modern society and modern one isn't that modern society is more civilized; it is just that punishment in pre-modern times had a logic that came out of a society where the king and nobility ruled. Punishment in modern society has a different logic because modern society is bourgeois, its controlled by the middle class, and the middle class has different social agendas than the nobility. Both systems create certain conceptions of justice, the body, and visual codes, but the use these objects in different ways, and that's the rub. (It might be worth thinking about what a non-aristocratic, non-bourgeois criminal code might look like).

Foucault uses a history of punishment in order to illustrate the larger social movement of power from the aristocracy to the middle classes. The reason why he is interested in punishment is that it exemplifies how modern society creates “subject” (identities) subjects by “disciplining” them through the intersection of *social definitions of normality*, *material institutions* (like the school), and the judgment of *professionals* (intellectuals) in order to stabilize bourgeois society against non-bourgeois (i.e. laboring class) revolt. The story Foucault tells is the move from public, physical punishments to private, invisible discipline of a “soul”. This tale will interest us since the course’s texts emerge from the same time period as Foucault talks about, from the eighteenth to nineteenth centuries. Do our texts support or contradict Foucault’s argument (or some mixture of the two)? This is partly what we’ll discuss as the course progresses.

In what follows, I’ll try to highlight what seem to be the main arguments and some useful/key passages. All page notes are to Penguin edition.

The text’s original title is *Surveiller et punir*.

In English this is translated as *Discipline and Punish*, but, as you can see, the French also emphasizes the act of surveillance.

Part 1. Torture

1. The Body of the Condemned

This section acts as the overview of the book's argument. You might want to re-read it after you've finished reading the book to see how Foucault **telegraphs** the arguments that he will later make.

Foucault contrasts Damiens' public torture (Damiens attempted to kill Louis XIV) with Faucher's timetable to illustrate the historical spectrum of his study, from public spectacle to the elimination of physical pain in punishment.

7. Argues that we too readily interpret the disappearance of public torture as a sign of our collective 'humanization.' Foucault says that we should see the removal of torture as a marker of larger social changes.

8. Argues that at the end of the 18th century and start of the 19th, two process of punishment began to disappear:

1. torture as a public spectacle (be it public executions or public work gangs), and
2. physical pain.

9. Punishment now becomes secretive; it is hidden from the public's view and "abstract". No one is "responsible" for delivering punishment because "the apportioning of blame is redistributed."

Sets up the distinction between the disfigured body and the corrected one ("moral orthopedics" [10]). Punishment is no longer the "tortured, dismembered, amputated body, symbolically branded on face of shoulder, exposed dead or alive to public view. The body as the major target of penal repression disappeared."

9. Argues that the change came because public punishments became to be seen as unfair as the crime itself, alongside this was a shift in the nature of punishment from the visible to the invisible, from "the domain of more or less everyday perception" to "abstract consciousness", from "visible intensity" to "inevitability." Foucault means that rather than seeing the spectacle of external punishment (on the body), we begin to respond to an internalized idea of punishment.

Where justice officials previously took responsibility for the public punishment, they now become "ashamed" to kill, and redistribute the blame among various authorities, and collaborate to deliver a judgment so that no one person has to take responsibility for punishment.

10. "Justice is relieved of responsibility for it by a bureaucratic concealment of the penalty itself." Judges claim that they have no "desire to punish" but want to "correct, reclaim, 'cure' "the accused (as if to say: "we're really good people").

Foucault suggests that the rise of justice as an "autonomous sector" is tied to the effort to hide the State's authorship (authority) of punishment. Government officials do not seem "responsible" for punishment because it looks as if a separate, specialized institution, rather than individuals, caused punishment to occur. You might want to compare this to commodity fetishism, where the commodity seems to carry value without any help from humans.

"The disappearance of public executions marks the decline of the spectacle; but it also marks the slackening of the hold on the body." Yet, the abandonment of the body becomes the attempt to occupy **the mind** as the criminal is now made to feel **shame**, rather than **pain**. Modern society is "ashamed" of bodies; it tries to "correct" them, to make them "better" through discipline.

Shaming now becomes a career opportunity for the proliferating "civil servants" of morality.

Notice how Foucault is making an argument about how the production of a **certain kind of knowledge** ("criminality"); **institutions** (the "prison"); and **technicians of evaluation** ("professionals") create a subject (the "prisoner"). This relation will be one of Foucault's main arguments.

11. The punishment-body relation no longer touches the body (torture), it "deprives the individual of a liberty that is regarded as a right and property. The body, according to this penalty, is caught up in a system of constraints and privations, obligations and prohibitions.

"Physical pain, the pain of the body itself, is no longer the constituent element of the penalty. From being an art of unbearable sensations punishment has become an economy of suspended rights ... As a result of this new restraint, a whole army of technicians took over from the executioner, the immediate anatomists of pain: warders, doctors, chaplains, psychiatrists, psychologists, educationalists:..."

Foucault insinuates that he wants to explore how it is that the idea of “natural rights” (the idea that various freedoms are inherent in our bodies) become controlled, made less politically available; he implies that he will critique how modern society is not really free.

Thus, “possessive individualism,” as the ideology of liberal contract theory, which hold every individual is free to buy and sell as she or he wishes, seems to be one of Foucault’s targets. There is also an implicit criticism of psychology and psycho-analysis, as sciences of the “soul.”

12. Mentions how the Gordon riots (1780s), which was a popular disturbance in England, helped end the system of public executions at Tyburn. Always keep an eye out for what he uses to periodize the “micro-history” of punishment. Think about how Foucault interrelates “grand” history with a seemingly smaller one and vice-versa.

13. The rise of the guillotine as a transition in the process away from torture (punishment as clean and mechanized).

14. Foucault talks about how the use of the hood on the prisoner (implying perhaps that because we can no longer see the prisoner’s face, the veil’s blankness becomes a mirror onto which we might reflect our own self-image to imagine ourselves in the prisoner’s space, as likewise guilty).

Asks the question, why was England slower to abandon terror than Europe? (What causes national differences in this large history?). He answers:

1. Because England already had some features of modernity, like habeus corpus (if England was the first to begin modernizing, it was the last to complete the process, or is still trying to complete the process), and

2. It didn’t want to change the legal system during a time (1780-1820) of popular disturbance.

15. “The reduction in the use of torture was a tendency that was rooted in the great transformation of the years 1760-1840...” In this uncited reference to Karl Polyani’s **The Great Transformation**, Foucault tells us his periodization, what time frame he is going to study. Now remember that the two examples that opened the book were from 1757 and the mid-19th century. From the start he indicates his study’s framework.

Discussing the irregularity of the change, Foucault says reform was fast until “the retreat at the time of counter-revolutions in Europe and the great social fear of the years 1820-48; more or less temporary changes introduced by emergency courts of law.” (Remember that in France 1820 is the crowning of Charles X who tried to turn France back to ancien regime society, a tactic that caused the 1830 July Revolution and the rise of the “citizen-king” Louis-Phillipe, who favored a fusion of noble and middle-class interests. 1848 is the rise of Louis-Bonaparte, often considered as a proleptic model for fascist regimes).

15-16. Mentions that there are still “traces” of torture in our system. He’s not ruling out the remainder of police brutality in the system.

17-19. Punishment of the soul replaces punishment of the body. The Ancien Regime punished the crime, not the criminal. Modernity, however, passes judgment on “the passions, instincts, anomalies, infirmities, maladjustments, effects of environment or heredity.”

For early modernity the trial to answer the questions: Was there a crime and who committed it? Modernity now asks: What were the social factors that produced the enactment of this crime (i.e. was the criminal mad, from a deprived background etc.?) Entirely different “answers” are sought in these different periods. The modern system now needs to have a “set of assessing, diagnosing, prognostic, normative judgments” to determine what would be the normal conditions for the crime. It needs to produce ostensibly neutral, objective (quantitative) means to reform subjective qualities.

Now arises the division between criminality and madness. Because the new system now passes judgment on these psychic intangibles, new mechanisms of assessment must be devised, new means of deciding what passions are normal or abnormal.

21. “The legal power to punish” is fragmented among a swarming “series of subsidiary authorities” (lawyers, psychologists, prison officials, etc.)

22. The “new penal system” integrates extra-judicial elements (psychologists, etc.). “Today, criminal justice functions and justifies itself only by this perpetual reference to something other than itself, by this unceasing reinscription in non-judicial systems. Its fate is to be redefined by knowledge. Penalty uses these professional sciences to present itself as “innocent” of malice.

23. **Foucault’s project:**

“A corpus of knowledge, techniques, scientific discourses is formed and becomes entangled with the practice of power to punish.

