Discipline and Punish

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Michel Foucault published *Surveiller et punir: Naissance de la prison* in February 1975 in the Éditions Gallimard series "Bibliothèque des Histoires." It was his first major work since *The Archaeology of Knowledge* (1969) and the first since his election to the Chair in the History of Systems of Thought at the Collège de France in 1970. When it appeared, it confirmed Foucault's position as a major force on the French intellectual scene and to this day it remains perhaps his most influential work. In this essay, I will review (1) the context in which Foucault wrote this work; (2) its structure and central themes; (3) its initial reception; and (4) its general place in Foucault's oeuvre and its influence.

I

On February 8, 1971, just nine and a half weeks after delivering his inaugural address at the Collège de France,[1] Foucault, along with Jean-Marie Domenach (the editor of *Esprit*) and Pierre Vidal-Naquet (a distinguished historian, well known for his early opposition to the French army's use of torture in Algeria), announced the formation of the organization Groupe d'Information sur les Prisons (GIP). At the Saint-Bernard de Montparnasse Chapel, Foucault read the following announcement of its purpose:

> There is no one among us who is certain of escaping prison. Today less than ever. Police control is tightening on our everyday life, in city streets, and on the roads; expressing an opinion is once again an offense for foreigners and young people, and antidrug measures are increasingly arbitrary. We live in a state of "custody." They tell us that the system of justice is overwhelmed. That is easy to see. But what if the police are the ones who have overwhelmed it? They tell us that the prisons are overcrowded. But what if the population is over-imprisoned? There is very little information published about prisons; it is one of the

hidden regions of our social system, one of the dark compartments of our existence. It is our right to know. We want to know. That is why, with magistrates, lawyers, journalists, doctors and psychologists, we have created an association for information about prisons.

We propose to let people know what prisons are: who goes there, and how and why they go; what happens there; what the existence of prisoners is like and also the existence of those providing surveillance; what the buildings, food, and hygiene are like; how the inside rules, medical supervision and workshops function; how one gets out and what it is like in our society to be someone who does get out.

This information is not going to be found in the official reports. We will ask those who, for one reason or another, have some experience with prison or a connection with it. We ask them to contact us and tell us what they know. We have composed a questionnaire they can request. As soon as we have a sufficient number of results, we will publish them. (Eribon 1991: 224)

The final line of the announcement noted: "Anyone who wants to inform, be informed or participate in the work can write to GIP: 285, rue de Vaugirard, Paris-XV⁰." 285, rue de Vaugirard was Foucault's own address, and he, along with his partner Daniel Defert, would go on to be the real intellectual and political force of GIP, which would remain a focus of his attention until its dissolution in December 1972.

In 1971, prisons were a site of political unrest in France, as they were in the United States.[2] Among the issues at the time in France, beyond the generally intolerable situation of life within the prisons, were the frequent imprisonment of journalists from leftist and other anti-government papers, the treatment of leftist activists, many of whom were engaging in hunger strikes to be treated as "political" rather than "ordinary" criminals, and the general sense that the police, both inside and outside the prison, were taking the law into their own hands. In an interview in July 1971, when asked about the events that led him to found GIP, Foucault addressed in particular the recent hunger strikes: "Last December, some political prisoners, *gauchistes* [members of the Gauche Prolétarienne] and Maoists, went on hunger strike to struggle against the general conditions of detention, whether political and common law. This movement began in the prisons and developed outside them. It was from that moment that I began to take an interest" (FDE2, 204).

The intention of GIP was not so much to reform the prisons as to shine a light on the operations of the prison system, to gather information from those who knew firsthand how the prison system worked: judges, social workers, psychiatrists, and guards, but also prisoners, ex-prisoners, and their families. It is with respect to the latter groups – prisoners, ex-prisoners, and their families – that the work of GIP can be seen to intersect with Foucault's own intellectual project, for a recurrent theme in his work is the examination of the discursive practices and institutions that function so as to marginalize certain groups – the mad, the sick, the criminal – by withdrawing from them the power to speak and refusing to grant them access to discourse. Foucault acknowledged as much in the interview just cited, in response to a question about GIP's objective: "We would literally give voice to the prisoners. It is not our intention to do the work of a sociologist or reformer. It is not proposing an ideal prison" (FDE2, 204).[3] Here we might recall the opening questions of his inaugural address, where he asks "What is so perilous, then, in the fact that people speak, and that their speech proliferates? Where is the danger in that?" And these questions give rise to a hypothesis that

Foucault suggests will guide his future work at the Collège: "in every society the production of discourse is at once controlled, selected, organized and redistributed by a certain number of procedures, whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality" (DL, 52).

While Foucault was participating actively in all of the activities of GIP,[4] he was also introducing the prison into his research, and from 1971 until 1975, questions surrounding the prison were the focus of his lecture courses at the Collège: 1971–72 on *Théories et institutions pénales* (*Penal Theories and Institutions*); 1972–73 on *La Société punitive* (*The Punitive Society*); 1973–74 on *Le Pouvoir psychiatrique* (*Psychiatric Power*); and 1974–75 on *Les Anormaux* (*Abnormal*). Gilles Deleuze, who joined GIP soon after it was formed, reflected back on Foucault's work at the Collège as a "forum for experimentation" that resulted in *Surveiller et punir* (Deleuze 2006: 273). Shortly after Foucault disbanded the GIP, he completed the first draft of *Surveiller et punir* in April 1973, and in August 1974 he completed the final draft (FDE1, 73–74). Because of Foucault's visibility at the time as a social activist for prison reform, *Surveiller et punir* was received not just as a socio-historical or philosophical analysis but even more as a work of radical social criticism.

