Discipline and Punish
Michel Foucoult

General Summary

Discipline and Punish is a history of the modern penal system. Foucault seeks to analyze punishment in its social context, and to examine how changing power relations affected punishment. He begins by analyzing the situation before the eighteenth century, when public execution and corporal punishment were key punishments, and torture was part of most criminal investigations. Punishment was ceremonial and directed at the prisoner's body. It was a ritual in which the audience was important. Public execution reestablished the authority and power of the King. Popular literature reported the details of executions, and the public was heavily involved in them.

The eighteenth century saw various calls for reform of punishment. The reformers, according to Foucault, were not motivated by a concern for the welfare of prisoners. Rather, they wanted to make power operate more efficiently. They proposed a theater of punishment, in which a complex system of representations and signs was displayed publicly. Punishments related obviously to their crimes, and served as an obstacle to lawbreaking.

Prison is not yet imaginable as a penalty. Three new models of penality helped to overcome resistance to it. Nevertheless, great differences existed between this kind of coercive institution and the early, punitive city. The way is prepared for the prison by the developments in the seventeenth and eighteenth centuries of the disciplines. Discipline is a series of techniques by which the body's operations can be controlled. Discipline worked by coercing and arranging the individual's movements and his experience of space and time. This is achieved by devices such as timetables and military drills, and the process of exercise. Through discipline, individuals are created out of a mass. Disciplinary power has three elements: hierarchical observation, normalizing judgment and examination. Observation and the gaze are key instruments of power. By these processes, and through the human sciences, the notion of the norm developed.

Disciplinary power is exemplified by Bentham's Panopticon, a building that shows how individuals can be supervised and controlled efficiently. Institutions modeled on the panopticon begin to spread throughout society. Prison develops from this idea of discipline. It aims both to deprive the individual of his freedom and to reform him. The penitentiary is the next development. It combines the prison with the workshop and the hospital. The penitentiary replaces the prisoner with the delinquent. The delinquent is created as a response to changes in popular illegality, in order to marginalize and control popular behavior.

Criticism of the failure of prisons misses the point, because failure is part of its very nature. The process by which failure and operation are combined is the carceral system. The aim of prison, and of the carceral system, is to produce delinquency as a means of structuring and controlling crime. From this perspective, they succeed. The prison is part of a network of power that spreads throughout society, and which is controlled by the rules of strategy alone. Calls for its abolition fail to recognize the depth at which it is embedded in modern society, or its real function.

Important Terms

The carceral system - The complex system introduced towards the end of *Discipline and Punish.* It attempts to explain both the operation of the modern prison and its failure. The carceral system includes the architecture of the prison, its regulations and its staff: it extends beyond the prison itself to penetrate into society. Its components are the discipline of the prison, the development of a rational technique for managing prisoners, the rise of criminality and strategies of reform. The carceral system therefore contains both the failure and reform of the prison; it is part of Foucault's argument that failure is an essential part of the working of the prison. See also delinquent.

The classical period - The time-period from 1660 to the end of the 19th century. *Discipline and Punish,* like most of Foucault's works, refers mainly to this age. For Foucault, the classical period is seen as the birth of many of the characteristic institutions and structures of the modern world, as well as of mechanisms of control and the human sciences.

Delinquent - The concept that eventually replaces that of the "prisoner", according to Foucault. The delinquent is created by the operation of the carceral system and the human sciences, and strictly separated from other popular illegal activities. He is part of a small, hardened group of criminals, identified with the lower social classes. Most importantly, he is defined as "abnormal", and analyzed and controlled by the mechanisms that Foucault describes. There are several advantages in replacing the criminal by the delinquent: delinquents are clearly set apart from the rest of society, and therefore easy to supervise and control. A small, controlled group is far easier to cope with than the alternative: large roaming bands of brigands and robbers, or revolutionary crowds. In part, Foucault argues that the figure of the delinquent was a response to the danger presented by the lower orders in the nineteenth century.

Discipline - Discipline is a way of controlling the movement and operations of the body in a constant way. It is a type of power that coerces the body by regulating and dividing up its movement, and the space and time in which it moves. Timetables and the ranks into which soldiers are arranged are examples of this regulation. The disciplines are the methods by which this control became possible. Foucault traces the origins of discipline back to monasteries and armies. He is clear, however, that the concept changed in the eighteenth century. Discipline became a widely used technique to control whole populations. The modern prison, and indeed the modern state, is unthinkable without this idea of the mass control of bodies and movement.

Discourse - The basic unit that Foucault analyzes in all his works. Foucault defines the discourse as a system in which certain knowledge is possible; discourses determine what is true or false in a particular field. The discourse of psychiatry, for example, determines what it is possible to know about madness. Saying things outside of a discourse is almost impossible. Foucault's argument about prisons is a good example: abolishing the prison is unthinkable partly because we do not have the words to describe any alternative. The prison is at the center of the modern discourse of punishment.

Exercise - Foucault traces exercise back to monasteries and the activities of monks. In its early form, it involves regulating the body by imposing religious activities upon it in order to please God and achieve salvation. Foucault argues that the concept changed in the classical period. It became an attempt to impose increasingly complex activities on the body in order to control it. Military drills, or physical training at school are examples of this later form of exercise.

Genealogy - A concept that Foucault originally borrowed from Nietzsche's *Genealogy of Morals,* but made his own. A genealogy is an attempt to consider the origins of systems of knowledge, and to analyze discourses. It attempts to reveal the discontinuities and breaks in a discourse, to focus on the specific rather than on the general. In doing so, it aims to show that there have been other ways of thinking and acting, and that modern discourses are not any truer than those in the past. Most importantly, it aims to show that many modern ideas are not self- evidently "true", but the product of the workings of power. Foucault's genealogies aim to allow individuals trapped or excluded by such systems of knowledge to speak out; one of the aims of *Discipline and Punish* is to give modern prisoners, who are categorized as abnormal, examined and analyzed by criminologists and prison warders, a voice. The genealogy is somewhat similar to Foucault's idea of "Archaeology", found in *The Order of Things,* which emphasizes discontinuity to a greater extent.

The human sciences - Sciences, or bodies of knowledge that have man as their subject. Psychiatry, criminology, sociology, psychology and medicine are the main human sciences. Together, the human sciences create a regime of power that controls and describes human behavior in terms of norms. By setting out what is "normal", the human sciences also create the idea of abnormality or deviation. Much of Foucault's work is an attempt to analyze how these categories structure modern life. See norm.

Norm - An average standard created by the human sciences against which people are measured: the sane man, the law-abiding citizen, and the obedient child are all "normal" people. But an idea of the "normal" also implies the existence of the abnormal: the madman, the criminal and the deviant are the reverse side of this coin. An idea of deviance is possible only where norms exist. For Foucault, norms are concepts that are constantly used to evaluate and control us: they also exclude those who cannot conform to "normal" categories. As such, they are an unavoidable but somehow harmful feature of modern society. See human sciences.

Penality - The particular system of investigation and punishment that a society uses. Penality includes all aspects of the examination and treatment of those who break the law. In *Discipline and Punish,* Foucault charts the development of the modern system of penality, which us based around the prison and the observation and control of convicts.

Penitentiary - The penitentiary is a prison that does more than merely deprive men of their freedom. It also makes them work, and observes and treats them in a prison hospital. This combination of workshop, hospital and prison is the defining feature of the modern prison system for Foucault. The penitentiary also has a major role in creating the delinquent.

Power - Foucault's conception of power is a central part of this work. Essentially, power is a relationship between people in which one affects another's actions. Power differs from force or violence, which affect the body physically. It involves making a free subject do something that he would not have done otherwise: power therefore involves restricting or altering someone's will. Power is present in all human relationships, and penetrates throughout society. The state does not have a monopoly over power, because power relations are deeply unstable and changeable. Having said that, patterns of domination do exist in society: for example, the modern power to punish was established through the action of the human sciences. The relationship between power and knowledge is also an important one. The human sciences are able to control and exclude people because they make claims to both knowledge and power. To claim that a statement is true is also to make a claim to power because truth can only be produced by power. Criminology can make claims that exclude the delinquent, for example, because a system of power relations exists in which the delinquent is dominated.

Philosophical Themes, Ideas and Arguments

Power and Knowledge

The relationship between power and knowledge is central to Foucault's work. *Discipline and Punish* essentially charts the reorganization of the power to punish, and the development of various bodies of knowledge (the human sciences) that reinforce and interact with that power. The modern power to punish is based on the supervision and organization of bodies in time and space, according to strict technical methods: the modern knowledge that Foucault describes is the knowledge that relates to human nature and behavior, which is measured against a norm. Foucault's point is that one cannot exist without the other. The power and techniques of punishment depend on knowledge that creates and classifies individuals, and that knowledge derives its authority from certain relationships of power and domination.