This book is intended as a correlative history of the modern soul and of a new power to judge; a genealogy of the present scientifico-legal complex from which the power to punish derives its bases, justifications and rules, and from which it extends its effects and by which it masks its exorbitant singularity.”

Foucault then asks a question about method. How can we write a “history of the modern soul on trial?” One way would be Durkheim’s (that is to say classic sociology), which explains the history of crime by the increase of individualism. Foucault implies that we need to reverse the proposition: new forms of punishment created individualism.

He then gives

23-24 **4 methodological rules**

1. Don’t think of punishment as only something that represses or says “no.”
Think of punishment as a complex social function that produces things (like the idea of crime) through society
2. View punishment as a political tactic, a way of enacting power.
Don’t think of it as just the neutral result of objective laws; justice is never an “innocent” concept.
3. The history of penal law and the history of the human and social sciences are interrelated. “The technology of power [is] the very principle both of the humanization of the penal system and of the knowledge of man.” Knowledge and power are intertwined. Science is not free from complicity with social control.
4. The body is a field of power; it is invested by power relations.

(Investigating the construction of bodies, we explore the landscape of social power)

The political technology of the body deploys a “specific mode of subjection.” By subjection Foucault means the process by which one is made a “subject,” in the sense that we are “subjects” to the Nation-State, a greater power have less power than we do.

24. Who is Foucault critically responding to/building on?
Rusche and Kircheimer’s marxist (Frankfurt School) study of prisons. Although they were Germans, the book was first published in English while they were exiles from the Nazi terror.

Rusche and Kircheimer present a historical scheme of punishment that strictly relates it to various historical modes of political economy. They see punishment as social phenemona that cannot be accounted fro by the juridical structure of socialof society alone” Justice has a social history; it is not autonomously defined. R and K’s scheme is:

<u>Historical Period</u>	<u>Type of Punishment</u>
Slave Economy	punitive measures (slavery)
Feudalism	corporal punishment (The body was the only property available in a society with an underdeveloped money economy)
Mercantilism (early 18C)	Forced labor, the factory-prison (workhouse)
Industrialism (Modernism)	Corrective detention, the modern prison

As you read **Discipline and Punish**, think about if Foucault really disagrees with Rudolf and Kircheimer or just builds on their insights.

25. Historians have studied a “history of the body” (demography, the study of population; pathology, the study of epidemics and disease), but

Foucault wants to study the body in relation to power - a “subjected” body, one made into a “subject” (subjectified, given a set identity) and disempowered (made subject to authority). He wants to study the “political technology” or processes by which the subjected body is made.

26. For the body to be “useful” it has to be both “productive” and “subjected.” But Foucault does not want us to think in terms of the coercion/consensus (or violence/persuasion) binary, where violence is power over our bodies and “ideology” is power over our “thoughts.” Instead, he want to investigate a “soft coercion,” which doesn’t try to persuade, but does not attack

our bodies - think of “subjection” as a violence in our minds. This power is “subtle” in that makes “use neither of weapons nor of terror and yet remain[s] of a physical order.”

This body is one that involves a “knowledge” of its identity. But discipline isn’t a monolithic, uniform, “continuous, systemic discourse; it is often made up of bits and pieces...in spite of the coherence of its results, it is generally no more than a multiform instrumentation. Moreover it cannot be localized in a particular type of institution or state apparatus” (This creates the problem of explaining why these bits come together. Why does one political alliance exist or succeed rather than another?)

This network of relations involves a “micro-physics of power.

For Foucault:

Power is not a “property” but a “strategy.”
It is not a “thing” but a “social process.”
Domination is not “appropriation,” but maneuvers and tactics.
Power is not something that one side does to the other, it is the field of contestation.
It infiltrates all social aspects, it isn’t limited to the fight between the state and citizens or simply that between classes.

26-28. Foucault wants to study the “micro-physics of “power-knowledge relations”
(the genealogy of the modern soul)
but not in the traditional terms of:

The State and the citizen;
the violence-ideology opposition (coercion/consensus);
the model of contract-conquest;
the opposition of interested/disinterested
(the idea that “someone” has knowingly premeditated the system)
knowledge and the primacy of the subject

Who does he mean by this?

Weberian political science (“The State has a monopoly on legitimate violence”)
Marxism (a certain kind of marxism that speaks about false consciousness)
Liberal political science (Rousseau’s social contract)
Empiricism (the neutral observer)
Cartesian objectivity (the self as autonomous producer of truth)

He refers to Kantorowitz’s notion of the King’s Two Bodies. This is the idea that in regal society there was the actual king, but beyond the physical container that may have been a king, the concept of the king was “virtual” and couldn’t be damaged, even if the king was. Think of the slogan “The king is dead; long live the king!” which means even though this king is dead, we still live in a monarchy; the regal institution transcends the individual.

Foucault argues that modernity has a different “two body” system, but ours is the body and the “virtual” body, which is our psyche. Consider the point this way. We have biological sexual apparatus (genital difference), but there is also the concept that we have a sexuality that can’t be located simply in these genitals.

29. But this isn’t to say that the modern non-corporeal soul isn’t “real” or “material”:

“It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of a power that is exercised on those punished-and, in a more general way, on those one supervises, trains, and corrects, over the mad, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives. This is the historical reality of this soul, which, unlike the soul represented by Christian theology, is not born in sin and subject to punishment, but is born rather out of methods of punishment, supervision, and constraint...out of this reality-reference, various concepts have been constructed and domains of analysis carved out: psyche, subjectivity, personality, consciousness, etc.”

Foucault isn’t saying that there’s no such thing as a “soul”; he’s saying the understanding of our “true selves” (our psyches or sense of self-identity) has been historically conditioned. And that rather than think of our soul as the aspect that liberates us; it may be that which imprisons us: “the soul is the prison of the body.” He also argues that the “soul” does not just belong to a history of ideas, but to a history of material institutions, professional authorities, classificatory categories, and power conflicts.

The historical formation of this process will be his book's object of investigation.

You should also be aware of a problem in translation. In English we have one word - "knowledge." In French, there are two *savoir* and *connaissance*, and these refer to different kinds of knowledge. *Savoir* is the kind of knowledge that tends to be empirical, quantitative, rule-based and emerges from institutions, while *connaissance* is subjective, qualitative, situational. The difference might be saying I know Coventry is in the Midlands (this is *savoir*, I know a location in terms of a map defined by political geography) versus I know Coventry well (this is *connaissance*, I know the city because I live here and have walked through it).

Foucault in this book will always be talking about *savistic* practices; knowledge which get "made" rather than known. When he talks about power-knowledge, you might want to hear something akin to labor-power. If labor is something that we all have, we only have labor-power when we enter into a social system that commodifies labor. Thus Foucault is talking about a socially constructed (and implicitly disempowering) system of knowing things. Hopefully, this will become more self-evident as the book progresses. The first chapter functions as a kind of "what I'm going to show you." It covers his thesis, method, motive, and evidentiary material.

2. The Spectacle of the Scaffold

In this section, Foucault will set out the first of his three historical phases: the early modern period, typified by torture and spectacles of punishment epitomized by the criminal on the scaffold. He wants to show that each mode of penalty functions to reinforce the period's dominant configuration of power. Terror has a rationale in absolutist regimes; it's not random.

32. Mentions that physical punishment was prevalent in the responses to crime, but also mentions that even if the laws required harsh punishment, often these punishments were not carried out because the courts would simply refuse to prosecute crimes if the required sentence was too harsh, or the judges would modify the accusation.

33. That said, many penalties had a degree of torture applied to it.

The Enlightenment philosophes (signaled by the mention of the *Encyclopedia*, the great achievement of humanist philosophy), would call this torture lawless rage as part of the campaign to delegitimize the aristocracy. But Foucault argues that torture was not irrational for the age (he'll explain why in this section)

Torture must:

1. produce pain that can be quantified, "calculated, compared, and hierarchized," so that different punishments must cause different amounts of pain. Pain must have its own calculable mathematics so that the torturer knows how much to deliver.

34. 2) This pain must then be regulated and controlled in relation to the kind of punishment

3) "Torture forms part of a ritual" and must:

"mark the victim"; the body has to be scarred, the flesh must act as a permanent record of torture;

the torture must occur in public; it must be a "spectacle" in order to illustrate the "truth of the crime" on the body for all to see (externalized punishment). The ceremony or ritual of pain displays the king's overwhelming power.

Thought question: Why are tattooing and piercing so popular today?

Violence is not an accident of torture; violence is the point of torture — the "guilty man should moan."

35. Why should torture be regulated, ritualized, and public? Because public executions illustrate the "truth of the crime".