II

Few readers will forget the opening pages of *Discipline and Punish*, where Foucault reproduces in excruciating detail the *Gazette d'Amsterdam*'s account of the public execution of Robert-François Damiens the regicide on March 2, 1757. This is followed immediately by an 1838 timetable that scheduled the days of the residents in the House of Young Prisoners in Paris. These two documents, separated by eighty-one years, represent two distinct penal styles, and Foucault's task in *Discipline and Punish* is, in part, to highlight the differences between them and draw attention to the mechanisms of discipline that emerged with the birth of the prison. To accomplish this task, Foucault charts the transformation from punishment as a public spectacle in which the force of the sovereign is imposed on the body of the criminal in a way that both exacts a measure of compensation to the state and also serves as a lesson to the public, to punishment as a political tactic that seeks to change behavior. To do so, Foucault suggests in the opening chapter, will in fact chart the transformation from punishment as imposed upon a body to punishment as a "technology of power" that works through the mediation of the soul to subject and train the body (DP, 23; unless otherwise indicated, all references will be to the English translation). Reversing the traditional understanding of the relationship between body and soul, Foucault claims that "the soul is the prison of the body" (30), and so to tell the story of the birth of the prison will be at the same time to provide "a genealogy of the modern 'soul'" (29). The objective of this book, Foucault writes, is to provide "a correlative history of the modern soul and of a new power to judge" (23). Insofar as Foucault first introduces many of the signature terms associated with his philosophical positions – body, power, soul/subject – in the opening chapter, it will be worthwhile to review the central ideas and methodological suggestions he puts forward in this chapter before looking at some of the details of his account of the birth of the prison.[5]

Where the body of the condemned had been the focus of the earlier approach to punishment, modern penality is directed not primarily at the body, but at the soul. This explains both the gradual elimination of punishment as a public spectacle and the turning of attention from the acts that the criminal has performed to the thoughts and acts of will that motivated the criminal's behaviors. With the beginning of the nineteenth century, the criminal is transformed from a body to be tortured to an object to be known. Where the judicial system had no interest in knowing why Damiens sought to assassinate Louis XV, a half-century later the law sought to judge not only the crime but the criminal's soul: the process sought to discover not only what he did but *why* he did it. And to do so required the construction of the modern subject as an object to be studied and known, which is why *Discipline and Punish* will be not only a "history of the modern soul and of a new power to judge" but also "a genealogy of the present scientifico-legal complex form from which the power to punish derives its bases, justifications, and rules" (23).

To achieve these ends, Foucault proposes rules to guide the inquiry into punishment. First, to regard punishment as a complex social function, which means to attend to both its repressive and its positive effects. Second, to regard punishment as a political tactic, which means to not analyze punishment only as a consequence of violations of the law but also as a positive exercise of power with its own specific techniques. Third, to treat the history of penal law and the history of the human sciences as sharing some "common matrix" or deriving from "a single process of 'epistemological-juridical' formation," which is to say, to examine the "technology of power" as the principle that underlies both the humanization of the penal system and the knowledge of man (23). And fourth, to examine whether the introduction of the soul on to the scene of penal justice and the introduction of a scientific discourse of criminology are not themselves consequences of a transformation of the investment in the body itself by relations of power (24).

Following these rules and studying the transformation of punishment informed by an apparatus (*dispositif*) of discipline and guided by "a political technology of the body" allows this work to move beyond a mere history of punishment by leading us to understand "in what way a specific mode of subjection [*assujettissement*] was able to give birth to man as an object of knowledge for a discourse with a 'scientific' status" (24). Here, let me break for a moment from my review of the opening chapter to draw special attention to this last quote because I think it presents a significant challenge to the commonplace division of Foucault's thought into an archaeological, a genealogical, and an ethical period. Such a periodization typically situates *Discipline and Punish* as the central text in the genealogical period. But the appearance of "man as an object of knowledge for a discourse with a 'scientific' status" might very well serve as a description of *The Order of Things: An Archaeology of the Human Sciences*, which is a privileged text of the so-called archaeological period. And the focus on *assujettissement* – translated as "subjection" or "subjectivation" or "subjectification" – is typically referenced as one of, if not *the*, central theme of Foucault's so-called "ethical" period. That Foucault here describes the project of *Discipline and Punish* in this way should give pause to this now almost canonical periodization of his work. And, as will be seen below, he will return to the conjunction of "man," "power-knowledge," "subjection," and "discipline" in the closing pages of *Discipline and Punish*.

Returning now to the first chapter, following these methodological rules will, in addition to revealing a "political technology of the body," also allow the study of the history of systems of punishment to proceed as a "'political economy' of the body" which treats the body as "directly involved in a political field [insofar as] power relations have an immediate hold on it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, emit signs" (25). This political investment is intimately bound up with the body's economic utility: the body becomes a useful force only if it is a productive body. But productivity alone is insufficient for economic utility, as the body must be both productive *and* subjected. Contrary to the simplistic Marxian account, subjection is not only obtained by the instruments of violence and ideology; there is, rather, a complex "micro-physics of power" that works to discipline the body physically, but more subtly than with brute violence (26). And so we return to the prison, whose task is discipline and whose power works both negatively (correction) and positively (making more useful).