The Body

The body as an object to be acted upon, but also as the subject of "political technology" is present throughout the work. Beginning with public execution, where the body is horrifically displayed, Foucault charts the transition to a situation where the body is no longer immediately affected. The body will always be affected by punishment—because we cannot imagine a non-corporal punishment—but in the modern system, Foucault says, the body is arranged, regulated and supervised rather than tortured. At the same time, the overall aim of the penal process becomes the reform of the soul, rather than the punishment of the body. Eventually, the concepts of the individual and the delinquent replace the reality of the body as the focus of attention, but the body of the criminal still plays a role. If anything can be seen as constant in this work, it is the idea that the body and punishment are closely linked.

The History of the Soul

Foucault's project in *Discipline and Punish* is to account for the modern penal system, but he also presents a genealogical account of the modern soul. This is not only due to the fact that the soul gradually replaces the body as the focus of punishment and reform. It is also due to the fact that modern processes of discipline have essentially created that soul. Without the human sciences and the various mechanisms of observation and examination, the normal soul or mind would not exist. Ideas such as the psyche, conscience, and good behavior are effects created by a particular regime of power and knowledge. For Foucault, examining that regime is a way of looking deep into our souls. His history of the soul is also a powerful critique, because it makes us confront what we have become by excluding and marginalizing certain elements of our society.

The Prison and Society

The relationship between the prison and the wider society cannot be stressed enough. For Foucault, the prison is not a marginal building on the edge of a city, but is closely integrated into the city. The same "strategies" of power and knowledge operate in both locations, and the mechanisms of discipline that control the delinquent also control the citizen. Indeed, the methods of observation and control that Foucault describes originated in monasteries, in hospitals and in the army. Related to this point is Foucault's argument that we cannot abolish the prison, because our ways of thinking about and carrying out punishment will not allow it. The

prison is part of a "carceral network" that spreads throughout society, infiltrating and penetrating everywhere.

<u>Paradox and Contrast</u>

This is perhaps more a stylistic point than a theme, but *Discipline and Punish* reveals Foucault's addiction to contrast and contradiction. From the shocking image at the beginning of the work to the many numbered lists and pairs of terms, the work is structured around a series of conceits and paradoxes. The idea that prison contains its own failure is a good example. Critics have criticized Foucault for what they see as his chronic obscurity, but at least part of the problem comes from his attitude to language and discourse. Discourses are complex structures in which people can become "trapped": perhaps the experience of being trapped inside some of Foucault's more difficult sentences is meant to echo this. Or perhaps, like many French philosophers, he was just fond of linguistic jokes.

The Body of the Condemned

<u>Summary</u>

Foucault begins by comparing a public execution from 1757 to an account of prison rules from 1837. The shifts between the two reveal how new codes of law and order developed. One important feature is the disappearance of torture; the body of the criminal disappeared from view. Punishment as spectacle disappeared; the exhibition of prisoners, the pillory and the public execution ended. Now, the certainty of punishment, and not its horror, deters one from committing a crime. Conviction marks the prisoner; publicity shifts towards the trial and the sentence.

A theoretical realignment occurs. Sentences are now intended to correct and improve. A sense of shame about punishment develops along with this. Punishment no longer touched the body. If it did, it was only to get at something beyond the body: the soul. New figures took over from the executioner, such as doctors, psychiatrists, chaplains and warders. Executions were made painless by drugs. The elimination of pain and the end of spectacle were linked. Machines like the guillotine, which kills almost without touching the body, were intended to be impersonal and painless. Between 1830 and 1848, public executions ended. This was an irregular, delayed process, however. A trace of torture remained because it is difficult to imagine what a non-corporal punishment would be.

The penalty now addressed the soul. Although the definition of crimes changed, some elements remained the same. Judgment was now passed on the motives, passions and instincts of the criminal, not only punishing but also supervising and directing the individual. Offenses became objects of scientific knowledge. The development of a new penal system in Europe led to the soul of the criminal as well as the crime being judged.

The power to punish becomes fragmented. Psychiatrists now decide on a criminal's medico-legal treatment. The adoption of these non-legal elements meant that the judge is not the only one who acts or judges.

This book is a genealogy of the modern soul and the power to judge. It follows four general rules: one) to regard punishment as a complex social function; two) to regard punishment as a political tactic; three) to see whether the history of penal law and of the human sciences are

linked; four) to try to find in changes in penal techniques a political technology of the body and a general history of changing power relations. We need to situate punishment within systems of production and the political economy of the body. Historians have yet to consider the body as a subject of political power or power relations. The body is subjected to a body of knowledge; this is the political technology of the body. A "micro-physics" of power operates; power is a strategy, and we need to decipher it in a system of relations that can be called political anatomy. Power is not a property but a strategy evident in the relations between people. Power relations operate and exist through people. They go right down into society. We need to realize that power and knowledge are related. We should think of the body politic as a series of routes and weapons by which power operates.

A history of the micro-physics of power is an element in the genealogy of the modern soul. Upon the idea of the "soul", concepts of the psyche, personality and consciousness are created, as well as scientific techniques and claims. This is not a substitution of the soul for the real man; now, the soul is the prison of the body. Foucault ends by relating his commitment to modern prisoners, and to writing a history of the present.

Analysis

The beginning of this section is typical of Foucault: he characteristically began his works with a shocking image to attract the reader's attention. The horror of Damiens's 1757 execution shows that this is an unusual kind of history book. Foucault draws heavily on contemporary documents, like the two at the beginning, but goes beyond this to construct a complicated theoretical argument. This argument will chart the movement between the public execution and the modern prison.

The body-soul shift is central to *Discipline and Punish.* For Foucault, the body has a real existence, but the "modern soul" is a recent invention. There are limits to how you can punish the body, as the execution at the beginning demonstrates, but the soul allows new possibilities. Firstly, it allows you to consider why the crime occurred; the motives that drive the criminal become knowable, and the subject of investigation. Secondly, it becomes possible to consider the criminal beyond the crime and its punishment. Instead of inflicting a painful penalty, or killing him, it becomes possible to supervise and investigate him. The shift from body to soul also marks the end of the public idea of punishment, because whilst the body has to be tortured in public, the soul is a private thing.

Foucault's idea of the fragmentation of judgment is related to the shift away from the body. When a criminal is condemned to be executed, the judge alone passes the sentence. When he is sent to prison, he is also evaluated by doctors and psychiatrists. The rise of what Foucault calls the human sciences is a personal preoccupation, found throughout his work. Psychiatry, social work, medicine and other professions assess and judge people according to standards called norms: they ultimately decide what is "normal" and "abnormal". This involves judging not a crime but a person, making decisions about his sanity, his treatment, and even when he should be released. According to Foucault, the modern world has given the important power to judge to a shadowy body of professionals whose role is sometimes uncertain.

This section is also an introduction to Foucault's methodology. The reference to genealogy is vitally important here. It represents the idea of writing a history that reveals struggles, discontinuities and the role of the individual. Discourses such as that of modern punishment define what it is possible to say and do about certain things. People are in a sense trapped inside them, but Foucault aims to give them a voice and help them to resist. In *Discipline and*

Punish, he writes in order free prisoners not from their cells but from the discourses that helped to create them. His argument is that when the power to judge shifted to a judgment about normal and abnormal, the modern soul was formed. The prisoner or delinquent with an abnormal soul is defined against the normal majority. In showing how the prisoner is oppressed, Foucault wants to show us what is wrong with the modern soul in general.

Of the four straightforward rules for this investigation, the fourth is the most interesting. The techniques applied to the prisoner and our attitudes to him show the ways in which power operates in society. The knowledge possessed by prison warders and psychiatrists creates a certain "technology of power." Foucault's metaphors are drawn from science and industry, but he is also clear that economic and social circumstances are important. The reference to systems of production (the means of making and creating products and capital) is from Marx. Foucault's discussion of power is central to *Discipline and Punish.* He thinks that power is a strategy, or a game not consciously played by individuals but one that operates within the machinery of society. Power affects everyone, from the prisoner to the prison guard, but no one individual can "control" it.

The remarks about the soul being the prison of the body reflect Foucault's love of contradictions, but they also make a deeper point. The body is imprisoned because people can be controlled by sciences directed at the soul, such as psychiatry. Foucault attempts to chart a move from a situation where the criminal's body is attacked, to one where we are all disciplined and controlled.

Finally, Foucault's role in the prison reform movement is an important context for this section: he helped to run the French Groupe d'information sur les Prisons (GIP) in the 1970s. The group distributed information on prisons to the public, and was concerned with letting prisoners speak for themselves. In a way, Foucault sees *Discipline and Punish* as a theoretical counterpart to the work he carried out in practice.