Until the crime is punished, then the interrogation of the suspect takes place in secret.

36. The accusation was held in private because authorities feared that the public would create disorder. Also, the regal authority, the "sovereign power" (or power of the sovereign, the king) wanted to claim that "the right to punish in no case belong[s] to the multitude.] The power to judge is only for the king as proxy for the divinity.

That said, the regal courts did have an organization. But this organization was "additive" not "summative." What this means is that one didn't have to 100% prove someone guilty, but that bits of evidence could add up to guilt (for instance, a mass of circumstantial evidence could build up to prove guilt, while today we would argue that it doesn't show anything).

37. "Penal investigation was a machine that might produce truth in the absence of the accused." The "truth" of a crime didn't need an accuser, partly because the pre-18C courts emphasized the role of confession.

38. "Juridical torture" valued confession, but it let the accused also take "part in the ritual of producing truth"

40. Torture may have dated from the "Gothic" medieval ages, but it was put into a "penal mechanism" that gave it a logic. Torture was "certainly cruel, but it was not savage." It was a test, a trial between the accused and the court. Thus, the accused could "win" if they failed to confess after torture.

40. Torture is a trial of unequal powers (judge vs. prisoner), but prisoner could win. If the prisoner didn't confess, then guilt couldn't be "proven." This was torture's second purpose.

41. Torture had "an element of the duel."

42. "The body interrogated in torture constituted the point of application of the punishment and the locus of extortion of the truth." (Notice how Foucault uses his four axioms to organize his points (23-24). Torture produces truth; it works on the body; it is a political process to show the king's power, etc.)

43-47. The juridical liturgy, the theatrics, processions of the court room:

- 1) made the guilt man announce his own guilt.
- 2) repeated (and thus legitimized) the scene of torture on the scaffold;
- 3) pinned torture on the crime, rather than the criminal;
- 4) slowed down the rate of torture and execution to prove the decision.

47. "The public execution is to be understood not only as a juridical, but also as a political ritual." Torture was carried out as a political strategy. The purpose was to re-affirm the king's power. "Crime attacks the sovereign; it attacks him personally, since the law represents the will of the sovereign; it attacks him physically, since the force of the law is the force of the prince."

Because the crime metaphorically challenges the king's power, the king must show everyone that his power is greater, therefore, the criminal's body must be crushed and shown to everyone that it is crushed, as a reminder to all of the "super-power" of the king (absolutist State).

49. To reassert the regal State's authority, it must "terrorize" the population by a ritual of power.

49. The execution's "ruthlessness, spectacle, physical violence" shows the king's power. Pain was scripted to theatricalize the inequality of power between the king and his subjects. Punishment is meant to be atrocious - when the *philosophes* complained about its barbarism, this was a political statement against the unenlightened king.

50. Why torture? Because "the justice of the king is shown to be an armed justice"; every crime insulted the king's honor and was potentially a seed for rebellion. As every crime becomes treason, the State uses brute force to destroy challenges to its power.

53. Because the point of punishment was to display the king's power, it didn't matter if the criminal was pardoned, since even a pardon shows that the king has the right to control matters of life and death.

55. Foucault suggests that the Terror system was strengthened in the mid-17C after threats to royal authority in the French civil wars (The Fronde) and, of course, with the Commonwealth in England. Absolutism is not feudalism. It is early modern, not pre-modern. Terror comes as a response to the initial threats, by capitalism, to feudalism.

57-65. In public executions, there are two key players. On the one hand, the king's power acting through the messenger of the executioner; on the other, the public. "People were summoned as spectators" since they must see the king's power. Oddly, the criminal was almost irrelevant to the event. Furthermore, the public was meant to call for the execution as well, and in this way share in the glory of the king's power to punish and take life.

59-61. But the risk of spectacles is that they also provide a public space and opportunity for the populace to resist the king by rioting and rescuing the prisoner from the scaffold (refusing to recognize his crime). Or, the public would hope that accused, who had nothing more to lose, would condemn authority in ways as of yet too dangerous for the king.

Terror began to have less effect and no longer frightened people, especially the lower, plebeian classes, who began to resent punishments for certain crimes, especially when the crowd began to see that they too could be easily accused. Later, middle-

class intellectuals would condemn terror and torture as inhuman, but Foucault argues that these reformers also knew that the torture system had been discredited by the mass, who no longer were frightened by public executions. The implication is that the lower classes make social change, while the middle classes take credit for it. No longer frightened by the king. And so Foucault's examples of popular resistance are from the 1770s, the period before the Revolution, when Louis XVI would himself be put on trial and beheaded.

65-69. Foucault talks about the crime broadsheets of the period that turn the one on the scaffold into a popular hero. He argues that the lower classes used these broadsheets as a way of representing themselves. Thus, authorities tried to suppress them. In an instance of class struggle over representation, Foucault argues that by the late 18C/early 19C there was "a whole new literature of crime" in which crime is not what lower classes do, but is an "exclusive privilege", hence the rise of an aestheticization of the criminal as a "great spirit" the Romantic exception who is not of the mass.

Having charted out the rationale of the torture system, Foucault now moves to show what comes afterward.

Part Two: Punishment

In this section, Foucault treats the mid-late 18C phase, the age of punishment, which spans the revolutionary period. The phase is not as clear-cut as the earlier and later one, since it represents a transitional period, and thus contains aspects of all three phases. Foucault will explain why as the section continues. As always, keep in mind what terminology Foucault uses for each phase. For instance, he will argue that each period has a kind of vision, an optic, attached to it. The Ancien Regime one is spectacle, the next is semiotic theatre, and the 19C one is surveillance. Foucault *almost never* confuses his terminology!

1. Generalized Punishment

73. Protests against public executions (the terror system) "proliferated in the second half of the eighteenth century" among lawyers, parliamentarians, and popular petitions: "the physical confrontation between the sovereign and the condemned man must end; this hand-to-hand fight between the vengeance of the prince and the contained anger of the people, through the mediation of the victim and the executioner, must be concluded."

The terror system became dangerous as "it provided a support for a confrontation between the violence of a king and the violence of the people." Once the public became accustomed to seeing blood flow by the king, it might want to do this for itself.

74. The rejection of torture was a rejection of the king's right to touch (or maim) the body of his subjects. But Foucault says that the rejection of despotism came before the rhetoric of "humanitarian" sentiment. In other words, popular politics preceded ethics; the middle class wanted to resist the king and needed a (self) justifying language, which was the language of humanitarianism. Later, the idea of the individual's civil rights, the "man-measure," became attached to an idea of "humanity" (leniency) and "measure" (empiricism/quantification). The bourgeois used a language of sentiment, mainly from Rousseau, here: "a cry from the heart or from an outraged nature." Suddenly the king became represented as unnatural, rather than representing the natural Chain of Being.

Foucault asks how did the two elements of "measure" and "humanity" get fused (**articulated**) to form a "single strategy" to displace damaging the body?

75. In 18C crimes lost their "intensity, but at the cost of greater intervention". There was a decrease in violent crimes (of rebellion), but an increase in crimes against property. Similarly, the criminal no longer seems a marginal figure, "quick to act, quick to anger," but now more "cunning, sly, calculating." The image of the criminal changes from men acting against despotism to men damaging society, where society is defined as private property.

76. The shift from violent attacks to the more or less direct seizure of goods, from "mass criminality" to a "marginal criminality," and Foucault argues that the object of crime changed even before the end of torture.

77. The shift from **criminality of blood** to a **criminality of fraud** is part of "a whole complex mechanism" involving the increase in wealth, higher juridical and moral values based on property relations, stricter methods of surveillance, partitioning of the population, more efficient means of locating and obtaining information (the police), and extension and refinement of punitive practices. [Note period used immediately precedes the French Revolution; the move here is that Foucault is arguing that middle class conflict began to change society even before the Revolution; hence he's shying away from attributing social change to "great dates and events." Additionally, he's arguing, like Tocqueville, against the Revolution's radical break.

Foucault also dissents from a history that describes "change [as belonging] to the domain of the spirit and the subconscious." He means that historical change does have some intentional strategy behind it; It's rejection of a Hegelian "history of ideas."

78. "What was emerging no doubt was not so much a new respect for the humanity of the condemned - torture was still frequent in the execution of even minor criminals- as a tendency towards a more finely tuned justice, towards a closer penal mapping of the social body. Following a circular process, the threshold of the passage to violent crimes rises, intolerance to economic offenses increases, controls become more thorough, penal interventions at once more numerous and more premature."