To study this micro-physics of power requires a new way of thinking about power, and Foucault runs through several of the ways we should now treat power: as a strategy rather than a property; as something exercised rather than possessed; as existing in relations rather than in things or persons; as in tension rather than contractually mediated; as operating at all levels of the socius, not just in the relations between state and citizens, or between classes, or between superiors and subordinates; as functioning in specific ways, specific to their modalities and mechanisms; as not univocal, but unique to their field of specificity and a function of their deployments and their effects (26–27; Foucault's discussion here should be compared to the discussion of how to think about power in the chapter on "Method" in HS1). To study power will also require rethinking the relation of power and knowledge insofar as traditional accounts of that relation understand knowledge to exist outside of the corrupting effects of power and its interests. For Foucault, on the other hand, "power produces knowledge . . . power and knowledge directly imply one another," and where there is one, there will be the other (27). Because power and knowledge directly implicate one another, power-knowledge relations,

> are to be analyzed, therefore, not on the basis of a subject of knowledge who is or is not free in relation to the power system, but, on the contrary, the subject who knows, the objects to be known and the modalities of knowledge must be regarded as so many effects of these fundamental implications of power-knowledge and their historical transformations. In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge. (27–28)

To rethink power as a "political anatomy" of the "body politic" will thus require abandoning the following traditional ways to think about power (many of which are the privileged categories of Marxist analysis): the violence–ideology opposition; the metaphor of property; the models of contract or of conquest; the opposition between interested and disinterested knowledge; and the primacy of the subject. Giving up these assumptions will allow us to rethink the "body politic" as "a set of material elements

and techniques that serve as weapons, relays, communication routes and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge" (29).

And rethinking power relations in this way will disclose the genealogy of the modern soul, not as an illusion or product of ideology but as born out of methods of punishment, supervision, and constraint. Foucault ends this first chapter by arguing for the *contemporary* relevance of his return to the past and the emergence of the mechanisms of disciplining the subject. This non-corporal soul is not a substance, but it is also, unlike the soul of Christian theology, not merely a fiction. Just as Nietzsche had argued, in *On the Genealogy of Morality*, that the Christian soul, while a constructed fiction, could and did have very real effects, Foucault claims that the modern soul is "real" insofar as "it is the element in which are articulated the effects of a certain type of power and the reference of a certain type of knowledge, the machinery by which the power relations give rise to a possible corpus of knowledge, and knowledge extends and reinforces the effects of this power" (29). Whether understood as the psyche, personality, subjectivity, or consciousness, liberating this soul has been the goal of all forms of humanism. But, Foucault notes ominously, this "soul is the prison of the body," an "effect and instrument of a political anatomy" that inhabits the object which the human sciences seek to know – modern man – and who is "already in himself the effect of a subjection [*assujettissement*] much more profound than himself" (30).

Following this opening theoretical setting of the issues, the remainder of Part I ("Torture") and Part II ("Punishment") trace the transformation through the two mechanisms of punishment that precede discipline and the birth of the prison. The second chapter, "The Spectacle of the Scaffold," offers an account of the punitive "logic" behind "torture" (*supplice*). Torture was a technique of punishment involving three criteria: it must produce a measured amount of pain that must be greater than the pain caused by the act being punished; this pain must be regulated through the practices of torture following specific rules (number of lashes, amount of time on the wheel, etc.); and the torture must enact a ritualized marking of the body of the victim as an expression of the sovereign power that punishes. These practices were directed toward a specific goal: the production of the truth, which in this judicial context meant a confession that would be both the definitive proof of guilt and the criminal's acknowledgment of responsibility for the crime. The confessed criminal was thus the "living truth" (38) of the crime, a truth first ascertained in secret via the machine of judicial torture (*la question*) and then re-enacted again in public in order to be legible for all via the ritual of the scaffold and public torture (*la supplice*). This public display of punishment functioned as a means of publishing the truth for all to see: "A successful public execution justified justice, in that it published the truth of the crime in the very body of the convicted man" (44). And why was such a publication of the truth necessary? Because public execution was both a judicial and a *political* ritual, one in which the power of the sovereign is manifested (47): because all crime is an attack upon the sovereign, all punishment is the right of the sovereign to take revenge for the assault upon him. Public execution does not re-establish justice by returning the scales of justice to their proper balance; it reactivates power by making everyone once again aware "of the unrestrained presence of the sovereign" (49).

In revealing truth and displaying power, torture, like all mechanisms of punishment, is animated by a truth–power relation (55). And it is a change in this truth–power relation that explains why public torture and executions were eliminated.[6] When the power of the sovereign reigned supreme, public torture was a clear statement of that power. But by the second half of the eighteenth century these public executions were becoming dangerous for the sovereign, as the role assigned to the main character in these executions was transferred from the condemned to the people, whose presence was required for the spectacle to function as the display of power it was. The people were there as witnesses, but they were not just spectators, and their participation was often welcomed, as they insulted and attacked the condemned man. As the secure position of the sovereign weakened, however, the people's place in the procedure became ambiguous; where the gallows speech had been a cautionary tale offering the people an example of a life gone wrong, now the gallows speech was frequently not confessional but accusatory and confrontational. The condemned would mock authority and could occasionally gain the people's sympathies, especially as the revolution approached and crimes against property were replacing crimes against persons. So, contrary to a simple narrative of the increasing "humanism" of the Enlightenment – a narrative Foucault challenges throughout *Discipline and Punish* – it was not for humane reasons, but for reasons of political expediency that public executions were eliminated: the crowds could no longer be controlled.