The Spectacle of the Scaffold

<u>Summary</u>

The French penal ordinance of 1670 set out very harsh penalties, but a gap existed between theory and penal practice. Public execution and torture were not the most frequent form of punishment. However, torture played a considerable part in penality. The definition of torture involves an exact, measurable quantity of pain. An "economy of power" is invested in torture. Torture is part of a ceremony that reveals the truth of a crime. The trial is initially a hidden process. But a tradition of rules of evidence existed: there were different degrees of proof. Now these degrees relate to the juridical effects or the outcome of the trial. Penal investigation was written, secret and subject to rules. It was a machine that might produce the truth in the absence of the accused. But a confession removed the need for further investigation. A confession transforms an investigation from a process carried on against the criminal to a voluntary affirmation. The ambiguity of the confession explains the means used to obtain it: the oath and judicial torture.

Torture is an ancient practice, which had a strict place in the classical legal system. It had two elements: a secret investigation by judicial authority and a ritual act by the accused. The body of the accused linked these two elements. This is why, until the whole classical system of punishment was examined, there was no critique of torture. Judicial torture was a regulated practice, almost a game. If the suspect successfully resisted, he could be freed. Classical

torture was a way of finding evidence in which investigation and punishment were mixed. As the system of proof produced a partial proof of guilt, torture punished this partial guiltiness whilst investigating it further.

In the execution, the criminal's body showed the truth of his crime because, one) the criminal became the herald of his own condemnation; two) it took up the scene of confession, where the full truth was revealed; three) it pinned public torture onto the crime itself; four) its slowness and suffering became the ultimate proof at the end of the ritual. From judicial torture to execution, the body produces and reproduces the truth of the crime. A public execution is to be understood as a political as well as a judicial ritual. The intervention of the sovereign in a case was a reply to an offense against him. Public execution was a ritual by which injured sovereignty was restored. Public execution was a ritual of armed law with two aspects: victory and struggle. The conflict and triumph of the executioner over the body of the accused was like a challenge or a joust.

Attitudes toward punishment were related to general attitudes to the body and death. Death was familiar because of epidemics and wars. These general reasons explain the possibility and long survival of physical punishment. Torture was embedded in legal practice because it revealed the truth and showed the workings of power though the body of the condemned. This truth-power relation remains at the heart of all mechanisms of punishment, and is found in different forms in contemporary penal practice. The Enlightenment condemned the "atrocity" of public execution. Atrocity is the part of crime that torture turns back on itself to display the truth of crime to the world. The mechanism of atrocity mixed the sovereign and crime together; atrocity was the "organized destruction of infamy by omnipotence."

One reason why a punishment that was unafraid of atrocity was replaced by a "humane" version is very important. A key element in the execution was the people or audience. But the role of the people was ambiguous. Criminals often had to be protected from the crowd, and crowds often tried to free prisoners. The intervention of the crowd in executions posed a political problem. In his last words, the convict could, and did, say anything. Uncertainty exists over these last words: were they fictitious? Perhaps crime literature was neither "popular expression" nor moralizing propaganda but the space in which the two investigations of penal practice met.

Broadsheets decreased in popularity as the political function of popular illegality altered. A new literature developed, in which crime was glorified as a fine art or mode of privilege. Accounts of executions became accounts of investigation; crime literature moved from an account of confessions to the intellectual struggle between criminal and investigator. In this new genre there were no more heroes or executions; although the criminal was punished, he did not suffer. Newspapers began to recount the details of everyday crime and punishment. The people were robbed of their old pride in crime, and murders became the game of the well-behaved.

Analysis

Foucault essentially begins at the base of the pre-modern system of punishment, by analyzing judicial inquisition and torture. Judicial inquisition was carried out by Church and state authorities, as a means of exploring a crime and establishing the "truth". It was a key part of the inquisition process, which resembled the execution in some ways. It seems very alien to the modern mind. Foucault shows that, although torture was a brutal phenomenon, it was deeply rooted in contemporary legal systems, and cannot be understood apart from this discourse. It can also clearly be distinguished from the execution itself. Torture was highly regulated, and can be conceived of as a kind of perverse game, in which the prisoner negotiates with his

questioner. By arguing that torture had a clearly-defined structure and a logic of its own, Foucault is not defending or approving of it. He is merely trying to explain it in terms of his idea of legal and penal discourse.

Perhaps the most important idea in this section is that torture and execution are both part of a public and ceremonial system of punishment. The process of punishment begins with the secret investigation, which may be hidden even from the accused, and then progresses to the public ritual of the execution. Both acts, however, are embedded in what Foucault calls the classical system of law, and cannot be understood apart from it.

The real link between torture and execution is provided by the body of the criminal. In both cases, it is acted on by the authorities in a violent way. Both procedures also aim at "truth". This is a difficult term, which means both asserting that the criminal is guilty, but also that the crime itself exists as an act beyond the moment at which it was committed. The investigation, through a range of evidence and "proofs", establishes guilt, but the execution remembers and reenacts the crime.

Foucault's treatment of public execution is sophisticated and complex. He argues that the ritual of execution depends on a specific political situation, in which a monarch is the all-powerful head of state. A certain hierarchical order exists in this situation, with the sovereign at the top and the lower orders distributed below. Power works from the top down in this kind of society. Crime upsets this order and challenges the sovereign's power. Execution is a ritual designed to reestablish order, but it was played out like a tournament or sports contest. The executioner represented the King in this action: in killing the prisoner, he was the king's champion.

Essentially, the reestablishment of order can be reduced to a one-on-one combat. This combat cannot exist without an audience, however, because the people must witness order being replaced for the process to work. Foucault may be referring to Jurgen Habermas's idea of "representative publicity," in which the King's power is represented before the people by various rituals. Foucault's explanation goes beyond the theoretical level, however, as he relates the execution to its social and economic context.

The concept of atrocity is a puzzling one. Atrocity is the most horrible part of torture, but yet is necessary to reveal the truth of the crime. It resembles the violence of the crime itself, and shows the violence that is inherent in crime.

The shift between atrocious and humane punishment is a reformulation of the shift between public execution and prison. Foucault explains this in terms of the audience. An audience is necessary because the people must watch, or the ritual will have no meaning. By watching, however, they also take part. Watching can cross the line drawn by the sovereign, when the people physically attack the executioner, or try to free the prisoner. Participation can also involve reading or writing about crime in literature. Eighteenth century crime literature, according to Foucault, was centered on the convict's last words, which contrast with the relative silence of torture. If the process of punishment is seen as a discourse, then the very moment of execution becomes the one moment when the accused can speak. This is a dangerous and unstable moment. Last words were printed in pamphlets and broadsheets, which were another unstable way of representing crime to the world.

Responses to this literature and the behavior of crowds are part of what Foucault calls popular illegality. Popular illegality covers a whole range of behavior that is beyond and outside the law, such as demonstrations and riots. Similarly, changes in the literature showed changes in

penality itself. Crime literature stopped being a dangerous space and focused on investigation rather than on execution. In a sense it became more "official" and repressive.

Generalized Punishment

Summary

Petitions against executions and torture increased in the eighteenth century. There was a need to end physical confrontation between the sovereign and the criminal. Execution became shameful and revolting. The reformers argued that judicial violence exceeds the legitimate exercise of power—that criminal justice should punish, not take revenge. The need for punishment without torture was first formulated as a need to recognize the humanity of the criminal. Man became the legal limit of power, beyond which it could not act. But how did man come to be set up against the traditional practice of punishment? A problem of the economy of punishment arises. How could "man" and "measure" be reconciled? The eighteenth century resolved the problem of this economy with the idea that humanity was the measure of punishment, but with no proper explanation or definition.

Foucault salutes great reformers like Beccaria, but reform needs to be situated within a process by which crimes became less violent and punishments less intense. There were fewer murders, and criminals tended to work in smaller groups. They moved from attacking bodies to seizing goods. This can be explained by better socio-economic circumstances and harsher laws. It was part if a development that placed a greater value on property and production. There was an attempt to adjust and refine the mechanisms of power that frame individuals' everyday lives. A remarkable strategic coincidence existed between this change and the discourse of the reformers. They attacked an excess bound up in the irregularity of the power to punish. Penal justice was irregular because of the great number of courts and legal loopholes. The criticism of the reformers was directed at the bad economy of power, not the weakness or cruelty of the powerful. The dysfunction of power was related to an excess concentration of power in the King. Eighteenth century reform of the criminal law was a rearrangement of structures of power. It aimed not to punish less but to punish better.

The conjecture that saw the birth of reform was not that of a new sensibility but of another policy with regard to illegalities. Illegality was deeply rooted in the *ancien regime.* Sometimes laws were ignored, and exemptions were made. Tolerance existed for the less favored people, whom the laws vigorously defended. The paradox of necessary illegality was its identification with criminality, and the consequent ambiguity of attitude. A network of glorification grew up around crime. A crisis of popular illegality occurred in the eighteenth century, when an illegality of rights shifted to an illegality of goods. The bourgeois could not accept popular illegality when it concerned their property. As new forms of production and capital accumulation emerged, popular practices relating to an illegality of rights became transformed into an illegality of property.

