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1. The body of the condemned

On 2 March 1757 Damiens the regicide was condemned 'to make the *amende honorable* before the main door of the Church of Paris', where he was to be 'taken and conveyed in a cart, wearing nothing but a shirt, holding a torch of burning wax weighing two pounds'; then, 'in the said cart, to the Place de Grève, where, on a scaffold that will be erected there, the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers, his right hand, holding the knife with which he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds' (*Pièces originales* . . ., 372-4).

'Finally, he was quartered,' recounts the *Gazette d'Amsterdam* of 1 April 1757. 'This last operation was very long, because the horses used were not accustomed to drawing; consequently, instead of four, six were needed; and when that did not suffice, they were forced, in order to cut off the wretch's thighs, to sever the sinews and hack at the joints. . .

'It is said that, though he was always a great swearer, no blasphemy escaped his lips; but the excessive pain made him utter horrible cries, and he often repeated: "My God, have pity on me! Jesus, help me!" The spectators were all edified by the solicitude of the parish priest of St Paul's who despite his great age did not spare himself in offering consolation to the patient.'

Bouton, an officer of the watch, left us his account: 'The sulphur was lit, but the flame was so poor that only the top skin of the hand was burnt, and that only slightly. Then the executioner, his sleeves rolled up, took the steel pincers, which had been especially made

for the occasion, and which were about a foot and a half long, and pulled first at the calf of the right leg, then at the thigh, and from there at the two fleshy parts of the right arm; then at the breasts. Though a strong, sturdy fellow, this executioner found it so difficult to tear away the pieces of flesh that he set about the same spot two or three times, twisting the pincers as he did so, and what he took away formed at each part a wound about the size of a six-pound crown piece.

'After these tearings with the pincers, Damiens, who cried out profusely, though without swearing, raised his head and looked at himself; the same executioner dipped an iron spoon in the pot containing the boiling potion, which he poured liberally over each wound. Then the ropes that were to be harnessed to the horses were attached with cords to the patient's body; the horses were then harnessed and placed alongside the arms and legs, one at each limb.

'Monsieur Le Breton, the clerk of the court, went up to the patient several times and asked him if he had anything to say. He said he had not; at each torment, he cried out, as the damned in hell are supposed to cry out, "Pardon, my God! Pardon, Lord." Despite all this pain, he raised his head from time to time and looked at himself boldly. The cords had been tied so tightly by the men who pulled the ends that they caused him indescribable pain. Monsieur le Breton went up to him again and asked him if he had anything to say; he said no. Several confessors went up to him and spoke to him at length; he willingly kissed the crucifix that was held out to him; he opened his lips and repeated: "Pardon, Lord."

'The horses tugged hard, each pulling straight on a limb, each horse held by an executioner. After a quarter of an hour, the same ceremony was repeated and finally, after several attempts, the direction of the horses had to be changed, thus: those at the arms were made to pull towards the head, those at the thighs towards the arms, which broke the arms at the joints. This was repeated several times without success. He raised his head and looked at himself. Two more horses had to be added to those harnessed to the thighs, which made six horses in all. Without success.

'Finally, the executioner, Samson, said to Monsieur Le Breton that there was no way or hope of succeeding, and told him to ask

their Lordships if they wished him to have the prisoner cut into pieces. Monsieur Le Breton, who had come down from the town, ordered that renewed efforts be made, and this was done; but the horses gave up and one of those harnessed to the thighs fell to the ground. The confessors returned and spoke to him again. He said to them (I heard him): "Kiss me, gentlemen." The parish priest of St Paul's did not dare to, so Monsieur de Marsilly slipped under the rope holding the left arm and kissed him on the forehead. The executioners gathered round and Damiens told them not to swear, to carry out their task and that he did not think ill of them; he begged them to pray to God for him, and asked the parish priest of St Paul's to pray for him at the first mass.

'After two or three attempts, the executioner Samson and he who had used the pincers each drew out a knife from his pocket and cut the body at the thighs instead of severing the legs at the joints; the four horses gave a tug and carried off the two thighs after them, namely, that of the right side first, the other following; then the same was done to the arms, the shoulders, the arm-pits and the four limbs; the flesh had to be cut almost to the bone, the horses pulling hard carried off the right arm first and the other afterwards.

'When the four limbs had been pulled away, the confessors came to speak to him; but his executioner told them that he was dead, though the truth was that I saw the man move, his lower jaw moving from side to side as if he were talking. One of the executioners even said shortly afterwards that when they had lifted the trunk to throw it on the stake, he was still alive. The four limbs were untied from the ropes and thrown on the stake set up in the enclosure in line with the scaffold, then the trunk and the rest were covered with logs and faggots, and fire was put to the straw mixed with this wood.

'... In accordance with the decree, the whole was reduced to ashes. The last piece to be found in the embers was still burning at half-past ten in the evening. The pieces of flesh and the trunk had taken about four hours to burn. The officers of whom I was one, as also was my son, and a detachment of archers remained in the square until nearly eleven o'clock.

'There were those who made something of the fact that a dog had lain the day before on the grass where the fire had been, had been chased away several times, and had always returned. But it is

not difficult to understand that an animal found this place warmer than elsewhere' (quoted in Zevaes, 201-14).

Eighty years later, Léon Faucher drew up his rules 'for the House of young prisoners in Paris':

'Art. 17. The prisoners' day will begin at six in the morning in winter and at five in summer. They will work for nine hours a day throughout the year. Two hours a day will be devoted to instruction. Work and the day will end at nine o'clock in winter and at eight in summer.

Art. 18. *Rising*. At the first drum-roll, the prisoners must rise and dress in silence, as the supervisor opens the cell doors. At the second drum-roll, they must be dressed and make their beds. At the third, they must line up and proceed to the chapel for morning prayer. There is a five-minute interval between each drum-roll.

Art. 19. The prayers are conducted by the chaplain and followed by a moral or religious reading. This exercise must not last more than half an hour.

Art. 20. *Work*. At a quarter to six in the summer, a quarter to seven in winter, the prisoners go down into the courtyard where they must wash their hands and faces, and receive their first ration of bread. Immediately afterwards, they form into work-teams and go off to work, which must begin at six in summer and seven in winter.

Art. 21. *Meal*. At ten o'clock the prisoners leave their work and go to the refectory; they wash their hands in their courtyards and assemble in divisions. After the dinner, there is recreation until twenty minutes to eleven.

Art. 22. *School*. At twenty minutes to eleven, at the drum-roll, the prisoners form into ranks, and proceed in divisions to the school. The class lasts two hours and consists alternately of reading, writing, drawing and arithmetic.

Art. 23. At twenty minutes to one, the prisoners leave the school, in divisions, and return to their courtyards for recreation. At five minutes to one, at the drum-roll, they form into work-teams.

Art. 24. At one o'clock they must be back in the workshops: they work until four o'clock.

Art. 25. At four o'clock the prisoners leave their workshops and go into the courtyards where they wash their hands and form into divisions for the refectory.

Art. 26. 'Supper and the recreation that follows it last until five o'clock: the prisoners then return to the workshops.

Art. 27. At seven o'clock in the summer, at eight in winter, work stops; bread is distributed for the last time in the workshops. For a quarter of an hour one of the prisoners or supervisors reads a passage from some instructive or uplifting work. This is followed by evening prayer.

Art. 28. At half-past seven in summer, half-past eight in winter, the prisoners must be back in their cells after the washing of hands and the inspection of clothes in the courtyard; at the first drum-roll, they must undress, and at the second get into bed. The cell doors are closed and the supervisors go the rounds in the corridors, to ensure order and silence' (Faucher, 274-82).

We have, then, a public execution and a time-table. They do not punish the same crimes or the same type of delinquent. But they each define a certain penal style. Less than a century separates them. It was a time when, in Europe and in the United States, the entire economy of punishment was redistributed. It was a time of great 'scandals' for traditional justice, a time of innumerable projects for reform. It saw a new theory of law and crime, a new moral or political justification of the right to punish; old laws were abolished, old customs died out. 'Modern' codes were planned or drawn up: Russia, 1769; Prussia, 1780; Pennsylvania and Tuscany, 1786; Austria, 1788; France, 1791, Year IV, 1808 and 1810. It was a new age for penal justice.

Among so many changes, I shall consider one: the disappearance of torture as a public spectacle. Today we are rather inclined to ignore it; perhaps, in its time, it gave rise to too much inflated rhetoric; perhaps it has been attributed too readily and too emphatically to a process of 'humanization', thus dispensing with the need for further analysis. And, in any case, how important is such a change, when compared with the great institutional transformations, the formulation of explicit, general codes and unified rules of procedure; with the almost universal adoption of the jury system, the definition of

the essentially corrective character of the penalty and the tendency, which has become increasingly marked since the nineteenth century, to adapt punishment to the individual offender? Punishment of a less immediately physical kind, a certain discretion in the art of inflicting pain, a combination of more subtle, more subdued sufferings, deprived of their visible display, should not all this be treated as a special case, an incidental effect of deeper changes? And yet the fact remains that a few decades saw the disappearance of the tortured, dismembered, amputated body, symbolically branded on face or shoulder, exposed alive or dead to public view. The body as the major target of penal repression disappeared.