Part II turns from torture to punishment, beginning with an examination of the protests against public executions that increased in the second half of the eighteenth century. These protests came from two sides: while the Enlightenment philosophers protested that public executions were barbaric, lawyers, politicians, and other legal functionaries argued that they were potentially disruptive, suggesting that if the people watched the sovereign spill blood, it was only a matter of time before the people called for blood, the blood of the sovereign or his functionaries. What results is sovereign revenge giving way to criminal justice and an appeal to humanism insofar as even the worst of criminals shares with all men a "human nature." Crimes were now to be judged in terms of a measure of the humanity still present in the criminal, and the criminal was to be punished accordingly. As the right to punish "shifted from the vengeance of the sovereign to the defense of society" (90), the justification for punishment shifted from looking backward (retribution) to looking forward (deterrence), and the rules governing punishment now functioned as punitive signs that would serve as obstacles that should inhibit future criminal activity. There is no question, for Foucault, that punishment became more humane during this period, but the new notion of "leniency" was motivated less by the moral arguments of the *philosophes* than by principles of efficiency and "a calculated economy of the power to punish" (101). And what is produced with this move to leniency is a shift in the point of application of the power to punish, from the body to the mind, "or rather a play of representations and signs circulating discreetly but necessarily and evidently in the minds of all" (101). This project of penal reform results in two distinct ways in which criminals are now objectified: on the one hand, the criminal as enemy of all, as outlaw, as violator of the social contract, as abnormal; on the other hand, the criminal as a soul whose immorality can be measured and corrected and controlled by a calculated economy of punishments,

whose "'mind' [is] a surface of inscription for power,[7] with semiology as its tool; the submission of bodies through the control of ideas" (102).

During the seventeenth and eighteenth centuries, imprisonment was only a particular punishment for a specific sort of crime. But by the early nineteenth century, incarceration became the dominant form of punishment, which leads Foucault to ask what explained the rapid rise of the prison as the preferred mode of punishment. The traditional explanation for the birth of the prison – that a number of innovative models of incarceration were devised in the United States, England, Holland – is rejected by Foucault because it doesn't really explain anything insofar as these innovations were themselves a response to already recognized social needs. The question to ask, therefore, is: What set of beliefs suddenly made these models acceptable, even appealing? Foucault's preliminary suggestion is that these new models addressed a number of problems that punishment was now expected to respond to: they were directed toward the future; they intended not to efface crime but transform the criminal (through obligatory labor); they offered the possibility of constantly supervising the prisoner; they provided an efficient institutional apparatus for altering "minds"; and finally, insofar as these new models also were motivated by the same set of beliefs that were giving rise to the human sciences, they provided for the establishment of procedures for acquiring knowledge about the individual prisoner – his past, his thoughts, his progress. Instead of focusing on the crime committed, this new corpus of knowledge that the prisons were now understood to produce "took as its field of reference . . . the potentiality of danger that lies hidden in an individual and which is manifested in his observed everyday conduct" (126). And with this new knowledge came a new goal for punishment: correction. Through the techniques of correction, what would be produced was no longer the juridical subject "but the obedient subject, the individual subjected to habits, rules, orders, an authority that is exercised continually around him and upon him, and which he must allow to function automatically in him" (128–129). The prison as an administrative apparatus for the deployment of disciplinary power thus challenges the two other technologies of power to punish – monarchical power and juridical power – for hegemony. And the question Foucault concludes Part II with is this: at the end of the eighteenth century, all three ways of organizing the power to punish were present. How do we explain the fact that the third way, that of the prison, came to prevail?

In Part III, Foucault turns at last to the central theme of his investigation: the emergence of discipline as a new technology of power. Following the classical age and the *ancien régime,* discipline seeks to create a body that is both useful and intelligible, manipulable and analyzable (136). Which is to say, disciplinary power seeks to produce bodies that are *docile*, "that may be subjected, used, transformed and improved" (136). Such bodies would, of course, be beneficial to the ever-expanding forces of capitalist production, but that in itself is not Foucault's focus. Instead, he attends to the techniques by which discipline invests power in the body, what he calls "a 'new micro-physics' of power" (139). Included among these new techniques are various ways of distributing individuals in space (enclosure, partitioning, assignment to dedicated spaces or individual cells, etc.); managing individuals' activities (the extension of the timetable, regimenting gestures, routinizing performance of tasks, etc.); the introduction of exercises to maximize individual efficiency; and the combining of individuals to produce composite forces.

From these somatic techniques which discipline the individual physically, Foucault turns next to the means of training by which "discipline 'makes' individuals": hierarchical observation, normalizing judgment, and the examination (170). Through various procedures that compare, that rank, that hierarchize, that judge, that select or exclude, that, in all senses of the word, *examine*, the modern individual is no longer called upon as a subject required to obey the law but is produced instead as an individual who is required to conform to the *norm*. The norm, and the range of normality that surrounds it, does indeed homogenize the population who must submit to the disciplines, insofar as the power of normalization works through the functioning of various examinations that operate within the school, the military, the hospital, or the factory. At the same time, normalization also "individualizes by making it possible to measure gaps, to determine levels," and thereby "the norm introduces, as a useful imperative and as a result of measurement, all the shading of individual differences" (184). This individualization, Foucault shows, will be *documented* – whether in the medical case study, the military or school record – and so the writing of real lives, once restricted to kings and heroes, will now become applicable to all as the techniques of disciplinary power transform all human bodies into individuals. In fact, "a 'power of writing' was constituted as an essential part in the mechanisms of discipline," and the various documentary techniques that accompany the multifarious processes of examination play an essential role in making the individual into a "case" (189, 191; see also C-PP 48–52, where Foucault emphasizes more strongly the essential role writing plays within discipline).