78-81 Foucault argues that middle-class jurists launched a critique against the Ancien Regime's system of justice. They had three specific complaints about the unfair, un-"natural" system

1. Judgeships were sold or hereditary, thus keeping professional advancement out of the hands of the middle-class
2. There was a contradiction between the king making laws and executing them. The system was liable to corruption.
3. Because of the proliferation of courtships, there was no logical consistency to what courts could rule on what matters. The system overlapped and created loopholes. (79) "The criticism of the reformers was directed not so much at the weakness or cruelty of those in authority as at a bad economy of power.

They also complained about the "super-power" of the monarch, who was outside of law's purview.

80. These complaints led to a new strategy regarding the power to punish, a desire that it become more "rationalized," more "reasonable."

81. Argues that penal reform came as a result of "different interests" to create a new political economy of power. Some were philosophers, "who regarded themselves as enemies of despotism and friends of mankind"; some were parliamentarians, and some were also lawyers and magistrates fed up with the system.

Thus change came about because different interests converged.

82-86. Foucault now talks about a socio-political strategy about how the middle-class used the lower-classes in the fight against the nobility. In the time there was a "popular illegality" of small crimes, like using the land for pasturing animals or more simply taking odds from the forests and fields, which the middle-class encouraged as a means of delegitimizing the nobility. The period saw an overlapping of semi-criminalized, ranging from run-away apprentices to deserting soldiers to domestic servants (83). This is the birth of plebian solidarity.

84. By the second half of the 18C, there was a shift of crimes that involved "the illegality of rights" (85) to the "illegality of property rights." Foucault argues that the bourgeoisie encouraged popular crimes against feudal hereditary property-holding as a tactic, but when it came to the laboring class taking their own property, the middle class energetically prosecuted crime. One way to think about the difference between popular illegality and crime is when people take office supplies from their place of work. Clearly this isn't legal, but bosses often look the other way. Nicking pens and paperclips is "illegal" but not prosecuted as a "crime."

85. A key site of concern was the customary pilfering that went on in the London warehouses, of goods from the West Indies, mainly sugar. The old "rights" to take odds and sods became a crime of "theft."

86. The middle-class became worried about 1) the complicity between managers and workmen; 2) a network that circulated pilfered goods, and 3) counterfeiting.

87. Key summation statement.

"Or, to put it another way, the economy of illegalities was restructured with the development of capitalist society. The illegality of property was separated from the illegality of rights...at the same time as this split was taking place...[was] the point of junction between the struggle against the super-power and that against the infra-power of acquired and tolerated illegalities."

[In short, the middle class created the difference between breaking the law to resist the king (being illegal for rights) and breaking the law by stealing from the middle class (being illegal for theft). The middle-class emphasized crimes against property because that was the object that the laboring classes could most easily enact. Now, the middle-classes began "to reserve to itself the illegality of rights" (the customary rights that previously peasants claimed) because the middle-class knew that it could afford to pay the lawyers that would manipulate the legal system for them. Laborers can't afford to go to court in this way. Thus, the justice system became the preserve of the middle-class.

88. Criminals began to be represented as threats to society, rather than threats to the monarch.

89. "It was because the pressure on popular illegalities had become, at the period of the Revolution, then under the Empire, and finally throughout the nineteenth century, an essential imperative, that reform was able to pass from the project stage to that of an institution and set of practices."

Notice the terminology. A "project" is an idea, which becomes something else when "a set of practices" becomes tied to "institutions." Keep the practices + institution= in mind for the section on discipline.

89-90. "At the level of principles, this new strategy falls easily into the general theory of the contract." (i.e. the new type of punishment models itself on marketplace exchanges).

How does penalty change from torture to discipline?

key overview paragraph on the new strategy of punishment, "discipline," and how it treats the body differently.

"Shift the object and change the scale. Define new tactics in order to reach a target that is now subtle but also more widely spread in the social body. Find new techniques for adjusting punishment to it and adapting its effects. Lay down new principles for regularizing, refining, universalizing the art of punishing. Homogenize its application. Reduce its economic and political costs by increasing its effectiveness and by multiplying its circuits. In short, constitute a new economy and a new technology of the power to punish: these are no doubt the essential *raisons d'être* of penal reform in the eighteenth century." All this takes on the form of the contract. Foucault means two things here. Firstly, Rousseau's notion of the social contract, social consensus. Secondly, liberalism's notion of a contract between two individuals. The middle-class blurs the distinction because it, as Marx notes, takes the middle-class subject as universal and normative. So to violate contractual relations is felt to be a violation of the social contract. "The right to punish has been shifted from the vengeance of the sovereign to the defence of property."

91. The strategy of shifting punishment to a matter of property rights comes as the bourgeois jurists propose a rhetoric of "humanity" and disgust at the torture system, as if the "sensitivity" of the speaker now allows him to act.

Foucault says that the middle-class constructs a monster," who violates social norms, fusing the lower classes and the monarch together as outside social norms.

By emphasizing "sensitivity," the judges shift the focus from marking the body to marking the "heart." But this heart is also one that calculates the cause of crime. Sensitivity is a social regulator, a form of rationalizing a mode of training.

Instead of the monarch who tortures for revenge, the middle-class punishes lest the crime be repeated by others. When Foucault says, (93) "The last crime cannot but remain unpunished," he means that the point of punishment is to prevent others from mimicking it. If Robinson Crusoe committed a crime alone on the island, it wouldn't matter in this viewpoint. Only when someone is there to potentially watch and follow, does the act become criminal. The key thing now is to "punish exactly to prevent repetition" (93). Crime becomes secularized as god is taken out of the question.

This is the rise of semiotic punishments, punishing through signs.

94-96. The major rules of the new semiotics of punishment.

1. **The rule of minimum quantity.** Balance the benefits of crime against its punishment.
2. **The rule of sufficient ideality.** Punishment is effective when it counters the advantage of crime. Thus, the body is to be used not as the subject of pain, but as an object of representation. Balance "motive" (rather than act) with the "idea" of punishment.
3. **The rule of lateral effects.** The penalty must have as its main purpose an effect on those who haven't committed the crime. Punishment must be preventive, prophylactic. Link the idea of each crime to an idea of its punishment - specialize punishments to fuse the signifier and signified.
4. **The rule of perfect certainty.** Punishment must be clear, unarbitrary and knowable in advance, unlike the caprice of the absolute ruler's moods. Here printing the legal code is vital.
5. **The rule of common truth.** The trial process must be able to be seen by all and felt to be rational. It must be public. Guilt must be deductively, not inductively, proved.
6. **The rule of optimal specification.** The punishment must fit the crime. Punishment is mimetic. Re-enact the crime for all to see. Remove any possible loopholes by assigning all crimes with classifications. "Collect" the crimes into categories; leave nothing un-named.

99. With this individualization, we seem to be heading to the next phases's discipline of the soul.

99-102. Foucault generally discusses the problem of how to fix crimes to individuals, to make the individual subject, more than the crime itself, the focus. Notice the general shift from criminal act to criminal identity. Foucault is trying to show the historical transitions.

Two trends of objectification converge. One is the notion of seeing criminals as social outsiders, abnormals. The second is the push to measure crime (ostensibly to make punishment fair). Soon we will move to measuring abnormality.

102. Discusses how Enlightenment figures, the *Idéologues*, and their notion of semiotics was less about humanitarianism than an enactment of bourgeois dissident political theory that was against the ancien regime. "The thought of the *Idéologues* was not only a theory of the individual and society; it developed as a technology of subtle effects, economic powers, in opposition to the sumptuous expenditure of the power of the sovereign."

Unlike the torture/terror system, which worked on the body, the punishment system works on the mind, the "soft fibres of the brain," (as like an ideology). This will involve a "new politics of the body"

Having set up the general problem, Foucault uses the section break to indicate a more specific investigation.

2. The Gentle Way In Punishment.

This is a often overlooked chapter since Foucault has a third scheme of "punishment as representation" that is historically in between torture and discipline. It's noteworthy that this scheme happens around the Revolution and revolutionary ideals of reforming society.

Foucault doesn't want to emphasize this, since his real interest is the latest, most recent mode, which he thinks we still inhabit. But it is worth reading the section as fundamentally a punishment based on principles of "sentiment.

How does the new semiotics of representing punishment at the end of the 18C work?

How can signs of penalty function?

109-114

1. They must be unarbitrary. The punishment must exactly mirror the crime.

Punishment differs from torture (106) "It is no longer the symmetry of violence, but the transparency of the sign to that which it signifies...in the theatre of punishments, a relation that is immediately intelligible to the sense...a reasonable aesthetic of punishment."