By the end of the eighteenth and the beginning of the nineteenth century, the gloomy festival of punishment was dying out, though here and there it flickered momentarily into life. In this transformation, two processes were at work. They did not have quite the same chronology or the same *raison d'être*. The first was the disappearance of punishment as a spectacle. The ceremonial of punishment tended to decline; it survived only as a new legal or administrative practice. The *amende honorable* was first abolished in France in 1791, then again in 1830 after a brief revival; the pillory was abolished in France in 1789 and in England in 1837. The use of prisoners in public works, cleaning city streets or repairing the highways, was practised in Austria, Switzerland and certain of the United States, such as Pennsylvania. These convicts, distinguished by their 'infamous dress' and shaven heads, 'were brought before the public. The sport of the idle and the vicious, they often become incensed, and naturally took violent revenge upon the aggressors. To prevent them from returning injuries which might be inflicted on them, they were encumbered with iron collars and chains to which bombshells were attached, to be dragged along while they performed their degrading service, under the eyes of keepers armed with swords, blunderbusses and other weapons of destruction' (Roberts Vaux, *Notices*, 21, quoted in Teeters, 1937, 24). This practice was abolished practically everywhere at the end of the eighteenth or the beginning of the nineteenth century. The public exhibition of prisoners was maintained in France in 1831, despite violent criticism – 'a disgusting scene', said Réal (cf. Bibliography); it was finally abolished in April 1848. While the chain-gang, which had dragged convicts

across the whole of France, as far as Brest and Toulon, was replaced in 1837 by inconspicuous black-painted cell-carts. Punishment had gradually ceased to be a spectacle. And whatever theatrical elements it still retained were now downgraded, as if the functions of the penal ceremony were gradually ceasing to be understood, as if this rite that 'concluded the crime' was suspected of being in some undesirable way linked with it. It was as if the punishment was thought to equal, if not to exceed, in savagery the crime itself, to accustom the spectators to a ferocity from which one wished to divert them, to show them the frequency of crime, to make the executioner resemble a criminal, judges murderers, to reverse roles at the last moment, to make the tortured criminal an object of pity or admiration. As early as 1764, Beccaria remarked: 'The murder that is depicted as a horrible crime is repeated in cold blood, remorselessly' (Beccaria, 101). The public execution is now seen as a hearth in which violence bursts again into flame.

Punishment, then, will tend to become the most hidden part of the penal process. This has several consequences: it leaves the domain of more or less everyday perception and enters that of abstract consciousness; its effectiveness is seen as resulting from its inevitability, not from its visible intensity; it is the certainty of being punished and not the horrifying spectacle of public punishment that must discourage crime; the exemplary mechanics of punishment changes its mechanisms. As a result, justice no longer takes public responsibility for the violence that is bound up with its practice. If it too strikes, if it too kills, it is not as a glorification of its strength, but as an element of itself that it is obliged to tolerate, that it finds difficult to account for. The apportioning of blame is redistributed: in punishment-as-spectacle a confused horror spread from the scaffold; it enveloped both executioner and condemned; and, although it was always ready to invert the shame inflicted on the victim into pity or glory, it often turned the legal violence of the executioner into shame. Now the scandal and the light are to be distributed differently; it is the conviction itself that marks the offender with the unequivocally negative sign: the publicity has shifted to the trial, and to the sentence; the execution itself is like an additional shame that justice is ashamed to impose on the condemned man; so it keeps its distance from the act, tending always to

entrust it to others, under the seal of secrecy. It is ugly to be punishable, but there is no glory in punishing. Hence that double system of protection that justice has set up between itself and the punishment it imposes. Those who carry out the penalty tend to become an autonomous sector; justice is relieved of responsibility for it by a bureaucratic concealment of the penalty itself. It is typical that in France the administration of the prisons should for so long have been the responsibility of the Ministry of the Interior, while responsibility for the *bagnes*, for penal servitude in the convict ships and penal settlements, lay with the Ministry of the Navy or the Ministry of the Colonies. And beyond this distribution of roles operates a theoretical disavowal: do not imagine that the sentences that we judges pass are activated by a desire to punish; they are intended to correct, reclaim, 'cure'; a technique of improvement represses, in the penalty, the strict expiation of evil-doing, and relieves the magistrates of the demeaning task of punishing. In modern justice and on the part of those who dispense it there is a shame in punishing, which does not always preclude zeal. This sense of shame is constantly growing: the psychologists and the minor civil servants of moral orthopaedics proliferate on the wound it leaves.

The disappearance of public executions marks therefore the decline of the spectacle; but it also marks a slackening of the hold on the body. In 1787, in an address to the Society for Promoting Political Enquiries, Benjamin Rush remarked: 'I can only hope that the time is not far away when gallows, pillory, scaffold, flogging and wheel will, in the history of punishment, be regarded as the marks of the barbarity of centuries and of countries and as proofs of the feeble influence of reason and religion over the human mind' (Teeters, 1935, 30). Indeed, sixty years later, Van Meenen, opening the second penitentiary congress, in Brussels, recalled the time of his childhood as of a past age: 'I have seen the ground strewn with wheels, gibbets, gallows, pillories; I have seen hideously stretched skeletons on wheels' (*Annales de la Charité*, 529-30). Branding had been abolished in England (1834) and in France (1832); in 1820, England no longer dared to apply the full punishment reserved for traitors (Thistlewood was not quartered). Only flogging still remained in a number of penal systems (Russia, England, Prussia). But, generally

speaking, punitive practices had become more reticent. One no longer touched the body, or at least as little as possible, and then only to reach something other than the body itself. It might be objected that imprisonment, confinement, forced labour, penal servitude, prohibition from entering certain areas, deportation – which have occupied so important a place in modern penal systems – are 'physical' penalties: unlike fines, for example, they directly affect the body. But the punishment-body relation is not the same as it was in the torture during public executions. The body now serves as an instrument or intermediary: if one intervenes upon it to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property. The body, according to this penalty, is caught up in a system of constraints and privations, obligations and prohibitions. Physical pain, the pain of the body itself, is no longer the constituent element of the penalty. From being an art of unbearable sensations punishment has become an economy of suspended rights. If it is still necessary for the law to reach and manipulate the body of the convict, it will be at a distance, in the proper way, according to strict rules, and with a much 'higher' aim. As a result of this new restraint, a whole army of technicians took over from the executioner, the immediate anatomist of pain: warders, doctors, chaplains, psychiatrists, psychologists, educationalists; by their very presence near the prisoner, they sing the praises that the law needs: they reassure it that the body and pain are not the ultimate objects of its punitive action. Today a doctor must watch over those condemned to death, right up to the last moment – thus juxtaposing himself as the agent of welfare, as the alleviator of pain, with the official whose task it is to end life. This is worth thinking about. When the moment of execution approaches, the patients are injected with tranquillizers. A utopia of judicial reticence: take away life, but prevent the patient from feeling it; deprive the prisoner of all rights, but do not inflict pain; impose penalties free of all pain. Recourse to psycho-pharmacology and to various physiological 'disconnectors', even if it is temporary, is a logical consequence of this 'non-corporal' penalty.

The modern rituals of execution attest to this double process: the disappearance of the spectacle and the elimination of pain. The same movement has affected the various European legal systems, each at

its own rate: the same death for all – the execution no longer bears the specific mark of the crime or the social status of the criminal; a death that lasts only a moment – no torture must be added to it in advance, no further actions performed upon the corpse; an execution that affects life rather than the body. There are no longer any of those long processes in which death was both retarded by calculated interruptions and multiplied by a series of successive attacks. There are no longer any of those combinations of tortures that were organized for the killing of regicides, or of the kind advocated, at the beginning of the eighteenth century, by the anonymous author of *Hanging not Punishment Enough* (1701), by which the condemned man would be broken on the wheel, then flogged until he fainted, then hung up with chains, then finally left to die slowly of hunger. There are no longer any of those executions in which the condemned man was dragged along on a hurdle (to prevent his head smashing against the cobble-stones), in which his belly was opened up, his entrails quickly ripped out, so that he had time to see them, with his own eyes, being thrown on the fire; in which he was finally decapitated and his body quartered.¹ The reduction of these ‘thousand deaths’ to strict capital punishment defines a whole new morality concerning the act of punishing.

As early as 1760, a hanging machine had been tried out in England (for the execution of Lord Ferrer). It made use of a support, which opened under the feet of the condemned man, thus avoiding slow deaths and the altercations that occurred between victim and executioner. It was improved and finally adopted in 1783, the same year in which the traditional procession from Newgate to Tyburn was abolished, and in which the opportunity offered by the rebuilding of the prison, after the Gordon Riots, was used to set up the scaffolds in Newgate itself (see Hibbert, 85–6). The celebrated article 3 of the French Code of 1791 – ‘Every man condemned to death will have his head cut off’ – bears this triple signification: an equal death for all (‘Crimes of the same kind will be punished by the same kind of punishment, whatever the rank and state of the guilty man may be,’ in the words of the motion proposed by Guillotin and passed on 1 December 1789); one death per condemned man, obtained by a single blow, without recourse to those ‘long and consequently cruel’ methods of execution, such as the gallows,

denounced by Le Peletier; lastly, punishment for the condemned man alone, since decapitation, the capital punishment of the nobility, was the least shaming for the criminal’s family (Le Peletier, 720). The guillotine, first used in March 1792, was the perfect vehicle for these principles. Death was reduced to a visible, but instantaneous event. Contact between the law, or those who carry it out, and the body of the criminal, is reduced to a split second. There is no physical confrontation; the executioner need be no more than a meticulous watchmaker. ‘Experience and reason demonstrate that the method used in the past to cut off the head of a criminal exposed him to a torture more frightful than the loss of life alone, which is the express intention of the law; the execution should therefore be carried out in a single moment and with a single blow; examples show how difficult it is to achieve this. For the method to work perfectly, it must necessarily depend on invariable mechanical means whose force and effect may also be determined. . . It is an easy enough matter to have such an unfailing machine built; decapitation will be performed in a moment according to the intention of the new law. If this apparatus seems necessary, it will cause no sensation and will be scarcely noticed’ (Saint-Edme, 161). The guillotine takes life almost without touching the body, just as prison deprives of liberty or a fine reduces wealth. It is intended to apply the law not so much to a real body capable of feeling pain as to a juridical subject, the possessor, among other rights, of the right to exist. It had to have the abstraction of the law itself.