What Foucault concludes from his analysis of the normalizing function played by the mechanisms of discipline in the construction of the modern individual is that in addition to the negative terms with which power has been traditionally described (exclusion, repression, censorship, etc.), we must also acknowledge the productivity of power: "it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production" (194). That is to say, the modern individual is what he or she is by virtue of comparison with, conformity to, and differentiation from the norm, and it is this individual's individuality itself that is produced through the disciplinary power that examines and judges it.

Part III concludes with Foucault's introduction of an image that for many of his readers will become their lasting impression of the microphysics of disciplinary power and, more generally, of the genealogical dimension of his thought: Jeremy Bentham's Panopticon.[8] Written in 1787, the title of Bentham's work is worth noting in full: *Panopticon; or, The Inspection-House: Containing the Idea of a New Principle of Construction applicable to any Sort of Establishment, in which Persons of any Description are to be kept under Inspection; And in Particular to Penitentiary-Houses, Prisons, Houses of Industry, Work-Houses, Poor-Houses, Lazarettos, Manufactories, Hospitals, Mad-Houses, and Schools.* Foucault follows Bentham's lead here, highlighting the significance of the Panopticon for the penitentiary *in particular* while never losing sight of the fact that this disciplinary apparatus can and has extended well beyond the prison's walls.

The Panopticon is a model of architectural efficiency: a circular structure, at the center of which will be placed a tower. Along the periphery, individual cells will be arranged with a large window that opens to the center and a smaller window in the

rear that allows backlighting to illuminate the cell from one end to the other. The result will be that the inhabitant of the cell will be permanently visible, under permanent surveillance. The central tower, on the other hand, will be shaded and lit in such a way that those within will not be visible to the inhabitants of the cells. So, at one level, we have an architectural structure that will permit a supervisor to see all without being seen by anyone under surveillance. But this is in fact the genius of the Panopticon: insofar as the inhabitants of the cells come to believe that they are under constant surveillance, this disciplinary machine will work as well without a supervisor as with one. Foucault notes this as the "major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power" (201). Taking a page from Nietzsche's argument, in the Second Essay of *On the Genealogy of Morality* (§16), that the origin of the "soul," like the origin of bad conscience, can be traced to the turning inward of one's instincts that follows an inability to discharge them outwardly – what Nietzsche calls the "*internalization* of man" – Foucault suggests that the prisoner, because permanently visible, begins a regime of perpetual self-surveillance that results in the *internalization* of the supervisor. The Panopticon thus leads to panopticism, and the disciplinary machine leads to the disciplinary society and the production of the modern individual who, by internalizing the supervisory gaze of the other, takes all the disciplinary tasks of society upon itself and forces itself to conform to social norms without any external authority imposing those norms. Bentham's preface opens: "Morals reformed – health preserved – industry invigorated – instruction diffused – public burthens lightened – Economy seated as it were upon a rock – the Gordian knot of the Poor-Laws not cut, but untied – all by a simple idea in Architecture!" This list of benefits would be made possible by "A new mode of obtaining power of mind over mind, in a quantity hitherto without example." Is it therefore surprising, Foucault concludes Part III, "that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?" (228). Together these disciplinary machines deploy the techniques of a power-knowledge regime that produces and distributes individuals around a norm, all the while making sure that departures from this norm are identified in order to be corrected.

In the fourth and final part, Foucault turns to the functioning of the prison in terms of the emergence of detention as the privileged form of penality. The deprivation of liberty was never, he notes, an end in itself; rather, from the outset, detention was conjoined with the "technical function of correction" whose goal was the transformation of individuals (233). He also notes, in the early pages of Part IV, and with an obvious gesture to the controversies of the day regarding prison reform, that prison reform is as old as the prison itself. The prison as an institution was, from the beginning, recognized to be a failure; it did not succeed, as the recidivism rates made clear, in transforming criminals into productive contributors to society. "And yet one cannot 'see' how to replace it. It is the detestable solution, which one seems unable to do without" (232; cf. 277).

To this seemingly peculiar state of affairs, Foucault suggests we pose a different question: not "why do we continue to maintain an institution that has from its very beginnings been seen to be a *failure?*" but "what is served by the failure of the prison?" (272). And to answer this question leads Foucault from an investigation of the prison as a site for the detention of offenders to the site where we witness the fabrication of the delin-

quent. Where the juridical system was framed by the opposition between law and illegal practices, the carceral system will be framed by a different, "strategic" opposition: illegality and delinquency:

> For the observation that prison fails to eliminate crime, one should perhaps substitute the hypothesis that prison has succeeded extremely well in producing delinquency, a specific type, a politically or economically less dangerous – and on occasion, usable – form of illegality; in producing delinquents, in an apparently marginal, but in fact centrally supervised milieu; in producing the delinquent as a pathologized subject. (277)