2. The signs must work to deter crime by balancing the forces. (106) "Against a bad passion, a good habit: against a force, another force, but it must be the force of sensibility and passion, not that of armed power" [i.e. not terror].
3. Punishment must not last forever, since to do so would remove the idea that crime can be ameliorated. There must be an economy of punishment.
4. The point of punishment is not really that the criminal learns the lesson, but that the criminal is used to teach the viewing population a lesson. But unlike the scaffold, the point isn't to create terror and fear in the viewers, but to educate them.

(109) In the old system, the body of the condemned man became the king's property, on which the sovereign left his mark...now [the condemned man] will be rather the property of society, the object of a collective and useful appropriation." This is why criminals often work on public projects (like roads). The ideal would be the convict to appear as "the property of society, the object of collective and useful appropriation."

5. To achieve the above there must be a "new learned economy of publicity" that advertises the above through the dissemination of printed signs and parades.

The criminal leaves society, and is mourned for it, but the loss is to educate the public. Punishment is didactic. "Punishments must be a school rather than a festival [i.e. the terrible hanging]; an ever-open book rather than a ceremony. The example is now based on the lesson, the discourse, the decipherable sign, the representation of public morality." What Foucault is trying to show is how a certain rhetoric of Enlightenment and republicanism tie in with punishment.

6. The criminal must not seem glorious. He will be a moral example, examples that proliferate in "the punitive city" full of "tiny theatres of punishment" (113) so that everywhere one can "read" the signs of punishment. "Gentle

Punishment” must turn the criminal’s body into an open book that educates. The movement of this book-body and its signs creates what Foucault calls “the punitive city” where “in counterpoint with all the direct examples of virtue, one may at each moment encounter as a living spectacle, the misfortunes of vice.”

114. Foucault asks himself a key question. Why, if the point of picturesque punishment was to transport penalty’s representations through the city, did incarceration, the cloistral space of the prison sentence, become “the essential form of punishment”? Isn’t this a contradiction, since it removes the specificity of crime to sign-punishment by hiding punishment?

Why was the “site/sight” of punishment moved from “the scaffold” through “the punitive theatre” to the “prison,”: a “great, enclosed, complex and hierarchized structure that was integrated into the very body of the state apparatus” (115). (Notice the schematization of Foucault’s argument. For each period, he describes a kind of body, a use of space, a conception of time, a social system).

	Ancien Regime	late 18C	19C and onward
penal system	terror	sign-systems	discipline
main site	scaffold	punitive city (parades)	prison
dominant power	royalty	mixed	bourgeois

116. Foucault argues that the move to emphasize prisons was “almost instantaneous.” Why?

118-119.. Foucault notes that the move to prisons was not self-evident, since the prison had always been negatively associated with royal despotism (for example, the French Revolution is “marked” by 14 July, Bastille Day, when the people destroyed a royal prison).

121. But new models of prisons (most notably by the Quaker influences that created the Walnut Street Prison in Philadelphia, which was the largest structure in the Western hemisphere at that time) argued for carcerality as a means of “pedagogical and spiritual transformation” of the prisoner (the idea that prison reforms the criminal since good conduct could reduce prison sentence; good conduct meant work; and daily life was strictly regulated) and “economic imperatives” (reduced court cases and thus costs; reduced lost tax money that had to be compensated to property owners for damages caused by vagabonds; would turn prisoners into unwaged workers, and force outside laborers to accept lower wages because they had to compete against prison labor; and compel the “lazy” prisoner to be “virtuous” and work).

122. “To the principle of work, the English models added, as an essential addition to correction, isolation.” (This is a shift from the sociability of previous systems. Instead of the prisoner being shown publicly, the jailed had to turn inward as they were cut off from human contact).

As a reformatory, the prison began then to “care” for the prisoner, by creating a “knowledge” about him. In order to reform someone, records of their progress must now be kept. The prison functions in this as an apparatus of knowledge [savior].

127. Foucault asks again: why did the prison as “reformatory” so quickly take over? The older system of punishment as representation used the prisoner’s *body* as a sign system; the prison system focuses on the isolated, unseen prisoner’s *mind* (the soul) as something that can be “corrected” through a system of “techniques,” which Foucault will call “discipline.” These techniques help make for obedient subjects..

He begins to suggest an answer through 129-131, by contrasting the “punitive city” and “coercive institution” by arguing that while the system of representations had to parade the body around the city, the prison’s use of condensed space could like up with other nodes in the social network (like schools, hospitals, etc.) that could more efficiently and completely control social space. The control of space becomes a political tactic (to prevent plebeian urban riots, for instance, that might overturn the rising authority of the professional class).

129. Notice developing tripartite scheme: “terrible site (of scaffold); punitive city (of theatres); coercive institution (invisible prisoners).

130-31. Last paragraph, a summary of distinction
Three technologies of Power

Age	Dominant Power	Result	Process	Object	
Terror/Torture	Sovereign	Mark	Ceremony of vengeance	vanquished enemy	tortured body
Punishment	Society	Sign	Circulation of Representation	juridical subject	soul with representations
Discipline	Administration apparatus	Trace	Exercise	coerced subject	body subject to training

Having described two time-space systems (pre-1750 terror and 1750-1800-ish representation), he will now turn to 19C techniques of “discipline”.

Part 3. Discipline

In this section, Foucault treats the third “modern” phase, from 18-19C to mid-19C (and beyond).

1. Docile Bodies

135. Describes soldier’s body as “something that can be made” - clay to be formed, a machine to be made.

136. “The classical age discovered the body as object and target of power.” By classical age, Foucault means the 18C Enlightenment. He wants to show the historical roots of the discipline system.

“Man-the-Machine” was written on two registers

anatomico-metaphysical register (body-mind split) Descartes began this, physicians and philosophers continued it. It makes the body docile.

technico-political register made by regulations, empirical and calculable methods of army, hospital, school related to controlling or organizing body. It makes the body “productive.”

A two-stage process. The body is first made submissive, docile, and then made functional, “subjected, used, transformed and improved.” The docile body is a prerequisite for the manipulable body.

The celebrated automata...were small-scale models of power (Frederick II).

137. What makes this conjunction of ideas of the body and systems of power new, historically specific?

1. The scale – instead of treating bodies in mass, the individual is the object of attention. The body’s small aspects, its gestures, began to be noticed (for an example, look at plate 2, of the steps of writing).

2. object of control. The body is no longer meant to “signify” but should be “economic;” it must be made efficient. The body must be exercised.

3. modality - there will now be constant supervision of the body. Time, space, movement (development) will be the three co-ordinates of control.

These three methods (focus on the individual, make it productive, supervise its duration, location, and trajectory) are what Foucault will call “disciplines,” in the sense of disciplining a person and a “discipline” as like an academic specialty (a knowledge of each body, of bodies, will be produced)

This differs from:

slavery, since it doesn’t “appropriate” the body (no external torture);

service, since it lacks a specific “master” (no king);

vassalage, which coded labour and allegiance, but not the body;

asceticism, since it does not say “no” (no repression, this system produces).

(notice the echo, Foucault is replying to Rudolf and Kirchheimer’s categories previously mentioned)

137. “the historical moment of the disciplines was the moment when an art of the human body was born, which was directed not only at the growth of its skills, nor that the intensification of its subjection, but at the formation of a relation that in the mechanism makes it more obedient as it becomes more useful and conversely.”

docility+productivity=discipline

138. “Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience).”

In other words, the body is made to do/be more, but is also cheaper to control on a mass scale.

“If economic exploitation separates the force and the product of labour, let us say that disciplinary coercion establishes in the body the constricting link between an increased aptitude and an increased domination.”

Discipline has multiple sites of origin and procedures; we see it in the practices of the army, schools, hospitals (all sites of moralized body production).

“The ‘invention’ of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method”

Foucault says that it begins very early in secondary education, then primary schools, then hospitals, then military.

The tempo of circulation is different, sometimes fast, sometimes slow.

“On almost every occasion they were adopted in response to particular needs: an industrial innovation, a renewed outbreak of certain epidemic diseases, the invention of the rifle...”

139. Foucault says that he is only going to focus on one disciplinary institution (the prison) as an example.

139. “Discipline is a political anatomy of detail.”

It is small acts of cunning. F. looks at “micro-physics” of power, not macro (economy, State).

Discipline is successful because it is either hard to see or seems inconsequential when we do see., too small to resist.

Foucault’s analysis can be thought of as the history of social utilitarianism (Bentham, Mill) as it relates to notion of economic utility (classical economical terms of value) - how “morality” justifies the marketplace and vice-versa.