No doubt something of the old public execution was, for a time, superimposed in France on the sobriety of the new method. Parricides – and the regicides who were regarded as such – were led to the scaffold wearing a black veil; there, until 1832, one of their hands was cut off. Thereafter, nothing remained but the ornamental crêpe. Thus it was in the case of Fieschi, the would-be assassin of Louis-Philippe, in November 1836: ‘He will be taken to the place of execution wearing a shirt, barefoot, his head covered with a black veil; he will be exhibited upon a scaffold while an usher reads the sentence to the people, and he will be immediately executed.’ We should remember Damiens – and note that the last addition to penal death was a mourning veil. The condemned man was no longer to be seen. Only the reading of the sentence on the scaffold announced

the crime – and that crime must be faceless. (The more monstrous a criminal was, the more he must be deprived of light: he must not see, or be seen. This was a common enough notion at the time. For the parricide one should 'construct an iron cage or dig an impenetrable dungeon that would serve him as an eternal retreat' – De Molène, 275–7.) The last vestige of the great public execution was its annulment: a drapery to hide a body. Benoît, triply infamous (his mother's murderer, a homosexual, an assassin), was the first of the parricides not to have a hand cut off: 'As the sentence was being read, he stood on the scaffold supported by the executioners. It was a horrible sight; wrapped in a large white shroud, his face covered with black crêpe, the parricide escaped the gaze of the silent crowd, and beneath these mysterious and gloomy clothes, life was manifested only by frightful cries, which soon expired under the knife' (*Gazette des tribunaux*, 30 August 1832).

At the beginning of the nineteenth century, then, the great spectacle of physical punishment disappeared; the tortured body was avoided; the theatrical representation of pain was excluded from punishment. The age of sobriety in punishment had begun. By 1830–48, public executions, preceded by torture, had almost entirely disappeared. Of course, this generalization requires some qualification. To begin with, the changes did not come about at once or as part of a single process. There were delays. Paradoxically, England was one of the countries most loath to see the disappearance of the public execution: perhaps because of the role of model that the institution of the jury, public hearings and respect of habeas corpus had given to her criminal law; above all, no doubt, because she did not wish to diminish the rigour of her penal laws during the great social disturbances of the years 1780–1820. For a long time Romilly, Mackintosh and Fowell Buxton failed in their attempts to attenuate the multiplicity and severity of the penalties laid down by English law – that 'horrible butchery', as Rossi described it. Its severity (in fact, the juries regarded the penalties laid down as excessive and were consequently more lenient in their application) had even increased: in 1760, Blackstone had listed 160 capital crimes in English legislation, while by 1819 there were 223. One should also take into account the advances and retreats that the process as a whole underwent between 1760 and 1840; the rapidity of reform

in certain countries such as Austria, Russia, the United States, France under the Constituent Assembly, then the retreat at the time of the counter-revolutions in Europe and the great social fear of the years 1820–48; more or less temporary changes introduced by emergency courts or laws; the gap between the laws and the real practice of the courts (which was by no means a faithful reflection of the state of legislation). All these factors account for the irregularity of the transformation that occurred at the turn of the century.

It should be added that, although most of the changes had been achieved by 1840, although the mechanisms of punishment had by then assumed their new way of functioning, the process was far from complete. The reduction in the use of torture was a tendency that was rooted in the great transformation of the years 1760–1840, but it did not end there; it can be said that the practice of the public execution haunted our penal system for a long time and still haunts it today. In France, the guillotine, that machine for the production of rapid and discreet deaths, represented a new ethic of legal death. But the Revolution had immediately endowed it with a great theatrical ritual. For years it provided a spectacle. It had to be removed to the Barrière Saint-Jacques; the open cart was replaced by a closed carriage; the condemned man was hustled from the vehicle straight to the scaffold; hasty executions were organized at unexpected times. In the end, the guillotine had to be placed inside prison walls and made inaccessible to the public (after the execution of Weidmann in 1939), by blocking the streets leading to the prison in which the scaffold was hidden, and in which the execution would take place in secret (the execution of Buffet and Bontemps at the Santé in 1972). Witnesses who described the scene could even be prosecuted, thereby ensuring that the execution should cease to be a spectacle and remain a strange secret between the law and those it condemns. One has only to point out so many precautions to realize that capital punishment remains fundamentally, even today, a spectacle that must actually be forbidden.

Similarly, the hold on the body did not entirely disappear in the mid-nineteenth century. Punishment had no doubt ceased to be centred on torture as a technique of pain; it assumed as its principal object loss of wealth or rights. But a punishment like forced labour or even imprisonment – mere loss of liberty – has never functioned

without a certain additional element of punishment that certainly concerns the body itself: rationing of food, sexual deprivation, corporal punishment, solitary confinement. Are these the unintentional, but inevitable, consequence of imprisonment? In fact, in its most explicit practices, imprisonment has always involved a certain degree of physical pain. The criticism that was often levelled at the penitentiary system in the early nineteenth century (imprisonment is not a sufficient punishment: prisoners are less hungry, less cold, less deprived in general than many poor people or even workers) suggests a postulate that was never explicitly denied: it is just that a condemned man should suffer physically more than other men. It is difficult to dissociate punishment from additional physical pain. What would a non-corporal punishment be?

There remains, therefore, a trace of 'torture' in the modern mechanisms of criminal justice – a trace that has not been entirely overcome, but which is enveloped, increasingly, by the non-corporal nature of the penal system.

The reduction in penal severity in the last 200 years is a phenomenon with which legal historians are well acquainted. But, for a long time, it has been regarded in an overall way as a quantitative phenomenon: less cruelty, less pain, more kindness, more respect, more 'humanity'. In fact, these changes are accompanied by a displacement in the very object of the punitive operation. Is there a diminution of intensity? Perhaps. There is certainly a change of objective.

If the penalty in its most severe forms no longer addresses itself to the body, on what does it lay hold? The answer of the theoreticians – those who, about 1760, opened up a new period that is not yet at an end – is simple, almost obvious. It seems to be contained in the question itself: since it is no longer the body, it must be the soul. The expiation that once rained down upon the body must be replaced by a punishment that acts in depth on the heart, the thoughts, the will, the inclinations. Mably formulated the principle once and for all: 'Punishment, if I may so put it, should strike the soul rather than the body' (Mably, 326).

It was an important moment. The old partners of the spectacle of punishment, the body and the blood, gave way. A new character

came on the scene, masked. It was the end of a certain kind of tragedy; comedy began, with shadow play, faceless voices, impalpable entities. The apparatus of punitive justice must now bite into this bodiless reality.

Is this any more than a mere theoretical assertion, contradicted by penal practice? Such a conclusion would be over-hasty. It is true that, today, to punish is not simply a matter of converting a soul; but Mably's principle has not remained a pious wish. Its effects can be felt throughout modern penalty.

To begin with, there is a substitution of objects. By this I do not mean that one has suddenly set about punishing other crimes. No doubt the definition of offences, the hierarchy of their seriousness, the margins of indulgence, what was tolerated in fact and what was legally permitted – all this has considerably changed over the last 200 years; many crimes have ceased to be so because they were bound up with a certain exercise of religious authority or a particular type of economic activity; blasphemy has lost its status as a crime; smuggling and domestic larceny some of their seriousness. But these displacements are perhaps not the most important fact: the division between the permitted and the forbidden has preserved a certain constancy from one century to another. On the other hand, 'crime', the object with which penal practice is concerned, has profoundly altered: the quality, the nature, in a sense the substance of which the punishable element is made, rather than its formal definition. Undercover of the relative stability of the law, a mass of subtle and rapid changes has occurred. Certainly the 'crimes' and 'offences' on which judgement is passed are juridical objects defined by the code, but judgement is also passed on the passions, instincts, anomalies, infirmities, maladjustments, effects of environment or heredity; acts of aggression are punished, so also, through them, is aggressivity; rape, but at the same time perversions; murders, but also drives and desires. But, it will be objected, judgement is not actually being passed on them; if they are referred to at all it is to explain the actions in question, and to determine to what extent the subject's will was involved in the crime. This is no answer. For it is these shadows lurking behind the case itself that are judged and punished. They are judged indirectly as 'attenuating circumstances' that introduce into the verdict not only 'circumstantial' evidence,