The prison, Foucault tells us, "cannot fail to produce delinquents" (266). But what is the delinquent? He is a type, a sub-species of non-normalizable humanity, of humanity that cannot but fail to follow the norms. He is the object of the science of criminology, the "correlative of the penitentiary apparatus . . . a biographical unity, a kernel of danger, representing a type of anomaly" (254). The carceral system has successfully substituted the delinquent for the offender, and in so doing has created a class of managed, controlled, useful, and profitable illegalities. Prostitution, arms trafficking, illegal sale of alcohol, drug trafficking: all of these activities make use of agents produced by the prison who, after their release, are supervised by the extended police apparatus and exemplify the functioning of "useful delinquency." In these examples, we see forms of delinquency that represent "a diversion of illegality for the illicit circuits of profit and power of the dominant class" (280). Other forms of delinquency serve more explicitly political functions as informers, *agents provocateurs*, the eyes and ears of the police apparatus in locations where the police themselves cannot go. Delinquency is thus both a product of the prison system and an integral part of that system, comprising one of the three components of the police-prison-delinquency ensemble: "Police surveillance provides the prison with offenders, which the prison transforms into delinquents, the targets and auxiliaries of police supervisions, which regularly send back a certain number of them to prison" (282).

The carceral system, Foucault argues in the final chapter, did not remain restricted to the prison. Instead, "the carceral archipelago [the reference here is no doubt to Solzhenitsyn's *Gulag Archipelago*, which was published in the West in 1973] transported this [penitentiary] technique from the penal institution to the entire social body" (298). What results is the emergence of a disciplinary society that is governed no longer by laws but by norms. We have become a society of judges, and "The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social-worker'-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behavior, his aptitudes, his achievements" (304). The panoptic functioning of this new power to judge has given rise to the extension of the examination from specialized institutions (the school, the hospital) to the whole of society. By means of constant and omnipresent examination, the disciplinary power of the carceral system

> required the involvement of definite relations of knowledge in relations of power; it called for a technique of overlapping subjection [*assujettissement*] and objectification; it brought

with it new procedures of individualization. The carceral network constituted one of the armatures of this power-knowledge that has made the human sciences historically possible. Knowable man (soul, individuality, consciousness, conduct, whatever it is called) is the object-effect of this analytical investment, of this domination-observation. (305)

This carceral network, and all of the disciplinary mechanisms attached to it, will return in Foucault's next work, the introductory book to his history of sexuality *La Volonté de savoir* (*The Will to Knowledge*), as he narrows the domain in which the powers of normalization are exercised. *Discipline and Punish*, on the other hand, closes both abruptly and provocatively, as Foucault suggests that instead of punishing transgressions of some central law, these carceral mechanisms exercise their normalizing power over transgressions against "the apparatus of production – 'commerce' and 'industry'" (308). Referring, no doubt, to the work he began with GIP and the continuing attempts at prison reform in France, Foucault suggests that resisting the forces that "permit the fabrication of the disciplinary individual" will involve more than reforming the way prisoners are treated. For we are all this "disciplinary individual," we are all "the effect and instrument of complex power relations, bodies and forces subjected to multiple mechanisms of 'incarceration'" (308). As we engage and resist these powers of normalization and the formations of knowledge related to the disciplinary individuals that we have become in modern society, "we must hear the distant roar of battle" (308).

<center>III</center>

While Foucault may have written *The Order of Things* with the intention that it would only be "read by about two thousand academics who happen to be interested in a number of problems concerning the history of ideas" (PPC, 99), he had different expectations about the audience for *Discipline and Punish*. As already noted, when *Discipline and Punish* first appeared, it was received less as the latest work from a professor at the Collège de France than as a work of social criticism by a well-known social activist. As a consequence, its publication was widely noted in major French cultural venues: selections appeared in *Le Nouvel Observateur* in the week before it appeared, while the French daily *Le Monde* marked its publication with two pages of coverage on February 21, including an interview with Roger-Pol Droit and a review by Christian Jambet. The next three weeks saw largely favorable reviews appear in weekly news magazines *L'Express* (February 24–March 2), *Le Nouvel Observateur* (March 3), and *Le Point* (March 10) and the bimonthly *La Quinzaine littéraire* (March 16). This was followed, in June, with an issue of *Magazine littéraire* in which the "Dossier" was devoted to his work, and which included an interview with Foucault (FDE2, 740–753; PK, 37–54) as well as an important positive appraisal of his work's relevance for historians by the historian and future president (1995–2004) of the École des Hautes Études en Sciences Sociales, Jacques Revel.

In many of these early reviews, their authors acknowledge both the scholarly erudition as well as the timely intervention of the work. Jean-Paul Enthoven, writing in the March 3 issue of *Le Nouvel Observateur*, is typical of these reviews. Foucault's book, he writes, "possesses virtues other than those that ordinarily come from his complete

erudition, his prodigious sense of the archive or the baroque splendor of his writing." It also brought to its readers questions about the most current events, demanding that they listen to the uproar coming from the rioters at the prisons at Toul or Lille, and from the others who "filled barracks, colleges, prisons and other *écoles normales* of pure discipline" (Artières 2010: 60).