140. Discipline is a history of detail.

“For the disciplined man, as for the true believer, no detail is unimportant” (implicit critique about Freud, who believed the small details of the dreamwork were the most important ones - Foucault is also arguing against psychoanalysis/psychology by saying it is functionally very similar to utilitarianism, the moral defense of wild capitalism).

141fn Foucault says: “I shall choose examples from military, medical, educational, and industrial institutions. Other examples might have been taken from colonization, slavery, and child rearing.”

How would the study be different if Foucault had taken the last three? Do we believe that race and gender are inconsequential to the topic?

Techniques of Discipline

The art of distributions (space) - fix spaces along grids - looks to isolation

Control of activity (body) - control physical “norms” - looks to making “productive” bodies

Organization of Geneses (time) - set schedules of development - looks to “reform”

Composition of Forces (society) - tie the above to social groups

Distribution (of spaces) – enclose, partition, make useful, make interchangeable

141. 1. Enclose and fix space (model from monastic cell, separate it from public view). The masses must be cloistered within a controllable space, be these barracks or factories. The aim is to control space to prevent rebellion, to hold the vagabond mass in place, to master the labor force.
2. Partition space - make spaces smaller and smaller (Taylorization applied to space, don’t let groups stay together, learn how to find individuals and prevent them from finding each other). Discipline controls space and prevents others from altering it. “Discipline organizes an analytical space.” One must eliminate the uncontrolled disappearance of individuals. Prevent hybrid sites of social exchange, like ports.
3. Make spaces functional - every space will be coded as having a purpose so that an individual’s identity can be determined by where they are located. This “therapeutic space” allows individuals to be compared to one another; it makes space legible by making it like a two-dimensional table (a grid graph). Do not allow groups to mix or create a “meeting-place for dangerous circulations.” Foucault also speaks about the need to make factory space useful for production flows.
4. Make elements interchangeable, but ranked. No one belongs to any space except within a league table of fluid ranking. His example is the classroom that is constantly put into different competitive camps.

146. The example of Roman language for school. “One should not forget, that generally speaking, the Roman mode, at the Enlightenment, played a dual role; in its republican aspect, it was the embodiment of liberty; in the military aspect, it was the ideal scheme of discipline.”

This is the heart of Foucault’s critique about the republican Enlightenment’s contradictions. It sought to define republicanism from the historical example of the Roman Republic, but this was the republic that also became a military empire.

Here *Gladiator* is a useful example. Ostensibly Maximus struggles to re-establish the republic, but it isn’t the “people” who make the struggle, but a military fighter.

(Here Foucault suggests that this confused model made for the inevitability of Napoleon as Emperor coming out of the French Revolution. This is also a coded critique about Stalin coming from the Russian Revolution - hence a critique of the French Communist Party (PCF) which was/is very Stalinist. This was a major complaint of the 68-ers, since the PCF was blamed for betraying May 68. Ultimately, Foucault seems to telegraph an interest in looking back at why the recent social movements of the 60s weren’t able to succeed, and he does this by looking at the history of other failed revolutions, like that of the 1790s).

148. Distributions makes:

cells	architectural space	fixes positions and permits circulation
places	functional space	mark places and indicates values
ranks	hierarchical space	makes obedient individual

“The drawing up of ‘tables’ was one of the great problems of the scientific, political, and economic technology of the eighteenth century.” Botany/zoology (Darwinism); register men; make money (surplus value)

These were “twin operations in which the two elements - distribution and analysis, supervision and intelligibility-are inextricably bound up. In the eighteenth century, the table was both a technique of power and procedure of knowledge.” (To be able to locate someone on a league table was to be able to judge how good they are).

The Control of Activity (time)

149. 1. The time-table (decimalization of life - time-work discipline, “rationalization,” “reification”). Foucault mentions time-pressures on factory labourers. But says this isn’t distinctively new for discipline. The following are:
2. Temporal elaboration of the act - there will be an outside program that says how long everything should take
 3. Correlation of body and gesture - the whole body is involved and disciplined.
 4. Body-object articulation (relation of whole body to object); body will be a machine. This training of the body is called a maneuver. The body isn’t exploited, so much as coercively tied to the “apparatus of production.” But not simply a machine, see next point.
 5. Exhaustive use - nothing should be wasted, ever-growing use of time to make the body more productive. The body as an object is the “natural” body. This is what’s different; humans are less organic machines, then machinic organisms. The discipline of natural growth looks to the next function below.
153. Disciplinary powers use the function of ... of exploitation of the product as of coercive link with the apparatus of production.”

The Organization of Geneses (personal development) - the ideology of progressive evolution (genesis)

Nature is made productive by ensuring its time and space create things on schedule. The “time of individuals” is controlled by the following.

157. 1. Divide time into successive segments which must end at a certain time and can’t overlap
2. Organize these segments according to an analytical plan
 3. Finalize each temporal segment, as with an examination
 4. Draw up a series of series, every individual must be ranked

The chief example here is pedagogy, where the student is made to follow a path the leads to the “master,” the teacher as exemplum

160. “The ‘seriation’ of successive activities makes possible a whole investment of duration by power...power is directly articulated onto time; it assures its control and guarantees its use.”

This made linear, “evolutive” time - the discovery of progress

“The two great ‘discoveries’ of the eighteenth century - the progress of societies and the geneses of individuals-were perhaps correlative with the new techniques of power.”

(Roots of social Darwinism: eugenics and theories of racial degeneration are now possible - these become produced from distinctions that see people as more or less advanced along progressive history)

A new kind of history is now possible, not one of “solemn events” (161) but of “continuous evolutions” (a history of “culture, civilization: one can see how this will aid imperialism).

Keep in mind the terminology on 161 tables; maneuvers, exercise (for geneses)

The Composition of Forces (society and social divisions)

163. Quotes Marx on how surplus value is created. This section refers to how large groups of people are brought together to form a social whole, which increasingly becomes self-regulatory, self-disciplining as every stage carries out these procedures on the stage below it.

- 165. 1. The individual body is a segment in a social machine
- 2. Time itself is made into a machine
- 3. The system requires a precise system of command (internalized order, everyone follows orders)

167. Foucault reviews his argument.

Discipline creates:

4 types of individuality through

- cellular (spatial distribution)
- organic (codes activities)
- genetic (accumulates time)
- combinatory (composition of forces)

4 techniques

- drawing up tables (tables allow one to easily survey groups)
- prescribing movements (proper maneuvers tell who is “normal”)
- imposing exercises (exercise is tied to an idea of progress)
- arranging tactics (remakes collective identities)

Activity	Object	Techniques/Instruments		Method
Art of distribution	Space	Cellular	grid plane (cells, places, ranks)	Hierarchical Observation
Control of Activity	Body	Organic	Code of movements	Normalizing Judgment
Organization of Geneses	Time	Genetic	Time-table of exercises	Normalization
Composition of Forces	Society	Combinatory	Tactics	Alliance Among Disciplinary Institutions

168. Discipline is about the militarization of society (Foucault’s critique of fascism - see his preface to Deleuze and Guattari’s *Anti-Oedipus* where he talks about getting read of the fascist in our heads.)

169. Citation of Marx’s comparison of army to bourgeois society. Again, notice the dual reference to Rome as model of republic and exemplar of militarized society.

“The Roman reference that accompanied this formation certainly bears with it this double index: citizens and legionaries, law and maneuvers. While jurists or philosophers were seeking in the pact a primal model for the construction or reconstruction of the social body, the soldiers and with them the technicians of discipline were elaborating procedures for the individual and collective coercion of bodies.

Foucault will now turn to detail these techniques.

2. Means of Correct Training

170. “Discipline ‘makes’ individuals both as objects and as instruments of its exercise. It is not a triumphant power, which because of its own excess can pride itself on its omnipotence; it is a modest, suspicious power, which functions as a calculated, but permanent economy. These are humble modalities, minor procedures, as compared with the majestic rituals of sovereignty or the great apparatuses of the state.” (think back to distinction between torture and punishment)

Discipline works through three instruments;
hierarchical observation;
normalizing judgment;
the exam (as combination of the two above).

The four techniques allow for the above discussed in the prior section set up these modes of production.

Hierarchical Observation

171. Discusses rise of observatories (social optics); compare to feminist critiques of the male gaze. The judging eye is physically above those to be observed.

After using the example of the military camp, Foucault says that its principles were found in “working-class housing estates, hospitals, asylums, prisons, schools: the spatial ‘nesting’ of hierarchized surveillance.” (He means the literal ability to watch over others, and the ability to place someone on a written table).

172. This surveillance gives rise to an architecture that is not built to be seen, but to see others, to observe; this is architecture as a microscope, a “therapeutic operator,” where watching is tied to a mission of “normalizing” the subject, forcing it to be “acceptable.”