but something quite different, which is not juridically codifiable: the knowledge of the criminal, one's estimation of him, what is known about the relations between him, his past and his crime, and what might be expected of him in the future. They are also judged by the interplay of all those notions that have circulated between medicine and jurisprudence since the nineteenth century (the 'monsters' of Georget's times, Chaumié's 'psychical anomalies', the 'perverts' and 'maladjusted' of our own experts) and which, behind the pretext of explaining an action, are ways of defining an individual. They are punished by means of a punishment that has the function of making the offender 'not only desirous, but also capable, of living within the law and of providing for his own needs'; they are punished by the internal economy of a penalty which, while intended to punish the crime, may be altered (shortened or, in certain cases, extended) according to changes in the prisoner's behaviour; and they are punished by the 'security measures' that accompany the penalty (prohibition of entering certain areas, probation, obligatory medical treatment), and which are intended not to punish the offence, but to supervise the individual, to neutralize his dangerous state of mind, to alter his criminal tendencies, and to continue even when this change has been achieved. The criminal's soul is not referred to in the trial merely to explain his crime and as a factor in the juridical apportioning of responsibility; if it is brought before the court, with such pomp and circumstance, such concern to understand and such 'scientific' application, it is because it too, as well as the crime itself, is to be judged and to share in the punishment. Throughout the penal ritual, from the preliminary investigation to the sentence and the final effects of the penalty, a domain has been penetrated by objects that not only duplicate, but also dissociate the juridically defined and coded objects. Psychiatric expertise, but also in a more general way criminal anthropology and the repetitive discourse of criminology, find one of their precise functions here: by solemnly inscribing offences in the field of objects susceptible of scientific knowledge, they provide the mechanisms of legal punishment with a justifiable hold not only on offences, but on individuals; not only on what they do, but also on what they are, will be, may be. The additional factor of the offender's soul, which the legal system has laid hold of, is only apparently explanatory

and limitative, and is in fact expansionist. During the 150 or 200 years that Europe has been setting up its new penal systems, the judges have gradually, by means of a process that goes back very far indeed, taken to judging something other than crimes, namely, the 'soul' of the criminal.

And, by that very fact, they have begun to do something other than pass judgement. Or, to be more precise, within the very judicial modality of judgement, other types of assessment have slipped in, profoundly altering its rules of elaboration. Ever since the Middle Ages slowly and painfully built up the great procedure of investigation, to judge was to establish the truth of a crime, it was to determine its author and to apply a legal punishment. Knowledge of the offence, knowledge of the offender, knowledge of the law: these three conditions made it possible to ground a judgement in truth. But now a quite different question of truth is inscribed in the course of the penal judgement. The question is no longer simply: 'Has the act been established and is it punishable?' But also: 'What *is* this act, what *is* this act of violence or this murder? To what level or to what field of reality does it belong? Is it a phantasy, a psychotic reaction, a delusional episode, a perverse action?' It is no longer simply: 'Who committed it?' But: 'How can we assign the causal process that produced it? Where did it originate in the author himself? Instinct, unconscious, environment, heredity?' It is no longer simply: 'What law punishes this offence?' But: 'What would be the most appropriate measures to take? How do we see the future development of the offender? What would be the best way of rehabilitating him?' A whole set of assessing, diagnostic, prognostic, normative judgements concerning the criminal have become lodged in the framework of penal judgement. Another truth has penetrated the truth that was required by the legal machinery; a truth which, entangled with the first, has turned the assertion of guilt into a strange scientifico-juridical complex. A significant fact is the way in which the question of madness has evolved in penal practice. According to the 1810 code, madness was dealt with only in terms of article 64. Now this article states that there is neither crime nor offence if the offender was of unsound mind at the time of the act. The possibility of ascertaining madness was, therefore, a quite separate matter from the definition of an act as a crime; the gravity of the act was not

altered by the fact that its author was insane, nor the punishment reduced as a consequence; the crime itself disappeared. It was impossible, therefore, to declare that someone was both guilty and mad; once the diagnosis of madness had been accepted, it could not be included in the judgement; it interrupted the procedure and loosened the hold of the law on the author of the act. Not only the examination of the criminal suspected of insanity, but the very effects of this examination had to be external and anterior to the sentence. But, very soon, the courts of the nineteenth century began to misunderstand the meaning of article 64. Despite several decisions of the supreme court of appeal confirming that insanity could not result either in a light penalty, or even in an acquittal, but required that the case be dismissed, the ordinary courts continued to bring the question of insanity to bear on their verdicts. They accepted that one could be both guilty and mad; less guilty the madder one was; guilty certainly, but someone to be put away and treated rather than punished; not only a guilty man, but also dangerous, since quite obviously sick, etc. From the point of view of the penal code, the result was a mass of juridical absurdities. But this was the starting point of an evolution that jurisprudence and legislation itself was to precipitate in the course of the next 150 years: already the reform of 1832, introducing attenuating circumstances, made it possible to modify the sentence according to the supposed degrees of an illness or the forms of a semi-insanity. And the practice of calling on psychiatric expertise, which is widespread in the assize courts and sometimes extended to courts of summary jurisdiction, means that the sentence, even if it is always formulated in terms of legal punishment, implies, more or less obscurely, judgements of normality, attributions of causality, assessments of possible changes, anticipations as to the offender's future. It would be wrong to say that all these operations give substance to a judgement from the outside; they are directly integrated in the process of forming the sentence. Instead of insanity eliminating the crime according to the original meaning of article 64, every crime and even every offence now carries within it, as a legitimate suspicion, but also as a right that may be claimed, the hypothesis of insanity, in any case of anomaly. And the sentence that condemns or acquits is not simply a judgement of guilt, a legal decision that lays down punishment; it bears within it

an assessment of normality and a technical prescription for a possible normalization. Today the judge – magistrate or juror – certainly does more than 'judge'.

And he is not alone in judging. Throughout the penal procedure and the implementation of the sentence there swarms a whole series of subsidiary authorities. Small-scale legal systems and parallel judges have multiplied around the principal judgement: psychiatric or psychological experts, magistrates concerned with the implementation of sentences, educationalists, members of the prison service, all fragment the legal power to punish; it might be objected that none of them really shares the right to judge; that some, after sentence is passed, have no other right than to implement the punishment laid down by the court and, above all, that others – the experts – intervene before the sentence not to pass judgement, but to assist the judges in their decision. But as soon as the penalties and the security measures defined by the court are not absolutely determined, from the moment they may be modified along the way, from the moment one leaves to others than the judges of the offence the task of deciding whether the condemned man 'deserves' to be placed in semi-liberty or conditional liberty, whether they may bring his penal tutelage to an end, one is handing over to them mechanisms of legal punishment to be used at their discretion: subsidiary judges they may be, but they are judges all the same. The whole machinery that has been developing for years around the implementation of sentences, and their adjustment to individuals, creates a proliferation of the authorities of judicial decision-making and extends its powers of decision well beyond the sentence. The psychiatric experts, for their part, may well refrain from judging. Let us examine the three questions to which, since the 1958 ruling, they have to address themselves: Does the convicted person represent a danger to society? Is he susceptible to penal punishment? Is he curable or readjustable? These questions have nothing to do with article 64, nor with the possible insanity of the convicted person at the moment of the act. They do not concern 'responsibility'. They concern nothing but the administration of the penalty, its necessity, its usefulness, its possible effectiveness; they make it possible to show, in an almost transparent vocabulary, whether the mental hospital would be a more suitable place of confinement than the prison,

whether this confinement should be short or long, whether medical treatment or security measures are called for. What, then, is the role of the psychiatrist in penal matters? He is not an expert in responsibility, but an adviser on punishment; it is up to him to say whether the subject is 'dangerous', in what way one should be protected from him, how one should intervene to alter him, whether it would be better to try to force him into submission or to treat him. At the very beginning of its history, psychiatric expertise was called upon to formulate 'true' propositions as to the part that the liberty of the offender had played in the act he had committed; it is now called upon to suggest a prescription for what might be called his 'medico-judicial treatment'.

To sum up, ever since the new penal system – that defined by the great codes of the eighteenth and nineteenth centuries – has been in operation, a general process has led judges to judge something other than crimes; they have been led in their sentences to do something other than judge; and the power of judging has been transferred, in part, to other authorities than the judges of the offence. The whole penal operation has taken on extra-judicial elements and personnel. It will be said that there is nothing extraordinary in this, that it is part of the destiny of the law to absorb little by little elements that are alien to it. But what is odd about modern criminal justice is that, although it has taken on so many extra-judicial elements, it has done so not in order to be able to define them juridically and gradually to integrate them into the actual power to punish: on the contrary, it has done so in order to make them function within the penal operation as non-judicial elements; in order to stop this operation being simply a legal punishment; in order to exculpate the judge from being purely and simply he who punishes. 'Of course, we pass sentence, but this sentence is not in direct relation to the crime. It is quite clear that for us it functions as a way of treating a criminal. We punish, but this is a way of saying that we wish to obtain a cure.' Today, criminal justice functions and justifies itself only by this perpetual reference to something other than itself, by this unceasing reinscription in non-judicial systems. Its fate is to be redefined by knowledge.

Beneath the increasing leniency of punishment, then, one may map a displacement of its point of application; and through this

displacement, a whole field of recent objects, a whole new system of truth and a mass of roles hitherto unknown in the exercise of criminal justice. A corpus of knowledge, techniques, 'scientific' discourses is formed and becomes entangled with the practice of the power to punish.

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

But from what point can such a history of the modern soul on trial be written? If one confined oneself to the evolution of legislation or of penal procedures, one would run the risk of allowing a change in the collective sensibility, an increase in humanization or the development of the human sciences to emerge as a massive, external, inert and primary fact. By studying only the general social forms, as Durkheim did (cf. Bibliography), one runs the risk of positing as the principle of greater leniency in punishment processes of individualization that are rather one of the effects of the new tactics of power, among which are to be included the new penal mechanisms. This study obeys four general rules:

1. Do not concentrate the study of the punitive mechanisms on their 'repressive' effects alone, on their 'punishment' aspects alone, but situate them in a whole series of their possible positive effects, even if these seem marginal at first sight. As a consequence, regard punishment as a complex social function.
2. Analyse punitive methods not simply as consequences of legislation or as indicators of social structures, but as techniques possessing their own specificity in the more general field of other ways of exercising power. Regard punishment as a political tactic.
3. Instead of treating the history of penal law and the history of the human sciences as two separate series whose overlapping appears to have had on one or the other, or perhaps on both, a disturbing or useful effect, according to one's point of view, see whether there is not some common matrix or whether they do not both derive from a single process of 'epistemologico-judicial' formation; in short, make the technology of power the very principle both of the humanization of the penal system and of the knowledge of man.