Penal reform was born at a point between the struggle against the super-power of the sovereign and that against the infra-power of acquired illegality. Monarchical power left subjects able to practice illegalities; in attacking one, you attack the other. For many reformers, the struggle to delimit the power to punish was based on the need to control popular illegality more strictly. Public execution was criticized because it represented the coming together of unlimited sovereign power and popular illegality. But reform was successful because it came to stress the suppression of popular illegality. New, less severe criminal systems were sustained by upheaval

in the traditional economy of illegalities. The key feature of eighteenth century penal reform was the constitution of a new economy and a new technology of power. This new strategy falls into a general theory of the contract. The citizen was presumed to have agreed to the law by which he is punished. The criminal was therefore a juridical paradox, participating in his own punishment. The whole of society was present in the punishment, which gives rise to a problem of degree of punishment. The formidable right to punish conflicted with the individual. The right to punish has shifted from the vengeance of the sovereign to the defense of society. The great force of this penalty was like another "super-power", a penalty without bounds. This causes a need to establish a principle of moderation for the power of punishment. The principle of moderation is articulated first as a humanitarian discourse. The recourse to sensibility contains a principle of calculation. The principle takes root that one should never apply "inhumane" punishments; this is because of the necessary regulation of power and not because of the criminal's humanity. The object of punishment is to create consequences for crime. Punishment must be adjusted to the nature of the crime. The eighteenth century, however, had the idea that one should punish just enough to prevent recurrence. The example is no longer a ritual but a sign that serves as an obstacle. The technique of punitive signs rested on six major rules: *The rule of minimum quantity,* the idea that the criminal should have a little more interest in avoiding the penalty than in risking the crime; *The rule of sufficient ideality,* punishment has to use representation to deter, not corporal reality; *The rule of lateral effects,* the punishment should have a great effect on the observer, as in Beccaria's idea of slavery; *The rule of perfect certainty,* there must be an unbreakable link between crime and penalty; *The rule of common truth,* penal practice must be subject to the common idea of truth and demonstration; *The rule of optimal specification,* all offenses must be precisely classified. There is a need for a tabulation of offenses, a taxonomy that relates every crime to a punishment. The division between first offender and recidivist becomes important.

Beneath the humanization of penalties are rules that demand "leniency" as a calculated economy of power to punish. This power is applied not to the body but to the mind as a play of representations or signs. The new art of punishment reveals the supersession of punitive semio-techniques by a new political anatomy, in which the body is the most important feature.

<u>Analysis</u>

From torture and execution, Foucault moves to considering calls for reform. In his view, the reform movement was humanitarian in the sense that man (and the pain he felt) became a standard against which punishments were assessed. The body changed from being the place where punishment acted, to a reason why it should act differently. The reformers first attempted to separate torture and cruelty from punishment; of course, for Foucault the link between torture and investigation means that, strictly speaking, torture was never *part* of punishment. In general, Foucault is unimpressed by interpretations of penal reform that see it as motivated by a love of one's fellow men. He takes a more calculating attitude to humanitarian reform.
This calculation extends to the processes that surrounded reform. Reform was possible within a structure in which crime itself was changed and reduced. As with his explanation of execution, Foucault looks at deep economic and social structures. The shift in the forces of production (referred to by other writers as the Industrial Revolution) led to an increase in productivity and a greater emphasis on property. In turn, this led to an increase in property crime, but also to an alteration in the operation of power in society. The fact that the reformers called for change as these deep shifts occurred was not a coincidence. Rather, it was a "strategic coincidence," a change in the way power works. The intentions or free-will of the reformers were unimportant. Foucault then dissects the reformers' case. Just as their calls for reform were linked to shifts in power, they attacked the way power worked in society. Foucault's metaphor of the economy is

important here. Penal reform looked at the way that power operated, and its relationship to the king. It tried to maximize the efficiency of the whole operation. Fundamentally, reform was concerned with efficiency and illegality.

Another discussion of popular illegality follows. Foucault sees illegality as integrated into the workings of the state in pre-modern France. It is a necessary part of the state, but is also a space in which poor people can speak and act. Illegality is affected by structural and economic changes. What Foucault calls a "crisis" of popular illegality is really yet another shift towards illegal behavior that centers on goods. Whereas the peasant previously rioted to protect his land rights against a landlord, now he stole chickens. Or possibly did both: Foucault is unclear on this point. This is a strange attitude to popular behavior in the period, which many historians have criticized.

Illegality was also linked to the structure of the monarchy, which allowed it to occur. Reform began to attack illegality without attacking monarchy because the reformers wanted to make power work better. This interpretation has the benefit of explaining why many reformers were middle-class figures who were hostile to the lower orders. Foucault sees the theory of the contract (found in eighteenth- century authors such as Pufendorf and Rousseau) as the technology by which punishment came to act. If all the citizens agreed together to form a state, and to punish those who broke the laws, a great power was created. This power, whether it took the form of a monarchy or a republic, was immense. In part, the reformers were concerned with restraining the power to punish, in case it became dangerous. The answer they found, according to Foucault, was humanity. They used man as a standard to measure punishment and power against. They were not all that concerned for the criminal himself. This seems like a remarkably cynical view.

From the idea of reform as calculation comes another calculation: the obstacle- sign. Punishment becomes a sign that shows the public the right path to follow, but which also relates exactly to the crime. This is very different to the execution. Punishment is no longer concerned with re-establishing order, but with preventing crime. Those who see a criminal being punished are now not necessary as part of the ritual. Rather, the ritual is designed to stop them from committing crime.

The controversial nature of Foucault's views needs to be spelled out. Taking the reformers at their word is not possible for him because of the nature of his analysis. The reformers spoke within a discourse that interacted with economic developments and changes in the nature of power. Their words reflect the complex operations of power, rather than any real feeling for suffering convicts. Some might say that this is a complex way of analyzing the hidden motives behind any reform movement, but it is central to Foucault's argument that all of what anyone says or does reflects structures of power.

The Gentle Art of Punishment

Summary

The art of punishment rests on a technology of representation. To find a suitable punishment is to find a deterrent that robs the crime of all attraction. It is the art of establishing representations of pairs of opposing values, obstacle-signs. Obstacle-signs must obey certain conditions to function: One) they must not be arbitrary. An immediate link between the crime and punishment is necessary. Two) The complex of signs must decrease the desire for crime and increase the fear of the penalty. Three) Temporal modulation is needed. Penalties cannot be permanent: the

more serious the crime, the longer the penalty. Four) The punishment should be directed at others, not just the criminal. Obstacle-signs must circulate widely. Five) A learned economy of publicity exists. The penalty is now a representation of public morality. The code of the laws is evident in punishment. Punishment is also an act of mourning; society has lost the citizen who breaks the law. Six) The traditional discourse of crime is inverted. How can you end the dubious glory of the criminal? The punitive city will contain hundreds of tiny theaters of punishment. Each penalty must be a fable.

The use of imprisonment is not yet imaginable, because it does not yet correspond to the crime, and has no effect on the public. Prison as a universal penalty is incompatible with the technique of penalty as representation. The problem is that prison shortly became the essential punishment. It has a central place in the French penal code of 1810: a great hierarchical prison structure was planned. This is a very different physics of power. Across Europe, the theater of punishment is replaced by the prison system.

It is surprising that imprisonment took on such a major role. It was necessary to overcome the fact that imprisonment was related to arbitrary royal power. How did it become the general form of punishment? The most common explanation is that several models of punitive imprisonment formed in the classical period. Their prestige allegedly overcame the legal obstacles and despotic functioning of imprisonment. The last model, begun in Philadelphia, organized the prisoner's life by a timetable. Work was carried out on his soul; a whole corpus of individualizing knowledge about the prisoner developed.

There are points of convergence and disparity between these models. All are mechanisms directed towards the future. All also require methods to individualize the penalty. However, disparity exists in the technology of the penalty, in the techniques of control over the individual. Individual correction assures a process of redesigning the individual as a subject of the law through the reinforcement of a system of signs and representations. Corrective penality, on the other hand, acts on the soul. Instead of representations, forms of coercion operate here. Exercise, timetables and plans all try to restore the obedient subject, who obeys habit, rules and orders.

There are two ways of reacting to an offense: to restore the juridical subject of the social pact, or to shape an obedient subject. Punishment by timetable makes a spectacle impossible, and establishes a certain relationship between the convict and punisher. The subject must be subjected to total power, which is secret and autonomous. The secrecy and autonomy of power cannot exist in a theory and policy that aims to make punishment transparent and to include the citizen. The power that applied the penalties now threatened to become as arbitrary as the power that once decided them.