He uses the example of school architecture which served the functions of creating health, qualified students; obedience; and proper sexuality.

174. But disciplinary optics work in relays; they must have several nodes (to be discreet).

175. Foucault quotes Marx (chap. 13 on cooperation) on capital’s need to have supervisors (rise of professional-managerial class or bureaucrats).

176. Surveillance does not exist in only one place; it economizes by creating a “network” of integrated nodes. Because it is not centralized, discipline is harder to remove.

177. By constantly watching, discipline works through sight, not physical force.

Normalizing Judgment

177. 1. A new infra-penalty - new crimes are made, ones of petty humiliation.
2. Crimes of non-observance are created. One is made guilty for omission, the things you didn’t do.
3. Disciplinary punishment is corrective; it is a kind of exercise.
4. works with gratification-punishment, relies on stark binaries (good/bad, etc.).
5. rewards and punishes.

182. Normalization:

1. **Compares** - the individual to the whole group
2. **Differentiates** - every individual
3. **Hierarchizes** - by measuring and ranking individuals
4. **Homogenizes** - by giving the measures a binary good/bad value
5. **Excludes** - by creating a limit beyond which is the “abnormal”

184. “The power of the Norm appears through the disciplines. Is this the new law of modern society? Let us say rather that, since the eighteenth century, it has joined other powers - the Law, the Word (parole) and the Text, Tradition - imposing new delimitations on them.”

By Law he means Freud and Lacan
The Word, Text he means Saussure, Levi-Strauss, Barthes, and perhaps Derrida
Tradition - perhaps Gadamer

184. Examination

184. “The examination combines the techniques of an observing hierarchy and those of a normalizing judgment.” (Foucault means examination in both senses of the school test and hospital consultation.)

For Foucault: **army ≈ court-room ≈ school ≈ hospital ≈ prison ≈ factory ≈ (asylum camp)**

These are the disciplinary nodes that collaborate to create a network of control. They constantly refer to each other and one often acts like another.

186. The exam is also a means for professionals to assert their authority. The daily examining round of the physician displaced the unprofessional priest. It also creates a knowledge (savoir), a medical discipline in the sense of what the doctor does and what s/he knows. The hospital becomes “the physical counterpart of the medical discipline.”

187. 1. The examination transformed the economy of visibility into the exercise of power.
2. The examination introduces individuality into the field of documentation (It registers them). The exam turns people into analyzable objects and forces them within a comparative system (Social Darwinism).
3. The examination, surrounded by all its documentary techniques, makes each individual a “case” (a case as in case history, a story of abnormality).

192. “[The case history’s] turning of real lives into writing is no longer a procedure of heroicization; it functions as a procedure of objectification and subjectification.” To be written about is like being seen; it is a process of disempowerment.

In the terror system, to be seen was to judge and have power. In discipline, to be seen is to be judged and disempowered.

193. Old system was “ascending” individualization - naming was praising. Discipline is “descending” individualization - naming is incriminating.

Foucault says the medieval epic adventure now becomes the internal search for childhood, Le bon petit Henri becomes little Hans (the name Freud used for one of his patients); Lancelot becomes Judge Schreber (Freud’s study for paranoia).

Romance becomes the Family Romance (Freud’s name for Oedipalization - one loves mom, etc).

194. “We must cease once and for all to describe the effects of power in negative terms...in fact, power produces reality; it produces domains of objects and rituals of truth.

3. Panopticism (Bentham’s architecture as social microscope - everyone is watched)

200. Continuing with spatial examples, Foucault contrasts the leper-town (where the Other is simply excluded) to the plague-town (where everything is organized in exceptional times) to panopticism (where surveillance becomes internalized and everyday).

206. “Easy once you’ve thought of it”: Why did disciplinary mechanisms spread so quickly throughout society? It establishes a “direct proportion between ‘surplus power’ and ‘surplus production’).

207. The power of the Panopticon can’t be tyrannical (like the monarch) because it is “democratic,” discipline claims that all are equally bound within it.

210. Disciplinary institutions operate by:

1. Functional inversion of disciplines (now they produce, not repress, things)
2. Swarming of disciplinary mechanism (interlocking of institutions)
3. State-control of mechanisms of discipline (the rise of the police-state, the night-watchman state, the welfare state). The State doesn’t originate these mechanisms, but they play a key role in their promulgation.

215. Foucault's proviso. Discipline is a process, not a thing; as a process it can be used in different ways by different interests. To wit:

“ ‘Discipline’ may be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of applications, targets; it is a ‘physics’ or ‘anatomy’ of power, a technology. And it may be taken over either by ‘specialized’ institutions (the penitentiaries or ‘houses of correction’ of the nineteenth century) and by institutions that use it as an essential instrument for a particular end (schools, hospitals), or by pre-existing authorities that find in it a means of reinforcing or reorganizing their internal mechanism of power...; or by apparatuses that have made discipline their principle of internal functioning [bureaucracy]...or finally by state apparatuses whose major, if not exclusive, function is to assure that discipline reigns over society as a whole (the police).”

216. Pre-modern societies made things occur in public. Modern ones interiorize aspects. They make them private; it's the birth of interiority, the notion of a personal life as possession.

217. Foucault reminds us that spectacles are not surveillance, since they belong to different systems, and that one is about public performance, while the other is about private supervision.

218. Discipline works because it is a:

1. Technique for dealing with multiplicities cheaply (economic);
2. Maximizes of intensity (juridico-political);
3. Links economic growth to apparatuses (scientific).

Essentially, discipline works because it can control large, potentially restive, population.

Economic

Two crucial interests needed discipline

1. Demographic growth (increased laboring class population) created a floating (unemployed) population that was threatening. How to turn this into a surplus army of reserve labor?
2. Instruments of production (i.e. industrialization, but also a more complicated State) were becoming more complicated. How to manage these processes?

220. Foucault situates his study in terms of Marx.

“If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection. In fact, the two processes- the accumulation of men and the accumulation of capital- cannot be separated; it would not have been possible to solve the problem of the accumulation of men without the growth of an apparatus of production capable of both sustaining them and using them; conversely, the techniques that made cumulative multiplicity of men useful accelerated the accumulation of capital...Each makes the other possible and necessary; each provides a model for the other.”

Juridico-political

221. Panopticism is neither dependent nor independent of juridico-political structures of society

“The Enlightenment, which discovered the liberties, also invented the ‘disciplines.’”

Scientific

224. Each of these techniques have a long history behind them, but what is new is their combination that created a threshold - an epistemological thaw - so that quantitative differences become a qualitative one.

Rough Binary Scheme

Torture

Ancien Regime (early modern)

External Punishment

Disfigured Body

Main site is scaffold (“ceremony of pain”)

Spectacle

Punishment occurs at one concentrated point

Terror - punishment is atrocious

Punishment is mediated by:
Shameless Punisher
(king-executioner proudly displays body to crowd)

The criminal **act** is punished

Private Trial/Public Punishment

The confession must be repeated
(The subject speaks)

Point of penalty is to repress (popular resistance)

Penalty can be stopped by:
The King’s Lenient Pardon of the Criminal

crime of blood

crime is represented as an:
attack against king’s body as natural and eternal

Penalty organized around the Paternal King

Juridical investigation

Status

Discipline

Enlightenment (Modernity)

Internalized Punishment

Organized Body, the “soul”

Main site is prison (“secrecy of administration”)

Surveillance

Punishment happens in multiple nodes

Humanism - punishment is gentle

Punishment is mediated by:
Ashamed System
(several “experts” huddle together to shift responsibility)

The criminal **identity** is punished

Public Trial/Private Punishment

The testimony must be repeated
(The subject is spoken about)

Point of penalty is to produce (soul)

Penalty can be stopped by:
Society’s Therapeutic Cure of the Criminal

crime of fraud

crime is represented as an:
attack against civil society
(property/labor contract as social contract)

Penalty organized around the middle class

Disciplinary examination

Class

Part 4. Prisons

Having detailed discipline Foucault now turns back to show how it operates in prisons, in the section

Complete and Austere Institutions.

Follow how he uses his categories now to describe prison.

248. "The carceral apparatus has recourse to three great schemata: the politico-moral scheme of individual isolation and hierarchy; the economic model of force applied to compulsory work; the technico-medical model of cure and normalization. the cell, the workshop, the hospital. The margin by which the prison exceeds detention is filled in fact by techniques of a disciplinary type. And this disciplinary addition to the juridical is what, in short, is called, the penitentiary."

Watch how Foucault builds up his terminology. He isn't arguing that prisons, in themselves, are new. Instead he is arguing that when prisons (as architecture) and imprisonment (as punishment) were matched with new social policies, the prison became the "penitentiary."