4. Try to discover whether this entry of the soul on to the scene of penal justice, and with it the insertion in legal practice of a whole corpus of 'scientific' knowledge, is not the effect of a transformation of the way in which the body itself is invested by power relations.

In short, try to study the metamorphosis of punitive methods on the basis of a political technology of the body in which might be read a common history of power relations and object relations. Thus, by an analysis of penal leniency as a technique of power, one might understand both how man, the soul, the normal or abnormal individual have come to duplicate crime as objects of penal intervention; and in what way a specific mode of subjection was able to give birth to man as an object of knowledge for a discourse with a 'scientific' status.

But I am not claiming to be the first to have worked in this direction.²

Rusche and Kirchheimer's great work, *Punishment and Social Structures*, provides a number of essential reference points. We must first rid ourselves of the illusion that penalty is above all (if not exclusively) a means of reducing crime and that, in this role, according to the social forms, the political systems or beliefs, it may be severe or lenient, tend towards expiation of obtaining redress, towards the pursuit of individuals or the attribution of collective responsibility. We must analyse rather the 'concrete systems of punishment', study them as social phenomena that cannot be accounted for by the juridical structure of society alone, nor by its fundamental ethical choices; we must situate them in their field of operation, in which the punishment of crime is not the sole element; we must show that punitive measures are not simply 'negative' mechanisms that make it possible to repress, to prevent, to exclude, to eliminate; but that they are linked to a whole series of positive and useful effects which it is their task to support (and, in this sense, although legal punishment is carried out in order to punish offences, one might say that the definition of offences and their prosecution are carried out in turn in order to maintain the punitive mechanisms and their functions). From this point of view, Rusche and Kirchheimer relate the different systems of punishment with the systems of production within which they operate: thus, in a slave economy,

punitive mechanisms serve to provide an additional labour force – and to constitute a body of 'civil' slaves in addition to those provided by war or trading; with feudalism, at a time when money and production were still at an early stage of development, we find a sudden increase in corporal punishments – the body being in most cases the only property accessible; the penitentiary (the Hôpital Général, the Spinhuis or the Rasphuis), forced labour and the prison factory appear with the development of the mercantile economy. But the industrial system requires a free market in labour and, in the nineteenth century, the role of forced labour in the mechanisms of punishment diminishes accordingly and 'corrective' detention takes its place. There are no doubt a number of observations to be made about such a strict correlation.

But we can surely accept the general proposition that, in our societies, the systems of punishment are to be situated in a certain 'political economy' of the body: even if they do not make use of violent or bloody punishment, even when they use 'lenient' methods involving confinement or correction, it is always the body that is at issue – the body and its forces, their utility and their docility, their distribution and their submission. It is certainly legitimate to write a history of punishment against the background of moral ideas or legal structures. But can one write such a history against the background of a history of bodies, when such systems of punishment claim to have only the secret souls of criminals as their objective?

Historians long ago began to write the history of the body. They have studied the body in the field of historical demography or pathology; they have considered it as the seat of needs and appetites, as the locus of physiological processes and metabolisms, as a target for the attacks of germs or viruses; they have shown to what extent historical processes were involved in what might seem to be the purely biological base of existence; and what place should be given in the history of society to biological 'events' such as the circulation of bacilli, or the extension of the life-span (cf. Le Roy-Ladurie). But the body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs. This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic

use; it is largely as a force of production that the body is invested with relations of power and domination; but, on the other hand, its constitution as labour power is possible only if it is caught up in a system of subjection (in which need is also a political instrument meticulously prepared, calculated and used); the body becomes a useful force only if it is both a productive body and a subjected body. This subjection is not only obtained by the instruments of violence or ideology; it can also be direct, physical, pitting force against force, bearing on material elements, and yet without involving violence; it may be calculated, organized, technically thought out; it may be subtle, make use neither of weapons nor of terror and yet remain of a physical order. That is to say, there may be a 'knowledge' of the body that is not exactly the science of its functioning, and a mastery of its forces that is more than the ability to conquer them: this knowledge and this mastery constitute what might be called the political technology of the body. Of course, this technology is diffuse, rarely formulated in continuous, systematic discourse; it is often made up of bits and pieces; it implements a disparate set of tools or methods. In spite of the coherence of its results, it is generally no more than a multiform instrumentation. Moreover, it cannot be localized in a particular type of institution or state apparatus. For they have recourse to it; they use, select or impose certain of its methods. But, in its mechanisms and its effects, it is situated at a quite different level. What the apparatuses and institutions operate is, in a sense, a micro-physics of power, whose field of validity is situated in a sense between these great functionings and the bodies themselves with their materiality and their forces.

Now, the study of this micro-physics presupposes that the power exercised on the body is conceived not as a property, but as a strategy, that its effects of domination are attributed not to 'appropriation', but to dispositions, manoeuvres, tactics, techniques, functionings; that one should decipher in it a network of relations, constantly in tension, in activity, rather than a privilege that one might possess; that one should take as its model a perpetual battle rather than a contract regulating a transaction or the conquest of a territory. In short this power is exercised rather than possessed; it is not the 'privilege', acquired or preserved, of the dominant class, but the overall effect of its strategic positions – an effect that

is manifested and sometimes extended by the position of those who are dominated. Furthermore, this power is not exercised simply as an obligation or a prohibition on those who 'do not have it'; it invests them, is transmitted by them and through them; it exerts pressure upon them, just as they themselves, in their struggle against it, resist the grip it has on them. This means that these relations go right down into the depths of society, that they are not localized in the relations between the state and its citizens or on the frontier between classes and that they do not merely reproduce, at the level of individuals, bodies, gestures and behaviour, the general form of the law or government; that, although there is continuity (they are indeed articulated on this form through a whole series of complex mechanisms), there is neither analogy nor homology, but a specificity of mechanism and modality. Lastly, they are not univocal; they define innumerable points of confrontation, focuses of instability, each of which has its own risks of conflict, of struggles, and of an at least temporary inversion of the power relations. The overthrow of these 'micro-powers' does not, then, obey the law of all or nothing; it is not acquired once and for all by a new control of the apparatuses nor by a new functioning or a destruction of the institutions; on the other hand, none of its localized episodes may be inscribed in history except by the effects that it induces on the entire network in which it is caught up.

Perhaps, too, we should abandon a whole tradition that allows us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, its demands and its interests. Perhaps we should abandon the belief that power makes mad and that, by the same token, the renunciation of power is one of the conditions of knowledge. We should admit rather 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. These 'power-knowledge relations' are to be analysed, 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.

To analyse the political investment of the body and the micro-physics of power presupposes, therefore, that one abandons – where power is concerned – the violence-ideology opposition, the metaphor of property, the model of the contract or of conquest; that – where knowledge is concerned – one abandons the opposition between what is ‘interested’ and what is ‘disinterested’, the model of knowledge and the primacy of the subject. Borrowing a word from Petty and his contemporaries, but giving it a different meaning from the one current in the seventeenth century, one might imagine a political ‘anatomy’. This would not be the study of a state in terms of a ‘body’ (with its elements, its resources and its forces), nor would it be the study of the body and its surroundings in terms of a small state. One would be concerned with 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.

It is a question of situating the techniques of punishment – whether they seize the body in the ritual of public torture and execution or whether they are addressed to the soul – in the history of this body politic; of considering penal practices less as a consequence of legal theories than as a chapter of political anatomy.

Kantorowitz gives a remarkable analysis of ‘The King’s Body’: a double body according to the juridical theology of the Middle Ages, since it involves not only the transitory element that is born and dies, but another that remains unchanged by time and is maintained as the physical yet intangible support of the kingdom; around this duality, which was originally close to the Christological model, are organized an iconography, a political theory of monarchy, legal mechanisms that distinguish between as well as link the person

of the king and the demands of the Crown, and a whole ritual that reaches its height in the coronation, the funeral and the ceremonies of submission. At the opposite pole one might imagine placing the body of the condemned man; he, too, has his legal status; he gives rise to his own ceremonial and he calls forth a whole theoretical discourse, not in order to ground the ‘surplus power’ possessed by the person of the sovereign, but in order to code the ‘lack of power’ with which those subjected to punishment are marked. In the darkest region of the political field the condemned man represents the symmetrical, inverted figure of the king. We should analyse what might be called, in homage to Kantorowitz, ‘the least body of the condemned man’.