A divergence exists between the punitive city and the coercive institution. In the first, the functioning of penal power is distributed throughout the social space. In the other, there is a compact functioning of power, an assumption of responsibility for the body and time of the convict and an attempt to reclaim him individually. In the late eighteenth century, there were three ways of organizing the power to punish: one) based on the old monarchical law which still functioned. Punishment was the ceremonial of sovereignty. Both (two) and (three) were corrective, utilitarian and the consequence of the right to punish belonging to society as a whole. However, these two ways differed in terms of their mechanisms. In (two), the reforming jurists saw punishment as a way of re- qualifying individuals as subjects using signs recognized by the citizen. In (three), which was a project for prison reform, punishment was seen as a technique for the coercion of individuals. It operated by training habits.

These three mechanisms cannot be reduced to theories of law, or derived from moral choices. They are technologies of power. The problem is why the third model was adopted. Why did the coercive, corporal solitary model replace the representative, signifying, collective model?

Analysis

This section is in one sense a continuation of themes introduced in the discussion of eighteenth century reformers and theories of punishment. The obstacle-sign represents a crime and its associated penalty together, in a way that is public and easy to understand. Crudely put, the obstacle-sign works like this: a man is tempted to steal, but then thinks of the penalty, which is probably the confiscation of his possessions. He is no longer tempted to steal. There is a link between the punishment and the crime: if you steal, the state takes away your property. Petty theft is a fairly minor crime, so the penalty is neither severe nor long-lasting. People see the thief losing his property, and are deterred.

Foucault imagines this relationship of signs as a coherent system, or economy. This is perhaps his most obvious use of structuralist terminology (see Context). The system operates in what he calls the punitive city, a place in which watching is still important, but in a different way. The model here is the theater, where what you see is not real but a representation. A degree of distance is introduced between the spectator and the action. The punitive city is not the ritual of the public execution, chiefly because it aims to prevent future lawbreaking.

More importantly, this is a system in which prison is an impossible idea, because it does not represent anything, and does not relate to the public. But prisons soon dominated punishment in Europe. Their dominance was by no means assured. Foucault makes it clear that several legal and representative obstacles existed. In France, for example, prison was for debtors and those sent there by the arbitrary power of the King, through a so-called *lettre de cachet.* Few people suggested its widespread use in the early eighteenth century.

The dominant one was corrective penality. This form of punishment was not representative, but involved coercion of the soul, as described in the first section. Correction attempted to "reset" the soul back to obedience by introducing certain new habits. It did not try to restore the individual to the place in society he had lost by breaking the law, but rather to create a subject who obeyed without question. In order to achieve this goal, secrecy and control over punishment were needed. This is a very different situation to that of the public, visible representation of punishment.

In many ways, this is a key turning point in *Discipline and Punish.* Foucault shows the beginning of modern coercive institutions. The coercive institution is very different to the punitive city: there is no theater, and the punishment itself is hidden and based on an idea of training. There were three ways for the prison to develop, but only the third took off. This is very characteristic of Foucault's genealogical method. He shows turning points and crucial breaks in order to make us realize that things could have been different. The rest of the book is an attempt to explain why one particular element prevailed, not from choice but through the operation of power.

Docile Bodies

Summary

Foucault begins with the ideal of the soldier in the seventeenth century. He is easily recognizable in body and action. The classical age discovered the body as the target of power. The docile body is subjected, used, transformed and improved. Eighteenth century projects of docility represented a new scale of control. The economy of the body became important. The modality of control implies uninterrupted, constant coercion, which is exercised according to a codification that partitions time and space. These methods are the disciplines, ways of controlling the operations of the body which imposed a relation of docility-utility. The disciplines had always existed in monasteries and armies, but in the seventeenth and eighteenth centuries they became a general formula of domination. A policy of coercion that acts on the body was formed. The human body entered a machinery that explored and rearranged it. A political anatomy and a mechanics of power were slowly born. We cannot write the history of different disciplinary institutions, merely map a series of detailed examples.

"The art of distributions." Discipline proceeds from the distribution of individuals in space, and employs several techniques: one) Discipline sometimes requires enclosure in a protected place, e.g. a school, factory, or barracks. two) Disciplinary machinery works on the principle of partitioning space; it is always cellular. three) The rule of functional sites would gradually code a space that architecture left at the disposal of several sites. four) In discipline, the elements are interchangeable because each is identified by its place in a series. The key unit is the rank or place in a classification. Rank begins to define the distribution of individuals in educational space.

"Control of activity." One) the timetable is an old inheritance, suggested by monastic communities. The division of time in disciplinary authorities increased. two) The temporal elaboration of the act. Time penetrates the body with all the meticulous controls of power. three) The correlation of body and gesture. Disciplinary power imposes the best relation between gesture and the overall position of the body. In the correct use of the body, nothing must remain useless. four) Body-object articulation. Discipline defines each of the relationships between body and the object (e.g. a rifle) it manipulates. five) Exhaustive use. The traditional timetable forbids men to waste time. Discipline provides a positive economy, and poses the principle of ever-expanding use of time. The "natural body," which is manipulated by authority and classified, supercedes the mechanical body.

"The organization of geneses." As the eighteenth century progressed, different arrangements of time were evident; new technology developed in the classical period for regulating time, bodies and forces. The Disciplines were machinery for adding up and capitalizing time, in four different ways: one) by dividing duration into successive and parallel segments, each of which ends with a specific time. two) By organizing these segments according to an analytical plan. three) By finalizing these temporal segments with an examination to decide if a subject has reached the required level. four) By drawing up a series of series, and subdividing each series again. Dividing activities into series makes detailed control and intervention possible.

Disciplinary methods reveal a linear, evolutive time. But at the same time a social time of a serial cumulative type existed, giving an idea of evolution in terms of "genesis". The two great discoveries of the eighteenth century were the progress of society and the genesis of individuals linked to new technologies of power. At the center of the seriation of time was the procedure of exercise, a technology by which one imposes a repetitive or difficult task on the body. Exercise

has a long history: it is found in military, religious, and universal practice as ritual or ceremony. Exercises became tasks of increasing complexity that marked the acquisition of knowledge and good behavior. Exercise was initially a way of organizing time towards salvation, but it became part of a political technology of the body.

"The Composition of forces." The military unit became a machine of many parts; there was a need to create smaller units out of a mass. This was similar to the idea of creating a productive force that was greater than its elements. Discipline became the art of composing forces to obtain an efficient machine. This demands explanation: one) the individual body becomes an element that is placed, moved and articulated. The soldier or body is inserted into a larger machine. two) The time of the individual unit is adjusted to the time of others. three) A carefully measured combination of forces requires a precise command of forces. The leader needs to signal in various ways to his charges.

Discipline creates individuality out of the bodies that it controls. It is cellular, organic and genetic. It has four techniques: it draws up tables, it prescribes movements, it imposes exercises and arranges tactics. The highest form of disciplinary practice is war as strategy. Strategy makes it possible to understand warfare as a way of conducting politics between states. The classical age sees the birth of strategy between states, but also the creation of a strategy by which bodies within states were controlled. This was a military dream of society, which referred not to a contract or the state of nature but to the cogs of a machine. While jurists and philosophers looked to the contract to explain the creation of society, the technicians of discipline created procedures for the individual and collective coercion of bodies.

Analysis

Again, the body is the subject of attention. Now, however, the body is not subject to torture but to forces of discipline and control. Foucault analyzes various technologies that control and affect the body.

Docility is achieved through the actions of discipline. Discipline is different from force or violence because it is a way of controlling the operations and positions of the body. The link to the idea of academic "disciplines" such as the human sciences is intended, and becomes important later. The fact that Foucault finds the roots of discipline in monasteries and armies is important. Monastic rules, which regulate the behavior of monks, and drill exercises in the army both emphasize self-control and obedience to rules, but from differing starting points. When Foucault talks of their extension over time, he does not suggest that everyone eventually became monks or soldiers. Instead, he argues that institutions like prisons, schools and hospitals acted like machines for transforming and controlling people in this period. To do this, they fixed individuals in time and space. Foucault thinks of these institutions in terms of machines and living organisms, hence the reference to political anatomy.

The organization of individuals in space works according to certain rules. The whole process works within a larger space, such as the prison, which is divided into parts or cells. Discipline depends on the idea of a series, such as a line of pupils, or a rank of soldiers.

The control of time is equally important. Foucault again traces the regulation of time back to monastic life. The idea that people are held in a series is preserved, only this time they are controlled by a timetable like that discussed at the beginning of section one. Foucault's idea of a "positive economy" is hard to grasp. It essentially means that modern timetables aim to cram more and more activity into a day.

Time also has broader effects. These effects are related to the technology of time that includes both machines like clocks and the political technology that regulates the individual's time. The disciplines are not machines for calculating time in the same way as clocks, but rather ways of regulating time as the individual experiences it. Time is divided up like space. The convict's day is divided into one-hour segments, for example, according to a detailed plan. The control of space and time is essential to Foucault's disciplinary system because they are the most basic elements of human life. Regulating them affects the way in which people act and think; it is a particularly deep and effective strategy.