The year ended with a special issue on Foucault in the important literary journal *Critique*, with three long articles on *Discipline and Punish*, including the first major essay on Foucault's work by François Ewald – who soon after became Foucault's assistant at the Collège de France – and a glowing review by Gilles Deleuze. Deleuze's essay, which was republished with only minor alterations as the second chapter of his 1986 book on Foucault, also notes the contemporary political relevance of the analysis of the prison, but Deleuze's review highlights the theoretical importance of Foucault's microphysics of power. Foucault appears as "A New Cartographer" – the chapter's title, which Deleuze takes from one of Foucault's first interviews after the publication of *Discipline and Punish* (FDE2, 725) – who by offering us a new diagram of how power functions makes it possible, finally, for something new to emerge in the wake of Marx – a new constellation of the relations between power, law, and the state (Deleuze 2006: 30). In so doing, Foucault also "overcomes the apparent dualism" of power vs. knowledge that some saw in his earlier books, which to some supported the "error . . . that consists in thinking that knowledge appears only wherever the relations between forces are suspended." Instead, Foucault makes clear that "There is no model of truth that does not refer back to a kind of power, and no knowledge or even science that does not express or imply, in an act, power that is exerted" (Deleuze 2006: 38–39).

Turning briefly to this work's reception in English, not surprisingly, the initial reaction to *Discipline and Punish*, as with Foucault's earlier works, came not from philosophers but from historians, sociologists, criminologists, and literary theorists. Historian Hayden White was one of the few to review the work before it appeared in English translation in 1977. Writing in *The American Historical Review*, White appreciates the brilliance of Foucault's text, while at the same time taking note of its flaunting the "traditional . . . standards of [historical] scholarship." With some irony, White continues, "the book is a scandal, lacking in 'original research' and making only the merest gesture toward modern scholarship in the field of penology." But to judge Foucault's work by these conventional standards, White presciently goes on, "would be wrong – or at least a 'category mistake.' For it belongs to that genre of speculative essays of which Nietzsche's *Genealogy of Morals* is an example. It will remain seminal long after more conventional studies of criminality and penal institutions have been forgotten" (White 1977: 605–606).[9]

After the English translation of *Discipline and Punish* appeared in 1977, it was fairly widely reviewed in non-academic venues like *The New Republic*, *The Nation*, *New York Times Book Review*, and *Times Literary Supplement* (which also reviewed the French publication in 1975), as well as *Time* and *Newsweek.* Reviews in scholarly journals, on the other hand, were far less common: between 1977 and 1980, reviews appeared in eight journals of sociology (including *The American Journal of Sociology*, *Sociology*, *Sociology and Social Research*, and *Sociological Review*), seven journals of criminology and law (e.g. *International Journal of Criminology and Penology*, *New England Journal of Prison Law*, *Crime and Delinquency*), only four history journals (e.g. *Journal of Modern History*,

Eighteenth Century Studies), four journals of literature (including *Diacritics*, *Stanford French Review*, and the *Dickens Studies Newsletter*), three journals of religion, and several journals more difficult to classify (e.g. *Partisan Review* and *The Humanist*). Among philosophy journals, *Discipline and Punish* was reviewed only in *Telos*, first after its French publication in 1976 and again together with reviews of *Language, Counter-Memory, Practice* and *La Volonté de savoir* in 1978.

While most of these reviews take note, in some way or other, of "the extraordinary force of the prose" (Barham 1979: 113) or the "dazzling . . . range of historical sources and . . . the analytical skill with which they are made to yield up their secrets" (Ferguson 1978: 271), many remain profoundly skeptical of Foucault's main theses (when they can identify them) or the practical relevance of his work. Sociologist and criminologist David F. Greenberg, for example, responds to Foucault's thesis that a class of delinquents was created as "distinct from the 'respectable' working class" in order to split the working class in two" (one might, however, ask whether this was Foucault's thesis), that "It is here that Foucault stretches incredulity. That an international bourgeoisie conspired to divide the working class by inventing the prison is unbelievable" (Greenberg 1979: 141). Typical of many of the reviews in journals of criminology, Professor of Law Richard Singer acknowledges the broad scope of Foucault's analysis but cautions "There is much that is wrong or half wrong with this work, but that may be due in large part to the massive task the author has taken on. This is surely a book to be read, and to be reckoned with, by all scholars of crime and punishment; it is, however, not one intended for the practitioner of the imprisoning process" (Singer 1979: 379).

IV

The initial reviews notwithstanding, it is difficult to overstate the influence of Foucault's *Discipline and Punish.* As already noted, it was very well received when it first appeared: some 8,000 copies were sold in 1975, and by 1987 sales were approaching 70,000 (Dosse 1997: 254). It was translated into German and Spanish in 1975, Italian in 1976, English, Japanese, Norwegian, and Portuguese in 1977, and to date into thirty languages, including fourteen other European languages as well as Chinese, Korean, Thai, Lithuanian, Latvian, Ukrainian, Russian, Farsi, and Turkish. In the decades after its English translation, many would regard it as the central Foucauldian work for both his critics and his proponents. For critics like Jürgen Habermas, Charles Taylor, Michael Walzer, or Nancy Fraser, it showed most clearly the failure of Foucault's normative theory, as it provided no clear normative justification for choosing what relations of power to resist or why one should even resist at all.[10] Other critics saw Foucault's position as hopeless, even nihilistic, arguing that because power was everywhere, there was no escaping it.

Foucault's defenders, on the other hand, found these criticisms to miss the point. Against the former, they responded that if a normative justification for action demanded appeal to some form of transcendent moral standard, then there could indeed be no normative justification for resistance. But that was precisely what Foucault was arguing against by demanding that any justification for resistance must appeal to the immanent

conditions presented by the existing power relations themselves. And against the latter accusation, Foucault's defenders replied that precisely because there was no getting outside of relations of power, resistance was internal to all relations of power as a permanent possibility. Foucault himself addressed both of these criticisms in one of his final interviews.