If the surplus power possessed by the king gives rise to the duplication of his body, has not the surplus power exercised on the subjected body of the condemned man given rise to another type of duplication? That of a ‘non-corporal’, a ‘soul’, as Mably called it. The history of this ‘micro-physics’ of the punitive power would then be a genealogy or an element in a genealogy of the modern ‘soul’. Rather than seeing this soul as the reactivated remnants of an ideology, one would see it as the present correlative of a certain technology of power over the body. It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of a power that is exercised on those punished – and, in a more general way, on those one supervises, trains and corrects, over 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. This is the historical reality of this soul, which, unlike the soul represented by Christian theology, is not born in sin and subject to punishment, but is born rather out of methods of punishment, supervision and constraint. This real, non-corporal soul is not a substance; 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. On this reality-reference, various concepts have been constructed and domains of analysis carved out: psyche, subjectivity, personality, consciousness,

etc.; on it have been built scientific techniques and discourses, and the moral claims of humanism. But let there be no misunderstanding: it is not that a real man, the object of knowledge, philosophical reflection or technical intervention, has been substituted for the soul, the illusion of the theologians. The man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself. A 'soul' inhabits him and brings him to existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of a political anatomy; the soul is the prison of the body.

That punishment in general and the prison in particular belong to a political technology of the body is a lesson that I have learnt not so much from history as from the present. In recent years, prison revolts have occurred throughout the world. There was certainly something paradoxical about their aims, their slogans and the way they took place. They were revolts against an entire state of physical misery that is over a century old: against cold, suffocation and overcrowding, against decrepit walls, hunger, physical maltreatment. But they were also revolts against model prisons, tranquillizers, isolation, the medical or educational services. Were they revolts whose aims were merely material? Or contradictory revolts: against the obsolete, but also against comfort; against the warders, but also against the psychiatrists? In fact, all these movements – and the innumerable discourses that the prison has given rise to since the early nineteenth century – have been about the body and material things. What has sustained these discourses, these memories and invectives are indeed those minute material details. One may, if one is so disposed, see them as no more than blind demands or suspect the existence behind them of alien strategies. In fact, they were revolts, at the level of the body, against the very body of the prison. What was at issue was not whether the prison environment was too harsh or too aseptic, too primitive or too efficient, but its very materiality as an instrument and vector of power; it is this whole technology of power over the body that the technology of the 'soul' – that of the educationalists, psychologists and psychiatrists – fails either to conceal or to compensate, for the simple reason that it is one of its tools. I would like to write the history of this

prison, with all the political investments of the body that it gathers together in its closed architecture. Why? Simply because I am interested in the past? No, if one means by that writing a history of the past in terms of the present. Yes, if one means writing the history of the present.³

bon petit Henri', but in the misfortunes of 'little Hans'. The *Romance of the Rose* is written today by Mary Barnes; in the place of Lancelot, we have Judge Schreber.

It is often said that the model of a society that has individuals as its constituent elements is borrowed from the abstract juridical forms of contract and exchange. Mercantile society, according to this view, is represented as a contractual association of isolated juridical subjects. Perhaps. Indeed, the political theory of the seventeenth and eighteenth centuries often seems to follow this schema. But it should not be forgotten that there existed at the same period a technique for constituting individuals as correlative elements of power and knowledge. The individual is no doubt the fictitious atom of an 'ideological' representation of society; but he is also a reality fabricated by this specific technology of power that I have called 'discipline'. We must cease once and for all to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact, power produces; 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.

Is it not somewhat excessive to derive such power from the petty machinations of discipline? How could *they* achieve effects of such scope?

3. Panopticism

The following, according to an order published at the end of the seventeenth century, were the measures to be taken when the plague appeared in a town.¹

First, a strict spatial partitioning: the closing of the town and its outlying districts, a prohibition to leave the town on pain of death, the killing of all stray animals; the division of the town into distinct quarters, each governed by an intendant. Each street is placed under the authority of a syndic, who keeps it under surveillance; if he leaves the street, he will be condemned to death. On the appointed day, everyone is ordered to stay indoors: it is forbidden to leave on pain of death. The syndic himself comes to lock the door of each house from the outside; he takes the key with him and hands it over to the intendant of the quarter; the intendant keeps it until the end of the quarantine. Each family will have made its own provisions; but, for bread and wine, small wooden canals are set up between the street and the interior of the houses, thus allowing each person to receive his ration without communicating with the suppliers and other residents; meat, fish and herbs will be hoisted up into the houses with pulleys and baskets. If it is absolutely necessary to leave the house, it will be done in turn, avoiding any meeting. Only the intendants, syndics and guards will move about the streets and also, between the infected houses, from one corpse to another, the 'crows', who can be left to die: these are 'people of little substance who carry the sick, bury the dead, clean and do many vile and abject offices'. It is a segmented, immobile, frozen space. Each individual is fixed in his place. And, if he moves, he does so at the risk of his life, contagion or punishment.

Inspection functions ceaselessly. The gaze is alert everywhere: 'A considerable body of militia, commanded by good officers and men

of substance', guards at the gates, at the town hall and in every quarter to ensure the prompt obedience of the people and the most absolute authority of the magistrates, 'as also to observe all disorder, theft and extortion'. At each of the town gates there will be an observation post; at the end of each street sentinels. Every day, the intendant visits the quarter in his charge, inquires whether the syndics have carried out their tasks, whether the inhabitants have anything to complain of; they 'observe their actions'. Every day, too, the syndic goes into the street for which he is responsible; stops before each house: gets all the inhabitants to appear at the windows (those who live overlooking the courtyard will be allocated a window looking onto the street at which no one but they may show themselves); he calls each of them by name; informs himself as to the state of each and every one of them – 'in which respect the inhabitants will be compelled to speak the truth under pain of death'; if someone does not appear at the window, the syndic must ask why: 'In this way he will find out easily enough whether dead or sick are being concealed.' Everyone locked up in his cage, everyone at his window, answering to his name and showing himself when asked – it is the great review of the living and the dead.

This surveillance is based on a system of permanent registration: reports from the syndics to the intendants, from the intendants to the magistrates or mayor. At the beginning of the 'lock up', the role of each of the inhabitants present in the town is laid down, one by one; this document bears 'the name, age, sex of everyone, notwithstanding his condition': a copy is sent to the intendant of the quarter, another to the office of the town hall, another to enable the syndic to make his daily roll call. Everything that may be observed during the course of the visits – deaths, illnesses, complaints, irregularities – is noted down and transmitted to the intendants and magistrates. The magistrates have complete control over medical treatment; they have appointed a physician in charge; no other practitioner may treat, no apothecary prepare medicine, no confessor visit a sick person without having received from him a written note 'to prevent anyone from concealing and dealing with those sick of the contagion, unknown to the magistrates'. The registration of the pathological must be constantly centralized. The relation of each individual to his

disease and to his death passes through the representatives of power, the registration they make of it, the decisions they take on it.

Five or six days after the beginning of the quarantine, the process of purifying the houses one by one is begun. All the inhabitants are made to leave; in each room 'the furniture and goods' are raised from the ground or suspended from the air; perfume is poured around the room; after carefully sealing the windows, doors and even the keyholes with wax, the perfume is set alight. Finally, the entire house is closed while the perfume is consumed; those who have carried out the work are searched, as they were on entry, 'in the presence of the residents of the house, to see that they did not have something on their persons as they left that they did not have on entering'. Four hours later, the residents are allowed to re-enter their homes.

This enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, according to a continuous hierarchical figure, in which each individual is constantly located, examined and distributed among the living beings, the sick and the dead – all this constitutes a compact model of the disciplinary mechanism. The plague is met by order; its function is to sort out every possible confusion: that of the disease, which is transmitted when bodies are mixed together; that of the evil, which is increased when fear and death overcome prohibitions. It lays down for each individual his place, his body, his disease and his death, his well-being, by means of an omnipresent and omniscient power that subdivides itself in a regular, uninterrupted way even to the ultimate determination of the individual, of what characterizes him, of what belongs to him, of what happens to him. Against the plague, which is a mixture, discipline brings into play its power, which is one of analysis. A whole literary fiction of the festival grew up around the plague: suspended laws, lifted prohibitions, the frenzy of passing time, bodies mingling together without respect, individuals unmasked, abandoning their statutory identity and the figure under which they had been recognized, allowing a quite different truth to appear. But there was also a political dream of the

plague, which was exactly its reverse: not the collective festival, but strict divisions; not laws transgressed, but the penetration of regulation into even the smallest details of everyday life through the mediation of the complete hierarchy that assured the capillary functioning of power; not masks that were put on and taken off, but the assignment to each individual of his 'true' name, his 'true' place, his 'true' body, his 'true' disease. The plague as a form, at once real and imaginary, of disorder had as its medical and political correlative discipline. Behind the disciplinary mechanisms can be read the haunting memory of 'contagions', of the plague, of rebellions, crimes, vagabondage, desertions, people who appear and disappear, live and die in disorder.

If it is true that the leper gave rise to rituals of exclusion, which to a certain extent provided the model for and general form of the great Confinement, then the plague gave rise to disciplinary projects. Rather than the massive, binary division between one set of people and another, it called for multiple separations, individualizing distributions, an organization in depth of surveillance and control, an intensification and a ramification of power. The leper was caught up in a practice of rejection, of exile-enclosure; he was left to his doom in a mass among which it was useless to differentiate; those sick of the plague were caught up in a meticulous tactical partitioning in which individual differentiations were the constricting effects of a power that multiplied, articulated and subdivided itself; the great confinement on the one hand; the correct training on the other. The leper and his separation; the plague and its segmentations. The first is marked; the second analysed and distributed. The exile of the leper and the arrest of the plague do not bring with them the same political dream. The first is that of a pure community, the second that of a disciplined society. Two ways of exercising power over men, of controlling their relations, of separating out their dangerous mixtures. The plague-stricken town, traversed throughout with hierarchy, surveillance, observation, writing; the town immobilized by the functioning of an extensive power that bears in a distinct way over all individual bodies – this is the utopia of the perfectly governed city. The plague (envisaged as a possibility at least) is the trial in the course of which one may define ideally the exercise of disciplinary power. In order to make rights and laws

function according to pure theory, the jurists place themselves in imagination in the state of nature; in order to see perfect disciplines functioning, rulers dreamt of the state of plague. Underlying disciplinary projects the image of the plague stands for all forms of confusion and disorder; just as the image of the leper, cut off from all human contact, underlies projects of exclusion.