Foucault begins with time and space as the individual experiences them, but he places this time within a large context. He argues that a wider type of time existed, in which everyone moved; he also argues that the eighteenth century invented the idea of the progress of society. Foucault is talking about the Enlightenment, an eighteenth century philosophical movement that was concerned with reason and human progress. He is unusual in that he links this movement, represented by writers such as Voltaire, Rousseau, and Kant, to the development of prisons, timetables and other technologies. However, it is important to Foucault that philosophical texts and timetables are part of the same structures of power.

Like the timetable, exercise derives from the practices of monasteries, and is yet another way of regulating the body through activity. Prayer, which was aimed at salvation, and military drills are examples of this original form of exercise. The key shift came when the purpose of exercise changed from the benefit of the individual to control. Unlike silent prayer, the "exercise yard" of a prison does not necessarily benefit the prisoners, Foucault would argue.

The final element that Foucault analyzes is the idea of the body as part of a machine. This is a development of the division of space and time. Now, however, the body becomes a cog in a machine. Foucault does not argue that groups of people never existed before the classical period, but that the idea of arranging and controlling them was new. The power that arranges people, however, makes them into individual units. It seems like a contradiction in terms, but for Foucault the "individual" could exist only when massive groups were created. The group was not created from individuals, but vice versa. The idea of creating the individual as an object of knowledge becomes important later. Creating the individual out of the group contradicts the common philosophical view about the creation of society. This view argued that society came from a contract or agreement between men. Foucault reveals his opinion of modern society here: that you cannot choose to enter it through a contract, and that it controls you absolutely through technology and power.

The Means of Correct Training

Summary

The chief functioning of disciplinary power is to train. It links forces together to enhance and use them; it creates individual units from a mass of bodies. The success of disciplinary power depends on three elements: hierarchical observation, normalizing judgment, and examination. In hierarchical observation, the exercise of discipline assumes a mechanism that coerces by means of observation. During the classical age "observatories" were constructed. They were part of a new physics and cosmology; new ideas of light and the visible secretly prepared a new knowledge of man. Observatories were arranged like a military camp, a model also found in schools, hospitals and prisons. Disciplinary institutions created a mechanism of control. The perfect disciplinary mechanism would make it possible to see everything constantly. The problem was breaking surveillance down into parts. In a factory, surveillance becomes part of

the forces of production, as well as part of the disciplinary process; the same thing occurred in schools. Discipline operates by a calculated gaze, not by force.

Normalizing judgment. First, at the heart of all disciplinary mechanisms, a small penal system, with a micro-penality of time, behavior and speech, existed. Slight departures from correct behavior were punished. Second, discipline's method of punishment is like that of the court, but non-observance is also important. Whatever does not meet the rule departs from it. Third, disciplinary punishment has to be corrective. It favors punishment that is exercise. Fourth, punishment is an element of a double system of gratification-punishment, which defines behavior on the basis of good-evil. Fifth, the distribution according to acts and grades has a double role. It creates gaps and arranges qualities into hierarchies, but also punishes and rewards. Discipline rewards and punishes by awarding ranks.

This art of punishing refers individual actions to a whole, and differentiates individuals from each other by means of a rule that is the minimum of behavior. It measures individuals and places them in a hierarchical system; it also traces the abnormal. The perpetual penalty essentially normalizes. This is opposed to the juridical penalty that defines the individual according to a corpus of laws, texts and general categories. Disciplinary mechanisms create a "penality of the norm". The normal, which exists in medicine, factories and schools, is one of the great instruments of power at the end of the classical period. Marks of status were replaced by ideas of belonging to a "normal" group. Normalization makes people homogeneous, but it also makes it possible to measure differences between individuals.

Examination. Examination represents the techniques of an observing hierarchy and those of a normalizing judgment, a gaze that makes it possible to qualify, classify and punish. It is a ritualized innovation of the classical age; the organization of the hospital as an examining machine is one of the features of the eighteenth century. A similar process is evident in the development of examination in schools. Examination introduced certain new features: first, it transformed the economy of visibility into the exercise of power. The subject, and not the sovereign, becomes seen. Second, examination introduces individuality into the field of documentation; a mass of writing fixes the individual. Third, each individual becomes a "case" that can be analyzed and described.

Examination is at the center of processes that constitute the individual as an effect and object of power. The disciplines mark the move from a situation where individuality is greatest in the higher ranks, to one where those on whom anonymous power is exercised are more individual. The child is more individual than the man, the patient more than the healthy man. If you want to individualize a man, ask how much of the madman he has in him.

Power does not exclude or repress. Instead, it creates the reality and rituals of truth. The individual and knowledge about him belong to this production. The individual is the functional atom of political theory, but is also constituted by the technology of power that Foucault calls a "discipline." But how could disciplines achieve such effects?

<u>Analysis</u>

Foucault now explores disciplinary power and its operations, in order to discover how individual cells or bodies are created out of a group. The individual is a modern invention, a construction of power. It is a body that is observed, and compared to a "norm" of average behavior. This section essentially becomes a further explanation of the operation of discipline in terms of observation and training, rather than exercise.

Observation is again important. It undergoes a further change, however: now it is a mechanism that coerces, rather than the process by which the public watches an execution. Foucault's point is that you can be coerced or forced to do something by being observed constantly. Not only do you feel self-conscious, but your behavior changes. This is an excellent example of the operation of power: an effect occurs on your body without physical violence.

Foucault charts the development not just of the process of observation but of the institutions in which it operates. The perfect disciplinary institution, he argues, is that in which everything can be seen at once: this is a clear reference to the Panopticon discussed in the next section. The way Foucault links the development of observatories to scientific developments shows his early interest in the history of science, but also one of the major criticisms of his work: that he puts theory before evidence. Whether such observatories were designed, or whether military camps actually operated in the way he describes is uncertain. This is perhaps unnecessary to the overall argument, which depends more on Foucault's philosophical interpretation of society than on historical evidence.

The discussion of the norm returns to the point made in Foucault's discussion of the judicial inquisition: that the status of judgment changed in the pre-modern period. Judgment now concerns an arbitrary standard: pupils, soldiers and prisoners are observed and measured against this standard. What is normal is good, and what is abnormal is bad and must be corrected. Penality becomes about correcting deviations from the norm, organizing people into ranks and classifications according to their "normality". For Foucault, the norm is an entirely negative and harmful idea that allows the oppression and silencing of deviants and the "abnormal." The aim of *Discipline and Punish* is to show how unnatural this process is. Examination unites the processes of observation and normalization. It covers both the school exam and the medical examination, and was developed only in the eighteenth century. In an examination, the individual is looked at, written about and analyzed. There are similarities here with the concept of the "clinical gaze" that Foucault relates in his history of medicine, *The Birth of the Clinic.*

Foucault's negative conception of individuality is important. Advertising and the mass media tend to praise people seen as "individuals," but for Foucault the individual is a harmful device constructed by power. The more abnormal and excluded you are, the more individual you become. Individuality is the mark of the mental patient and the convict. It has nothing to do with taking control over one's own life. To free the excluded and allow them to speak, we need either to make them anonymous, or to expose the structures that separate them from "normal" society.

Panopticism

Summary

Foucault begins with a description of measures to be taken against the plague in the seventeenth century: partitioning of space and closing off houses, constant inspection and registration. Processes of quarantine and purification operate. The plague is met by order. Lepers were also separated from society, but the aim behind this was to create a pure community. The plague measures aim at a disciplined community. The plague stands as an image against which the idea of discipline was created. The existence of a whole set of techniques and institutions for measuring and supervising abnormal beings brings into play the disciplinary mechanisms created by the fear of the plague. All modern mechanisms for controlling abnormal individuals derive from these.

Foucault then discusses Jeremy Bentham's Panopticon, a building with a tower at the center from which it is possible to see each cell in which a prisoner or schoolboy is incarcerated. Visibility is a trap. Each individual is seen but cannot communicate with the warders or other prisoners. The crowd is abolished. The panopticon induces a sense of permanent visibility that ensures the functioning of power. Bentham decreed that power should be visible yet unverifiable. The prisoner can always see the tower but never knows from where he is being observed.