Detention + (isolation+forced labor+moral reform)= the Penitentiary

(isolation+forced labor+moral reform)= disciplinary techniques

isolation is politico-moral, typified by the cell;

forced labor is economic, typified by the workshop or factory;

moral reform (cure and normalization) is technico-medical, typified by the hospital.

Disciplinary Techniques are: "the general form of an apparatus intended to render individuals docile and useful, by means of precise work on their bodies" (231).

Remember that these techniques involve:

"distributing individuals, fixing them in space, classifying them, extracting from them the maximum in time and forces, training their bodies, coding their continuous behavior, maintaining them in perfect visibility, forming around them an apparatus of observation, registration and recording, constituting on them a body of knowledge that is accumulated and centralized" (231).

Detention+Discipline=Penitentiary

(compare this equation Marx's on use, exchange, and surplus value).

231. Foucault argues that the prison historically new because of two aspects. First, the addition of a "humane" rhetoric" by the middle class, and then how this rhetoric "colonized the legal institution" or was taken up by the courts (previously controlled by the nobility).

232. Why did detention become the standard punishment? Foucault argues that it seems to make everyone "equal" before the law, it draws on the ideology of the free individual, and since freedom is universal, what could be the worst punishment than to deny someone their individual freedom (to buy and sell)? This type of punishment turns time and space into units of "life" currency that can be traded.

What Foucault is essentially arguing is that in middle class ideology there is no such thing as society, just individual self-interest, and that if detention seems a "self-evident" punishment to us, it is because we've internalized the presuppositions of the "self-evident" rights to exist in the marketplace. (Again, keep this argument in mind when you come to Marx).

235. The prison is a "complete and austere institution" since it wants to have control over the entirety of the prisoner's actions and soul. It is "omni-disciplinary" (232).

243. Foucault argues that prison labor was never meant to be profitable or train someone in skills, but simply to make them submissive and learn to adjust to labor conditions outside of the prison.

247. To achieve its goals, the penitentiary relied on two aspects: surveillance of the body and analysis of the prisoner's mind through constant documentation. Now the prisoner must be watched for signs of mental/quasi-racial degeneration.

The articulation of these two things turns the prison into a machine that can **produce** something. “As a highly efficient technology, penitentiary service produces a return on the capital invested in the penal system and in the building of heavy prisons” (251)

What the system gets back from its investment is the production of “delinquency”.

251. The prison is given a convicted “offender,” but turns her or him into a “delinquent.”

252. The purpose in making a convict (someone who has broken the law) into a “delinquent” (a law-breaker that can be “reformed”) is that it allows prison officials to investigate the individual’s biography to see where they went wrong, and by investigating the individual’s background, it is possible to create a “animal classification” of social types and a criminal “milieu.” Investigate the delinquent and you can judge social backgrounds. Implicitly the target of “reform” is the social class, i.e. the restive laboring class (the “dangerous classes”).

253. The prison works to create a naturalized abnormal – the deviant.

254. To detention, the prison added the “penitential” systems, which created the “delinquent.”

“At the point that marks the disappearance of the branded, dismembered, burnt, annihilated body of the tortured criminal, there appeared the body of the prisoner, duplicated by the individuality of the “delinquent,” by the little soul of the criminal, which the very apparatus of punishment fabricated a point of application of the power to punish and as the object of what is still called today penitentiary science.”

If this system produces the delinquent, whose body will produce a social value, keep this in mind when we get to Marx’s description of how a certain market system produces a commodity, which will produce other social values. After reading Marx, think back to the parallels in Foucault.

256. Foucault absolves prison reformers for making the system, but says that these concepts created a contradiction between the “monster” (outside of society - think of how we speak of mass or serial murderers) and the subject who could be reformed; this contradiction was resolved in the figure of the delinquent, who was both an outsider and one who might be reformed.

The justice system now had in the delinquent an “object” of “truth” and jurists could now make alliances with other professional groups, like doctors, etc.

2. Illegalities and Delinquency

257. Foucault begins by saying that the penal system of representations (typified by the wandering chain gang) began to fail for the same reason as the terror system did - the “spectators of the lower classes” began to see the convicts as comrades and the police as the enemy. In the carnival of the chain-gang, authorities could presage the a larger forthcoming revolution.

263. Because of popular support for criminals, authorities began to hide the scene of punishment and remove it from proximity to the crowd.

265-268. The critique of the prison happened almost all at once, almost as soon as the prison was created. The complaints were that:

1. Prisons don’t reduce the number of criminals and crime
2. Detention causes recidivism because it makes prison administrators seem unjust;
3. Prison actually produces more delinquency;
4. Prison makes possible and encourages the creation of a culture of delinquency and criminals who are loyal to one another rather than “normal” society;
5. The conditions of leaving prison (i.e. having a record) prepare you to go back to it because it is harder to be integrated into society;
6. Prison impoverishes the criminal’s family.

269. Lists the principles of penalty: correction, classification, modulation of penalties, work as obligation, penitentiary education, technical supervision, auxiliary institutions (in other words - discipline).

271. “The carceral system combines in a single figure discourses and architectures, coercive regulations and scientific propositions, real social effects and invincible utopias, programmes for correcting delinquent and mechanisms that reinforce delinquency. Is not the supposed failure part of the functioning of prison?”

Asks if the failure of the prison wasn't part of its original purpose.

272. Foucault argues that the purpose of prison to distribute criminals through society.

273. Why would the prison system want to distribute criminality? Foucault argues that there was a crisis in penalty from the 1780s to 1848 (essentially from the French Revolution to the 1848 Revolutions).

This crisis was three-fold:

1. a political dimension came about. From practicing the “illegality” of resisting ancien regime laws, plebeians moved to a political recognition that the concept of “justice” was class-defined (i.e. in laws against unions) and therefore justice was not neutral, but biased.
2. articulation within social struggles. People began to see criminals as comrades in laboring class struggles. “confrontations with the representatives of power), were able during the Revolution to lead directly to political struggles, whose aim was not simply to extract concessions from the state or to rescind some intolerable measure, but to change the government and the very structure of power.”
3. communication between different social strata. Those who wouldn't have thought of themselves as criminals began to listen.

One resistance is the reversal of discourse that “crime is not a potentiality that interests or passions have inscribed in the hearts of all men, but that it is almost exclusively committed by a certain social class.” This is akin to what Marcuse calls “dirty deeds by men in clean business suits.”

276. Points out class dissymmetry between the officials of law and those accused of crime.

277. “...the strategic opposition is between illegalities and delinquency.” (One way to resist discipline is to deny its “moral” component).

279. Delinquency is useful by locating illegality within a tight space (the prison) but also that it can act as “an agent for the illegality of the dominant groups” by allowing dominant groups to insert illegalities (like prostitution or drug use) in working class neighborhoods. Because the “underworld” is vulnerable to the police, it acts as the police's “secret agents” to control the working class (as informers).

This is useful because it allows now for profit to be made from illegality and inserts instruments of domination.

280. Foucault then argues that this created criminal class was used to disrupt worker's movements. The point of creating delinquency is that it disrupts the laboring class and justifies authority's power to control the whole population. Think about how “folk demons” are created to remove civil rights. The idea of “protecting” us from internet pedophiles, for instance, opens the way for legislation that the police can read everyone's mail.

281. Foucault argues that the prison acts as a generator, a relay node, that produces the agents for social observation. Convicts are turned into delinquents so that, once released, they be used to keep an eye on potential laboring class resistance to bourgeois authority.

282. “So that one should speak of an ensemble whose three terms (police-prison-delinquency) support one another and form a circuit that is never interrupted.”

287. Argues that by 1830-1850, workers began to realize the links between delinquency and repression and “workers' newspapers often proposed a political analysis of criminality that contradicted term by term the description familiar to the philanthropists (poverty-dissipation-laziness-drunkness-vice-theft-crime).

288. Now criminal trials could be become an opportunity for political debate (so just as the terror and sign system failed because the spectators turned against it, so too, Foucault implies, does discipline).

One means of resistance was to invert the terms and argue that the middle class were the true criminals and degenerates of society because they stole the labor or others. Another would be to refuse the moralized terms of the debate and “slacking off.”

3. The Carceral

Summary of Mettrays's administrators as "technicians of behavior: engineers of conduct, orthopedists of individuality."

Says if prison seems less powerful today, it is only because its functions exist in so many other places throughout society.

Final summary of complete argument. Now go back and re-read first chapter to see how Foucault telegraphed the argument.

Don't hesitate to re-read the book, or sections of it, throughout the upcoming year.