They are different projects, then, but not incompatible ones. We see them coming slowly together, and it is the peculiarity of the nineteenth century that it applied to the space of exclusion of which the leper was the symbolic inhabitant (beggars, vagabonds, madmen and the disorderly formed the real population) the technique of power proper to disciplinary partitioning. Treat 'lepers' as 'plague victims', project the subtle segmentations of discipline onto the confused space of internment, combine it with the methods of analytical distribution proper to power, individualize the excluded, but use procedures of individualization to mark exclusion – this is what was operated regularly by disciplinary power from the beginning of the nineteenth century in the psychiatric asylum, the penitentiary, the reformatory, the approved school and, to some extent, the hospital. Generally speaking, all the authorities exercising individual control function according to a double mode; that of binary division and branding (mad/sane; dangerous/harmless; normal/abnormal); and that of coercive assignment, of differential distribution (who he is; where he must be; how he is to be characterized; how he is to be recognized; how a constant surveillance is to be exercised over him in an individual way, etc.). On the one hand, the lepers are treated as plague victims; the tactics of individualizing disciplines are imposed on the excluded; and, on the other hand, the universality of disciplinary controls makes it possible to brand the 'leper' and to bring into play against him the dualistic mechanisms of exclusion. The constant division between the normal and the abnormal, to which every individual is subjected, brings us back to our own time, by applying the binary branding and exile of the leper to quite different objects; the existence of a whole set of techniques and institutions for measuring, supervising and correcting the abnormal brings into play the disciplinary mechanisms to which the fear of the plague gave rise. All the mechanisms of power which, even today, are disposed around the abnormal individual, to brand him and to alter

him, are composed of those two forms from which they distantly derive.

Bentham's *Panopticon* is the architectural figure of this composition. We know the principle on which it was based: at the periphery, an annular building; at the centre, a tower; this tower is pierced with wide windows that open onto the inner side of the ring; the peripheral building is divided into cells, each of which extends the whole width of the building; they have two windows, one on the inside, corresponding to the windows of the tower; the other, on the outside, allows the light to cross the cell from one end to the other. All that is needed, then, is to place a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy. By the effect of backlighting, one can observe from the tower, standing out precisely against the light, the small captive shadows in the cells of the periphery. They are like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible. The panoptic mechanism arranges spatial unities that make it possible to see constantly and to recognize immediately. In short, it reverses the principle of the dungeon; or rather of its three functions – to enclose, to deprive of light and to hide – it preserves only the first and eliminates the other two. Full lighting and the eye of a supervisor capture better than darkness, which ultimately protected. Visibility is a trap.

To begin with, this made it possible – as a negative effect – to avoid those compact, swarming, howling masses that were to be found in places of confinement, those painted by Goya or described by Howard. Each individual, in his place, is securely confined to a cell from which he is seen from the front by the supervisor; but the side walls prevent him from coming into contact with his companions. He is seen, but he does not see; he is the object of information, never a subject in communication. The arrangement of his room, opposite the central tower, imposes on him an axial visibility; but the divisions of the ring, those separated cells, imply a lateral invisibility. And this invisibility is a guarantee of order. If the inmates are convicts, there is no danger of a plot, an attempt at collective escape, the planning of new crimes for the future, bad reciprocal influences; if they are patients, there is no danger of

contagion; if they are madmen there is no risk of their committing violence upon one another; if they are schoolchildren, there is no copying, no noise, no chatter, no waste of time; if they are workers, there are no disorders, no theft, no coalitions, none of those distractions that slow down the rate of work, make it less perfect or cause accidents. The crowd, a compact mass, a locus of multiple exchanges, individualities merging together, a collective effect, is abolished and replaced by a collection of separated individualities. From the point of view of the guardian, it is replaced by a multiplicity that can be numbered and supervised; from the point of view of the inmates, by a sequestered and observed solitude (Bentham, 60–64).

Hence 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. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers. To achieve this, it is at once too much and too little that the prisoner should be constantly observed by an inspector: too little, for what matters is that he knows himself to be observed; too much, because he has no need in fact of being so. In view of this, Bentham laid down the principle that power should be visible and unverifiable. Visible: the inmate will constantly have before his eyes the tall outline of the central tower from which he is spied upon. Unverifiable: the inmate must never know whether he is being looked at at any one moment; but he must be sure that he may always be so. In order to make the presence or absence of the inspector unverifiable, so that the prisoners, in their cells, cannot even see a shadow, Bentham envisaged not only venetian blinds on the windows of the central observation hall, but, on the inside, partitions that intersected the hall at right angles and, in order to pass from one quarter to the other, not doors but zig-zag openings; for the slightest noise, a gleam of light, a brightness in a half-opened door would betray the presence of the guardian.² The Panopticon is a

machine for dissociating the see/being seen dyad: in the periphrastic ring, one is totally seen, without ever seeing; in the central tower, one sees everything without ever being seen.³

It is an important mechanism, for it automatizes and disindividualizes power. Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanisms produce the relation in which individuals are caught up. The ceremonies, the rituals, the marks by which the sovereign's surplus power was manifested are useless. There is a machinery that assures dissymmetry, disequilibrium, difference. Consequently, it does not matter who exercises power. Any individual, taken almost at random, can operate the machine: in the absence of the director, his family, his friends, his visitors, even his servants (Bentham, 45). Similarly, it does not matter what motive animates him: the curiosity of the indiscreet, the malice of a child, the thirst for knowledge of a philosopher who wishes to visit this museum of human nature, or the perversity of those who take pleasure in spying and punishing. The more numerous those anonymous and temporary observers are, the greater the risk for the inmate of being surprised and the greater his anxious awareness of being observed. The Panopticon is a marvellous machine which, whatever use one may wish to put it to, produces homogeneous effects of power.

A real subjection is born mechanically from a fictitious relation. So it is not necessary to use force to constrain the convict to good behaviour, the madman to calm, the worker to work, the schoolboy to application, the patient to the observation of the regulations. Bentham was surprised that panoptic institutions could be so light: there were no more bars, no more chains, no more heavy locks; all that was needed was that the separations should be clear and the openings well arranged. The heaviness of the old 'houses of security', with their fortress-like architecture, could be replaced by the simple, economic geometry of a 'house of certainty'. The efficiency of power, its constraining force have, in a sense, passed over to the other side – to the side of its surface of application. He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in

which he simultaneously plays both roles; he becomes the principle of his own subjection. By this very fact, the external power may throw off its physical weight; it tends to the non-corporal; and, the more it approaches this limit, the more constant, profound and permanent are its effects: it is a perpetual victory that avoids any physical confrontation and which is always decided in advance.

Bentham does not say whether he was inspired, in his project, by Le Vaux's menagerie at Versailles: the first menagerie in which the different elements are not, as they traditionally were, distributed in a park (Loisel, 104–7). At the centre was an octagonal pavilion which, on the first floor, consisted of only a single room, the king's *salon*; on every side large windows looked out onto seven cages (the eighth side was reserved for the entrance), containing different species of animals. By Bentham's time, this menagerie had disappeared. But one finds in the programme of the Panopticon a similar concern with individualizing observation, with characterization and classification, with the analytical arrangement of space. The Panopticon is a royal menagerie; the animal is replaced by man, individual distribution by specific grouping and the king by the machinery of a furtive power. With this exception, the Panopticon also does the work of a naturalist. It makes it possible to draw up differences: among patients, to observe the symptoms of each individual, without the proximity of beds, the circulation of miasmas, the effects of contagion confusing the clinical tables; among school-children, it makes it possible to observe performances (without there being any imitation or copying), to map aptitudes, to assess characters, to draw up rigorous classifications and, in relation to normal development, to distinguish 'laziness and stubbornness' from 'incurable imbecility'; among workers, it makes it possible to note the aptitudes of each worker, compare the time he takes to perform a task, and if they are paid by the day, to calculate their wages (Bentham, 60–64).

So much for the question of observation. But the Panopticon was also a laboratory; it could be used as a machine to carry out experiments, to alter behaviour, to train or correct individuals. To experiment with medicines and monitor their effects. To try out different punishments on prisoners, according to their crimes and character, and to seek the most effective ones. To teach different techniques

simultaneously to the workers, to decide which is the best. To try out pedagogical experiments – and in particular to take up once again the well-debated problem of secluded education, by using orphans. One would see what would happen when, in their sixteenth or eighteenth year, they were presented with other boys or girls; one could verify whether, as Helvetius thought, anyone could learn anything; one would follow ‘the genealogy of every observable idea’; one could bring up different children according to different systems of thought, making certain children believe that two and two do not make four or that the moon is a cheese, then put them together when they are twenty or twenty-five years old; one would then have discussions that would be worth a great deal more than the sermons or lectures on which so much money is spent; one would have at least an opportunity of making discoveries in the domain of metaphysics. The Panopticon is a privileged place for experiments on men, and for analysing with complete certainty the transformations that may be obtained from them. The Panopticon may even provide an apparatus for supervising its own mechanisms. In this central tower, the director may spy on all the employees that he has under his orders: nurses, doctors, foremen, teachers, warders; he will be able to judge them continuously, alter their behaviour, impose upon them the methods he thinks best; and it will even be possible to observe the director himself. An inspector arriving unexpectedly at the centre of the Panopticon will be able to judge at a glance, without anything being concealed from him, how the entire establishment is functioning. And, in any case, enclosed as he is in the middle of this architectural mechanism, is not the director’s own fate entirely bound up with it? The incompetent physician who has allowed contagion to spread, the incompetent prison governor or workshop manager will be the first victims of an epidemic or a revolt. ‘“By every tie I could devise”, said the master of the Panopticon, “my own fate had been bound up by me with theirs”’ (Bentham, 177). The Panopticon functions as a kind of laboratory of power. Thanks to its mechanisms of observation, it gains in efficiency and in the ability to penetrate into men’s behaviour; knowledge follows the advances of power, discovering new objects of knowledge over all the surfaces on which power is exercised.