The possibility that the panopticon is based on the royal menagerie at Versailles is raised. The Panopticon allows on to do the work of a naturalist: drawing up tables and taxonomies. It is also a laboratory of power, in which experiments are carried out on prisoners and staff. The plague-stricken town and the panopticon represent transformations of the disciplinary programme. The first case is an exceptional situation, where power is mobilized against an extraordinary evil. The second is a generalized model of human functioning, a way of defining power relations in everyday life. The Panopticon is not a dream building, but a diagram of power reduced to its ideal form. It perfects the operations of power by increasing the number of people who can be controlled, and decreasing the number needed to operate it. It gives power over people's minds through architecture. As it can be inspected from outside, there is no danger of tyranny.
The panopticon was destined to spread throughout society. It makes power more economic and effective. It does this to develop the economy, spread education and improve public morality, not to save society. The panopticon represents the subordination of bodies that increases the utility of power while dispensing with the need for a prince. Bentham develops the idea that disciplines could be dispersed throughout society. He provides a formula for the functioning of a society that is penetrated by disciplinary mechanisms. There are two images of discipline: one) the discipline blockade—an exceptional enclosed space on the edge of society; and two) the discipline-mechanism—a functional mechanism to make power operate more efficiently.
The move from one to the other represents the formation in the seventeenth and eighteenth century of a disciplinary society. Other increasingly profound processes operated: one) the functional inversion of disciplines; two) the swarming of disciplinary mechanisms; mechanisms begin to circulate openly in society, and are broken down into flexible methods of control; three) the state control of discipline, as in the formation of a central police power.

We can talk of the formation of a disciplinary society in the movement from enclosed disciplines to an infinitely extendible "panopticism". The formation of a disciplinary society is connected to several historical processes: one) disciplines are techniques of assuring the ordering of human masses that elaborate tactics of power that operate economically and invisibly. These tactics aim to increase the docility and utility of all elements of the system. This corresponds to a population increase, and a rise in the numbers to be supervised. The development of a capitalist economy led to a situation where these techniques could be operated in diverse regimes. Two) the panoptic modality of power is not independent. The disciplines and panopticism are the reverse of a process by which rights are guaranteed. The Enlightenment, which invented the liberties, also invented the disciplines. Three) what is new in the eighteenth century is the combination of disciplinary techniques. This occurred within a development of other technologies. The eighteenth century invented the examination, just as the middle-ages invented the judicial inquisition; much of modern penal techniques reveal the penetration of the examination into the inquisition.

The extreme of ancien regime penality was the dismemberment of the convict's body: the ideal position of modern penality is the indefinite examination. It is no surprise that the cellular, observational prison is the modern penal instrument, or that prisons resemble factories, schools and hospitals.

In many ways, this is the heart of the book. For Foucault, the panopticon represents the way in which discipline and punishment work in modern society. It is a diagram of power in action because by looking at a plan of the panopticon, one realizes how the processes of observation and examination operate.

The panopticon is introduced through a contrast, a typical Foucault device (think of the contrast between the execution and the timetable). The plague is an interesting case, however. Firstly, Foucault examines a text about plague measures, rather than an account of an actual plague. To him, this is unimportant because texts and reality interact closely. One might ask why the plague acted as an image against which the mechanisms of discipline were defined. It was not because the plague represents a loss of order: the restoration of order was the aim of rituals such as the public execution. Rather, it was because when plague strikes, the boundaries of normal and abnormal are blurred. Anyone can become sick, and therefore abnormal; and what is abnormal is particularly dangerous in this case.

In focusing on the panopticon, Foucault adopts it as a symbol of his whole argument. The theory of discipline in which everyone is observed and analyzed is embodied in a building that makes these operations easy to perform. The panopticon develops out of the need for surveillance shown in the plague. Plague measures were needed to protect society: the panopticon allows power to operate efficiently. It is a functional, permanent structure. The transition from one to another represents the move to a society in which discipline is based on observation and examination. The disciplinary society is not necessarily one with a panopticon in every street: it is one where the state controls such methods of coercion and operates them throughout society. The development of a disciplinary society involves socio-economic factors, particularly population increase and economic development.

Foucault argues that more sophisticated societies offer greater opportunities for control and observation. This explains the reference to liberty and rights. Foucault assumes that modern society is based on the idea that all citizens are free and entitled to make certain demands on the state: this ideology developed in the eighteenth century, along with the techniques of control he describes. Foucault is not against such political ideals: he merely argues that they cannot be understood without the mechanisms that also control and examine the citizen. This examination spreads throughout society. Schools, factories, hospitals and prisons resemble each other, not just because they look similar, but because they examine pupils, workers, patients and prisoners, classify them as individuals and try to make them conform to the "norm". The fact that the modern citizen spends much of his life in at least some of these institutions reveals how far society has changed.

Complete and Austere Institutions

Summary

The prison dates from before its use in the penal system. The eighteenth and nineteenth century penalty of prison was "new", but was really the importing of mechanisms of coercion from elsewhere into penality. Prison soon became self-evident. Other forms of punishment were unthinkable because the prison was so closely linked to the functioning of society. We can no longer think of "replacing" prison. As our society is built on liberty, prison as the deprivation of liberty is the obvious punishment. The self-evidence of the prison is also based on its role in

transforming individuals. It corrects and reproduces the mechanisms found in the social body. Prison always covered both the deprivation of liberty and the technical transformation of individuals. The movement for prison reform is not a recent thing, and did not come from their failure. Prison has always been the focus of debate.

Prison has total power over individuals. It is "omni-disciplinary," a complete reformation of character that takes several forms: one) the first principle is isolation from other prisoners and from the world; two) habit is imposed by the regulation of the prisoner's time and life—work in prisons is problematic, and the subject of debate; three) prison is the instrument for the modulation of the penalty. It assumes the operation of the sentence by executing it. The quality and length of detention are determined by the prison, not by the crime. The prison supervises the morality of the prisoner after the crime; it exceeds detention because it is also a workshop, and a hospital where cure and normalization take place. This combination is known as the penitentiary.

These additions to the prison are not easily accepted, because of the idea that the prison should be no more than a deprivation of liberty. Prison is the place of observation of the individual, a matter of surveillance and knowledge. To achieve this, most prisons are modeled on the panopticon. The offender becomes an individual to know: the penitentiary substitutes the delinquent for the offender. The delinquent's life is more important than his crime; delinquency is defined in terms of a norm, not a law. Criminology as a science is possible because the penitentiary can define the act as an offense and the individual as a delinquent. As the tortured body of the criminal vanished, the soul of the delinquent appeared. But the prison came from elsewhere, from mechanisms proper to disciplinary power. The prison was not rejected because, in fabricating delinquency, criminal justice gained a field of objects authenticated by the human sciences. Prison is the place in which punishment is organized silently as a treatment, which then becomes part of knowledge.

Analysis

One might think it strange that Foucault only now begins to discuss the prison. But he argues that one can only analyze the prison when preceding developments have been understood. In this section Foucault begins a complex explanation of the rise and fall of the prison that is linked to his own experience of prison reform.

The integration of the prison into society is an important point. Abolishing the prison is unthinkable because it is so deeply rooted in society. In practical terms, Foucault wants to argue that we have developed no viable alternatives: theoretically, the discourse of punishment in which we operate centers on imprisonment. Foucault argues that we have reached the stage where we can only talk about what to do with the prison, and not how to do without it. Given his personal involvement with prison reform campaigns, this might seem strange, but it must be remembered that Foucault campaigned mainly for more information about prison conditions to be made public. In his political life as well as his philosophy, there was no question of abolishing the prison.

Prisons are complicated institutions. In one sense, they are an extension of the mechanisms of observation and examination that operate outside their walls. The prisoner's behavior is recorded, his mental state assessed, and his abnormality catalogued; and, of course, he is constantly observed. The prison's first aim is to take away the convict's freedom. But it also aims to reform his character through exercise, work and training.

In another twist in the argument, Foucault reveals that the modern prison is not a prison at all, but a penitentiary. The penitentiary combines the different functions of a workshop, in which prisoners engage with the world of production and a hospital where medical observation operates. These additions are made partly for economic reasons and partly to increase the efficiency of power in the prison. This change is matched by the redefinition of the subject locked in the prison: the prisoner becomes the delinquent. This category is explored in the next section.

The penitentiary is also a place in which knowledge is important. The observation and classification of delinquents depend on, but also help to create, a new kind of science. This is human science, particularly criminology. Criminals in the pre-modern period were written about in popular literature, but were not *known* in the sense Foucault means. Knowledge is an organized collection of facts about a subject or individual, obtained by specific technical means. When the prisoner becomes an individual or delinquent, he can become the subject of knowledge. Power justifies the claims that the human sciences make about knowledge, and so the delinquent is caught up in a complicated relationship between disciplinary power and the knowledge that it creates.

Illegalities and Delinquency

Summary

Imprisonment has always been a technical project. The transition from public executions was a technical mutation. The replacement of chain-gangs by the police-carriage was symbolic of this. The chain-gang was a public spectacle, a traveling fair of crime linked to the tradition of public execution. A kind of mobile panopticon replaced the chain-gang. The panoptic carriage did not last long, but it shows the way in which penal detention centered on reform replaced public execution.

