

Foucault, *Discipline and Punish*
Part One Chpt. 1&2 (1-57)
Society Must be Defended lecture 2 (14 Jan 1976)

First Chapter of *Discipline and Punish*

Two stories/narratives/images at the beginning

What is your reaction to reading these two narratives?

What rhetorical and/or argumentative purposes might be served by starting the text with this juxtaposition?

Do you get any sense of what the book will argue from these two narratives?

Overview of some of the main points of the rest of the text

1. Differences between the two types of punishment given at the beginning of the text

“the disappearance of torture as a public spectacle” (7)

b. a different relationship between punishment & the body

— causing pain no longer the main focus (11); instead, focus of punishment is on a subject with “rights”— punishment suspends rights (11)

— yet it’s always the body that’s at issue in punishment (25); just a different way of addressing the body than in the spectacle of torture

— going to look in later parts of the book at a “micro-physics of power” exercised on the body (26)

c. a focus on the “soul”

— no longer just pay attention to what was done and by whom, but also what is going on in the perpetrator’s mind, desires, previous background, likelihood of repeating the crime, etc.

— “acts of aggression are punished, so also, through them, is aggressivity; rape, but at the same time perversions; murders, but also drives and desires” (17)

— legal punishment now has a hold “not only on offences, but on individuals; not only on what they do, but also on what they are, will be, may be” (18)

d. entry of the human sciences into punishment: “A corpus of knowledge, techniques, ‘scientific’ discourses is formed and becomes entangled with the practice of the power to punish” (23)

— don’t just look at judgments of law, but “assessing, diagnostic, prognostic and normative”

judgments as well (19)

2. the soul is produced through the workings of power and scientific knowledge on the body

— not just through techniques of punishment, but also through relations of power exercised on “those one supervises, trains and corrects, over madmen, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives” (29)

— soul is not an illusion, but a historical construct (29)

— “the soul is the prison of the body” (30): what might this mean?

When one claims that one is a certain type of person, one is subjected to the knowledge of experts which defines that category of persons

Get extended power over people, when not focused just on one action, but now have a core, a “soul” that your actions, past and future, are attached to. Get a power through time over people.

Talking about how system of discipline is created to force you to censor yourself, because if you violate rules and morality, you will be punished. Like Nietzsche: debtor starts internalizing reasons for keeping promises.

Historical shift towards self-awareness, started earlier than this discussion of punishment, but used in human sciences and punishment later. Now we have continual analysis of beliefs and desires, whether they are morally right, normal, whether they fit into some kind of pre-established mold. Reminiscent of Nietzsche and saying we shouldn't have to do this.

Purpose of the text

1. A “history” or “genealogy” of the “modern soul” (DP 23, 29)

2. Going to give a genealogy of “the practice of imprisonment” (Foucault, “Questions of Method” (interview), *The Foucault Effect* (University of Chicago Press, 1991), p. 75

— wants to show “how this way of doing things—ancient enough in itself—was capable of being accepted at a certain moment as a principal component of the penal system, thus coming to seem an altogether natural, self-evident and indispensable part of it” (“Questions of Method” 75)

— wants to question the “equivalence—which for us is clear and simple—between punishment and depriving people of their liberty” by showing that it’s a recent, technical invention that was “integrated into the penal system and became part of penal rationality by the end of the 18th century” (“What Our Present Is” 412)

3. Last line of chapter 1: “a history of the present” (31): what does this mean?

a. “What Our Present Is” interview, pp. 411-413

b. Koopman chapter:

(i). Foucault investigates “problematizations” in the past and problematizes them further (Koopman 99)

(ii). “problematization”: “how and why certain things (behavior, phenomena, processes) became a *problem*. Why, for example, certain forms of behavior were characterized and classified as ‘madness’ while other similar forms were completely neglected at a given historical moment; the same thing for crime and delinquency, the same question of problematization for sexuality” (Foucault, *Fearless Speech* (Semiotext(e), 2001) 171; partially quoted in Koopman 93).

— “The history of thought is the analysis of the way an unproblematic field of experience, or a set of practices, which were accepted without question, which were familiar and ‘silent,’ out of discussion, becomes a problem, raises discussion and debate, incites new reactions, and induces a crisis in the previously silent behavior, habits practices and institutions” (Foucault, *Fearless Speech* 74; quoted in Koopman 94)

— “What Our Present Is” interview: MF writes “the history of *problematizations*, that is, the history of the way in which things become a problem. How, why and in what way does madness become a problem in the modern world, and why has it become an important one?” (414)

(iii). our current practices are responses to earlier problematizations (Koopman 98), and recognizing this opens them up to problematizing them further now

— Foucault’s problematization means showing practices to be “dangerous” and demanding serious attention from us (Koopman 90)

c. Discipline & Punish 30: practices of punishment recently becoming a problem

Power, and power/knowledge relationship

1. **Power:** See handout with quotes about power relations

2. **Power/knowledge**

a. Discipline and Punish 27: “We should admit...that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.”

b. See quotes from “Society Must be Defended” (same as what was assigned to be read for this week), on sheet with quotes on power, under #5)

c. how does power contribute to producing truth?

— how does the exercise of power create new objects of knowledge? (“Prison Talk” interview

quote on sheet, under #5)

— in what ways are we “obliged to produce the truth?” (*Society Must be Defended*, p. 25, quote on sheet, under #5)

— what counts as truth depends on relations of power (each society has its “régime of truth”) (*Society Must be Defended*, p. 24, quote on sheet, under #5)

d. how does truth/knowledge contribute to relations of power?

Discipline and Punish Chapter 2: The Spectacle of the Scaffold

Elements of this form of punishment

- significant physical pain, but regulated according to specific rules (34)
- a “spectacle,” a ceremony that exhibits the sovereign’s power (34), his/her “invincible force (48); is therefore a practice of “terror” (49)
- the challenge to sovereign’s power through the crime has to be answered by a punishment that masters it, overcomes it (56)

Relationship between truth and power in this form of punishment

1. truth produced by power

a. preliminary investigation done only by prosecutors (35-36)

— “The magistrate constituted, in solitary omnipotence, a truth by which he invested the accused; and the judges received this truth ready made, in the form of documents and written statements; for them, these factors alone were proof ...” (35).

b. but the criminal should also confirm this truth through confession (38-41)

— criminal should participate in production of truth of crime by confessing, through torture if necessary (40)

— but this was also a kind of battle for truth, because if the accused did not confess, charges were dropped: “The search for truth through judicial torture was certainly a way of obtaining evidence ...; but it was also the battle, and this victory of one adversary over the other, that ‘produced’ truth according to a ritual” (41).

c. the punishment through torture was also a way of producing truth of the crime, publicly

— repeating the confession, this time in public (43)

— inscribing the truth of the crime on the body: “in him, on him, the sentence had to be legible for all” (43)

2. truth producing effects of power

— the truth of the crime, established through relations of power, also supports & justifies the exercise of power in punishing the person

3. “If torture was so strongly embedded in legal practice, it was because it revealed truth and showed the operation of power” (55)

— “the truth-power relation remains at the heart of all mechanisms of punishment and ... is still to be found in contemporary penal practice—but in a quite different form and with very different effects” (55).