> My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism. I think that the ethico-political choice we have to make every day is to determine which is the main danger. (EW1, 256)

For Foucault's proponents, *Discipline and Punish* was a groundbreaking work that opened up a range of new possibilities. For some, it made clear Foucault's position as one of the great heirs, if not *the* great heir, to Nietzsche's reflections not only on genealogy as a method but on the constructed nature of the human subject, and a wide array of scholarship exploring the Nietzschean connection with Foucault's thinking has followed (see work by Michael Mahon, Keith Ansell-Pearson, and myself, among others). For others, Foucault drawing attention to the disciplining of bodies opened up a range of scholarly inquiries, and a great deal of important scholarship resulted, in particular in terms of the disciplining of women's bodies (see e.g. the work of Susan Bordo, Sandra Bartky, and Jana Sawicki, among others). It is also important to note that the English publication of *Discipline and Punish* was followed the next year by the English translation of the first volume of Foucault's *History of Sexuality*, and together these two works gave rise not only to a wide variety of studies that reappraised how we should understand the contemporary exercising of power relations (e.g. by William E. Connolly and Thomas Dumm) but also, a few years later, to an entirely new field of inquiry – queer theory (see, in particular, the early work of Judith Butler). Whether or not one accepts all, or even most, of Foucault's claims in his account of the birth of the prison, one conclusion that it would appear difficult to avoid accepting is this: Foucault's account in *Discipline and Punish* of the mechanisms of discipline have transformed irrevocably the way scholars in the humanities and social sciences understand and think about how relations of power are exercised in modern and contemporary Western societies.

Notes

1 Foucault's address on December 2, 1970 was published February 21, 1971 as *L'Ordre du discours* by Gallimard.
2 It is perhaps worth recalling that George Jackson, a Marxist, author, and member of the Black Panther Party was shot to death by prison guards in California's San Quentin prison under unclear circumstances on August 21, 1971. And the prison riot at the Attica Correctional Facility in Attica, New York erupted on September 9, 1971, in part prompted by prisoners' demands for better living conditions, and in part in response to what the more politically motivated prisoners thought had been the political execution of George Jackson.
3 Gilles Deleuze notes this as well in an interview given after Foucault's death: "It's an oversimplification, but the goal of the GIP was for the inmates themselves and their families to

be able to speak, to speak for themselves. That was not the case before. Whenever there was a show on prisons, you had representatives of all those who dealt closely with prisons; judges, lawyers, prison guards, volunteers, philanthropists, anyone except inmates themselves or even former inmates. . . . The goal of the GIP was less to make them talk than to design a place where people would be forced to listen to them, a place that was not reduced to a riot on the prison roof, but would ensure that what they had to say came through" (Deleuze 2006: 277).

4   Foucault's activities surrounding GIP are chronicled in FDE1, 37–43, and discussed in all of Foucault's biographies; see Eribon 1991: 224–234; Macey 1993: 257–289; Miller 1993: 185–194. See also Bourg 2007: 79–95.

5   It is important to note that this is the first appearance of these themes – body, power, subject – in Foucault's published works. He had in fact introduced and discussed these themes in the 1972–73 Collège lectures on *The Punitive Society* and the 1973–74 lectures on *Psychiatric Power*. See, for example, the lecture of November 21, 1973, where Foucault says that "Discipline is that technique of power by which the subject-function is exactly superimposed and fastened on the somatic singularity" (C-PP, 55). Earlier, Foucault had spoken in detail on these themes in a series of lectures he presented May 21–25 at the Pontifical Catholic University in Rio de Janeiro, subsequently published as *La Vérité et les formes juridiques* (FDE2, 538–646); *Truth and Juridical Forms* (EW3, 1–89).

6   In the 1978–79 lecture course on *The Birth of Biopolitics*, Foucault emphasized the role played by the production of truth in the birth of the prison; the question at issue, he says, is: "how this veridictional practice . . . began to install the veridictional question at the very heart of modern penal practice . . . which was the question of the truth addressed to the criminal: Who are you? When penal practice replaced the question: 'What have you done?' with the question: 'Who are you?' you see the jurisdictional function of the penal system being transformed, or doubled, or possibly undermined, by the question of veridiction" (C-BB, 34–35; cf. 36–37) What he is calling "veridiction" are what he elsewhere calls "regimes of truth," the procedures that determine the rules concerning what is to count among the true.

7   That Foucault's language here recalls that of Deleuze and Guattari in *Anti-Oedipus* – published three years before *Discipline and Punish* – is no coincidence; in a footnote toward the end of chapter 1, Foucault writes that "In any case, I could give no notion by references or quotations what this book owes to Gilles Deleuze and the work he is undertaking with Félix Guattari" (309).

8   Foucault's discussion here follows and expands upon his initial exposition of Bentham's Panopticon on November 28, 1973, in his fourth lecture in the series on C-PP; see esp. pp. 73–78.

9   To see an example of the sort of treatment that makes this category mistake, see the very critical review of *Surveiller et punir*, "L'Historien et le philosophe," by Jacques Léonard in Artières 2010: 223–250. For an interesting discussion of Foucault's reception by "disciplinary historians," see Megill 1987.

10   For representative essays by Habermas, Taylor, and Walzer, see their contributions in Hoy 1986; for Fraser, see her essays on Foucault in Fraser 1989, especially "Foucault on Modern Power: Empirical Insights and Normative Confusions," pp. 17–34.

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