Prison is strangely denounced as a great failure of penal justice. Prisons do not follow a chronology of establishment—a recognition of failure and then reform. In fact the critique of prisons appeared early. It took various forms: one) Prisons do not diminish the crime rate; two) Detention causes recidivism three) Prison produces delinquents by its constraints and very environment; four) Prison encourages delinquents to associate and plot future crimes; five) Prison conditions and condemns freed inmates to future recidivism and later surveillance; six) Prisons produce delinquency by making the prisoner's family destitute.

Critics always argued that prison is not corrective enough, or that, in correcting, it loses its power of punishment. The answer is always the reactivation of penitentiary techniques. The recent (1972–4) prison riots in France have been blamed on the failure of the 1945 reforms. In fact, the key features of these reforms were unchanged for 150 years. They have seven universal maxims: one) detention must transform the individual's behavior; two) convicts must be isolated and distributed according to offense, age and stage of transformation; three) penalties should be tailored to the individual; four) work is an essential part of the transformation and socialization of convicts; five) the education of prisoners is necessary for them, and for society; six) the prison regime must be partly supervised by specialized staff; seven) imprisonment must be followed by supervision and assistance until the prisoner is rehabilitated.

The same fundamental principles are repeated age after age. We should not think of the prison, its failure and reform as three stages, but rather as a system imposed on the juridical deprivation of liberty. The system comprises the discipline of prison, increasing objectivity, the

reintroduction of criminality and the repetition of reform. This is the carceral system. Failure is an essential part of the prison. The prison has survived for so long because the carceral system is deep-rooted and fulfills particular functions.

If prison is intended to reduce offenses, then it fails as an institution of repression. Perhaps we should ask what function failure serves. We should see the prison as distinguishing offenses rather than eliminating them. It provides illegalities with a certain economy. The general schema of late eighteenth century reform is related to a struggle against illegalities. The whole equilibrium of illegalities was disturbed. At the turn of the nineteenth century, the danger of new popular illegalities arose. This was divided into three processes: one) the development of a political dimension to popular illegality; two) the development of peasant illegality against a new regime of landed property; and three) criminality became more specialized. Diverse illegal practices came together to form a new threat.

Popular illegalities had three means of diffusion: one) their insertion into the general political outlook; two) the articulation of social struggles; three) the communication between different forms and levels of offenses. Although this was not fully developed, it bred fear of a criminal underclass among the administrators of society. This led to a certain polarization or class asymmetry, as the criminal class became identified with the lower orders.

Thus, the prison in fact succeeds. It creates a form of illegality amongst others, which it isolates and organizes as the enclosed world of delinquency. Delinquency is not the most virulent illegality, but rather an effect of penality that makes it possible to supervise illegality. Prison has succeeded extremely well in producing delinquency, a politically and economically less dangerous form of illegality which can be isolated from other offenses. It is so successful that it has survived after 150 years of failures.

Why does prison create the delinquency that it is supposed to combat? There are certain advantages to delinquency: one) delinquency can be supervised because delinquents are a small group; two) it can be directed to other activities and separated from the main group; three) it may be useful in colonization projects; four) delinquents have political uses as informers. But the organization of delinquency would be impossible without organized police surveillance. Through supervising delinquency, one can control the whole social field. Surveillance works only together with the prison, which creates an organization of delinquency. Prison and the police together create an enclosed world of delinquency. Each part of the system supports another. Unsuccessful attempts were made to separate delinquents from the lower classes. A polemic took place in the workers' press about crime and penality; nineteenth century anarchists attempted to disengage delinquency from bourgeois illegality and legality. They attempted to reestablish the political unity of popular illegalities.

Analysis

A key theme here is the failure of prison as a remedy. Common sense might see the history of the prison in terms of its establishment, failure and attempts at reform. One could consider the prison as an institution that developed along a straight line. Foucault rejects this model in favor of something like a circle: a system in which one stage follows another perpetually. Every element of the system is unchanging; it is also perfect in its own way. Criticism of the prison for failing to reform delinquency misses the point, Foucault argues, because the carceral system aims to reorganize knowledge about crime, not eliminate it.

Prison, like the psychiatric hospital, marks out and isolates the "abnormal" or illegal elements of society. In doing this it "creates" something that can be controlled and which the state can put to various uses. Foucault does not argue that prison creates crime, merely that without prisons, crime and the criminal would be perceived in different ways. The prison is an essential building block of society. Removing it without changing anything else would not work.

The explanation that Foucault gives for the rise and continued existence of the carceral system centers on illegality:a range of popular behaviors that evade or fall outside the law. Foucault previously analyzed the eighteenth century shift towards a popular illegality of goods. The nineteenth century saw a development of this trend: a move from an illegality centered on property towards political illegality. Foucault is thinking of a shift from peasants stealing chickens and burning their landlords' houses to the widespread political activity of the French Revolution or the European revolutions of 1848. This is an interesting but problematic theory. Political uprisings in general were not the invention of the nineteenth century. However, if they are seen in terms of conflict between social classes, Foucault may have a point.

Foucault argues that illegalities became tied up in relations between social classes, and that the resulting conflict between the upper and lower orders led the administrators of society to transform these conflicts of illegality into the concept of a criminal underclass. But because the lower orders were a large, economically necessary group this presented problems. There was a pressing need to control popular revolts and illegality.

Delinquency was the solution. The delinquent was not someone who broke a particular law, but part of a group whose very existence implied illegality and crime. By creating a sub-class if delinquents who were easy to identify and control using the same techniques that operated in the rest of society, these conflicts of power could be resolved. Ultimately, Foucault sees prison and the carceral system as part of a wider system of discipline that developed from the class and economic conflicts of the eighteenth and nineteenth centuries.

The Carceral

<u>Summary</u>

Foucault dates the completion of the carceral system to February 22, 1840: the date of the opening of Mettray prison colony. This colony is the disciplinary form at its most extreme. The chiefs and deputies at Mettray were technicians of behavior. Their task was to produce bodies that were docile and capable. Historians of the human sciences also date the birth of scientific psychology to this time. Mettray represented the birth of a new kind of supervision.
Why choose this moment as the beginning of the modern art of punishment? Mettray was the most famous of a series of carceral institutions. If the great classical form of confinement was dismantled, it still existed albeit in a different way. A carceral continuum was constructed that included confinement, judicial punishment and institutions of discipline. The breadth and precocity of this phenomenon was striking. Prison turned the punitive procedure into a penitentiary technique, with several important results: One) a slow continuous gradation was established that made it possible to move from order to offense and back to the "norm". Two) the carceral network allows the recruitment of major delinquents—the nineteenth century created channels within the system that created docility and delinquency together. Three) most importantly, the carceral succeeds in making the power to punish legitimate and accepted. The theory of the contract only partly explains the rise of a new power to punish; another answer comes from the idea of a carceral continuum that was the technical counterpart to granting a right to punish. Four) the carceral allowed the emergence of a new form of law: the norm. Now,

the judges of normality were everywhere; a reign of the normative exists, to which everyone subjects his body. Five) the carceral texture of society allows the body to be captured and observed. Six) because the prison was rooted in the mechanisms and strategies of power, it could resist attempts to abolish it. This does not mean that it cannot be altered: processes that affect its utility, and the growth of other supervisory networks, such as medicine, psychiatry and social work, will alter the prison. The overall political issue of prisons is whether we should have them, or something else. Now the problem lies in the increasing use of mechanisms of normalization and the powers attached to them. The carceral city is very different to the theater of punishment. Laws and courts do not control the prison, but vice versa. The prison is linked to a carceral network that normalizes. Ultimately only the rules of strategy control these mechanisms. Foucault sees this book as a historical background to various studies of power, normalization and the formation of knowledge in society.

Analysis

This section draws together the threads of Foucault's argument, with few new ideas. The prison, the penitentiary and the carceral system are all put in their place. The carceral system in particular is extended beyond the walls of the prison; we can, Foucault suggests, talk about the modern system of punishment as a "carceral city" because the prison is so closely linked to the rest of society by a network of power that shapes everyone's life.

A new way of seeing the carceral system is also suggested. The idea of a continuum, in which different levels of severity are arranged on a scale, resembles the kind of classification or ranking that is established in the process of observation. An acceptance of the carceral system points to the triumph of the law of the norm, and to the end of Foucault's account of the transformation of judgment. A society like ours where the carceral system operates is one in which the human sciences judge all and exclude some on the basis of norms. This is an unchangeable fact, but it should not prevent resistance against the rule of the norm.

The carceral system is powerful and in many ways harmful, but Foucault holds out some hope of change. However, the chief agent of change is likely to be the growth of the human sciences themselves, which may one day take over some of the supervisory and observational work of the prison. Whether this will represent a degree of progress is left uncertain. Foucault's last words suggest the real purpose of this account is not to inspire rebellion against the modern disciplinary system, but to promote understanding of its components and operation.

SparkNotes Editors. (n.d.). SparkNote on Discipline and Punish. Retrieved October 17, 2012, from http://www.sparknotes.com/philosophy/disciplinepunish/