The plague-stricken town, the panoptic establishment – the differences are important. They mark, at a distance of a century and a half, the transformations of the disciplinary programme. In the first case, there is an exceptional situation: against an extraordinary evil, power is mobilized; it makes itself everywhere present and visible; it invents new mechanisms; it separates, it immobilizes, it partitions; it constructs for a time what is both a counter-city and the perfect society; it imposes an ideal functioning, but one that is reduced, in the final analysis, like the evil that it combats, to a simple dualism of life and death: that which moves brings death, and one kills that which moves. The Panopticon, on the other hand, must be understood as a generalizable model of functioning; a way of defining power relations in terms of the everyday life of men. No doubt Bentham presents it as a particular institution, closed in upon itself. Utopias, perfectly closed in upon themselves, are common enough. As opposed to the ruined prisons, littered with mechanisms of torture, to be seen in Piranese’s engravings, the Panopticon presents a cruel, ingenious cage. The fact that it should have given rise, even in our own time, to so many variations, projected or realized, is evidence of the imaginary intensity that it has possessed for almost two hundred years. But the Panopticon must not be understood as a dream building: it is the diagram of a mechanism of power reduced to its ideal form; its functioning, abstracted from any obstacle, resistance or friction, must be represented as a pure architectural and optical system: it is in fact a figure of political technology that may and must be detached from any specific use.

It is polyvalent in its applications; it serves to reform prisoners, but also to treat patients, to instruct schoolchildren, to confine the insane, to supervise workers, to put beggars and idlers to work. It is a type of location of bodies in space, of distribution of individuals in relation to one another, of hierarchical organization, of disposition of centres and channels of power, of definition of the instruments and modes of intervention of power, which can be implemented in hospitals, workshops, schools, prisons. Whenever one is dealing with a multiplicity of individuals on whom a task or a particular form of behaviour must be imposed, the panoptic schema may be used. It is – necessary modifications apart – applicable ‘to all establishments whatsoever, in which, within a space not too large

to be covered or commanded by buildings, a number of persons are meant to be kept under inspection' (Bentham, 40; although Bentham takes the penitentiary house as his prime example, it is because it has many different functions to fulfil – safe custody, confinement, solitude, forced labour and instruction).

In each of its applications, it makes it possible to perfect the exercise of power. It does this in several ways: because it can reduce the number of those who exercise it, while increasing the number of those on whom it is exercised. Because it is possible to intervene at any moment and because the constant pressure acts even before the offences, mistakes or crimes have been committed. Because, in these conditions, its strength is that it never intervenes, it is exercised spontaneously and without noise, it constitutes a mechanism whose effects follow from one another. Because, without any physical instrument other than architecture and geometry, it acts directly on individuals; it gives 'power of mind over mind'. The panoptic schema makes any apparatus of power more intense: it assures its economy (in material, in personnel, in time); it assures its efficacy by its preventative character, its continuous functioning and its automatic mechanisms. It is a way of obtaining from power 'in hitherto unexampled quantity', 'a great and new instrument of government . . . ; its great excellence consists in the great strength it is capable of giving to *any* institution it may be thought proper to apply it to' (Bentham, 66).

It's a case of 'it's easy once you've thought of it' in the political sphere. It can in fact be integrated into any function (education, medical treatment, production, punishment); it can increase the effect of this function, by being linked closely with it; it can constitute a mixed mechanism in which relations of power (and of knowledge) may be precisely adjusted, in the smallest detail, to the processes that are to be supervised; it can establish a direct proportion between 'surplus power' and 'surplus production'. In short, it arranges things in such a way that the exercise of power is not added on from the outside, like a rigid, heavy constraint, to the functions it invests, but is so subtly present in them as to increase their efficiency by itself increasing its own points of contact. The panoptic mechanism is not simply a hinge, a point of exchange between a mechanism of power and a function; it is a way of making

power relations function in a function, and of making a function function through these power relations. Bentham's Preface to *Panopticon* opens with a list of the benefits to be obtained from his 'inspection-house': '*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!*' (Bentham, 39).

Furthermore, the arrangement of this machine is such that its enclosed nature does not preclude a permanent presence from the outside: we have seen that anyone may come and exercise in the central tower the functions of surveillance, and that, this being the case, he can gain a clear idea of the way in which the surveillance is practised. In fact, any panoptic institution, even if it is as rigorously closed as a penitentiary, may without difficulty be subjected to such irregular and constant inspections: and not only by the appointed inspectors, but also by the public; any member of society will have the right to come and see with his own eyes how the schools, hospitals, factories, prisons function. There is no risk, therefore, that the increase of power created by the panoptic machine may degenerate into tyranny; the disciplinary mechanism will be democratically controlled, since it will be constantly accessible 'to the great tribunal committee of the world'.⁴ This Panopticon, subtly arranged so that an observer may observe, at a glance, so many different individuals, also enables everyone to come and observe any of the observers. The seeing machine was once a sort of dark room into which individuals spied; it has become a transparent building in which the exercise of power may be supervised by society as a whole.

The panoptic schema, without disappearing as such or losing any of its properties, was destined to spread throughout the social body; its vocation was to become a generalized function. The plague-stricken town provided an exceptional disciplinary model: perfect, but absolutely violent; to the disease that brought death, power opposed its perpetual threat of death; life inside it was reduced to its simplest expression; it was, against the power of death, the meticulous exercise of the right of the sword. The Panopticon, on the other hand, has a role of amplification; although it arranges power, although it is intended to make it more economic and more effective,

it does so not for power itself, nor for the immediate salvation of a threatened society: its aim is to strengthen the social forces – to increase production, to develop the economy, spread education, raise the level of public morality; to increase and multiply.

How is power to be strengthened in such a way that, far from impeding progress, far from weighing upon it with its rules and regulations, it actually facilitates such progress? What intensifier of power will be able at the same time to be a multiplier of production? How will power, by increasing its forces, be able to increase those of society instead of confiscating them or impeding them? The Panopticon's solution to this problem is that the productive increase of power can be assured only if, on the one hand, it can be exercised continuously in the very foundations of society, in the subtlest possible way, and if, on the other hand, it functions outside these sudden, violent, discontinuous forms that are bound up with the exercise of sovereignty. The body of the king, with its strange material and physical presence, with the force that he himself deploys or transmits to some few others, is at the opposite extreme of this new physics of power represented by panopticism; the domain of panopticism is, on the contrary, that whole lower region, that region of irregular bodies, with their details, their multiple movements, their heterogeneous forces, their spatial relations; what are required are mechanisms that analyse distributions, gaps, series, combinations, and which use instruments that render visible, record, differentiate and compare: a physics of a relational and multiple power, which has its maximum intensity not in the person of the king, but in the bodies that can be individualized by these relations. At the theoretical level, Bentham defines another way of analysing the social body and the power relations that traverse it; in terms of practice, he defines a procedure of subordination of bodies and forces that must increase the utility of power while practising the economy of the prince. Panopticism is the general principle of a new 'political anatomy' whose object and end are not the relations of sovereignty but the relations of discipline.

The celebrated, transparent, circular cage, with its high tower, powerful and knowing, may have been for Bentham a project of a perfect disciplinary institution; but he also set out to show how one may 'unlock' the disciplines and get them to function in a diffused,

multiple, polyvalent way throughout the whole social body. These disciplines, which the classical age had elaborated in specific, relatively enclosed places – barracks, schools, workshops – and whose total implementation had been imagined only at the limited and temporary scale of a plague-stricken town, Bentham dreamt of transforming into a network of mechanisms that would be everywhere and always alert, running through society without interruption in space or in time. The panoptic arrangement provides the formula for this generalization. It programmes, at the level of an elementary and easily transferable mechanism, the basic functioning of a society penetrated through and through with disciplinary mechanisms.

There are two images, then, of discipline. At one extreme, the discipline-blockade, the enclosed institution, established on the edges of society, turned inwards towards negative functions: arresting evil, breaking communications, suspending time. At the other extreme, with panopticism, is the discipline-mechanism: a functional mechanism that must improve the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion for a society to come. The movement from one project to the other, from a schema of exceptional discipline to one of a generalized surveillance, rests on a historical transformation: the gradual extension of the mechanisms of discipline throughout the seventeenth and eighteenth centuries, their spread throughout the whole social body, the formation of what might be called in general the disciplinary society.

A whole disciplinary generalization – the Benthamite physics of power represents an acknowledgement of this – had operated throughout the classical age. The spread of disciplinary institutions, whose network was beginning to cover an ever larger surface and occupying above all a less and less marginal position, testifies to this: what was an islet, a privileged place, a circumstantial measure, or a singular model, became a general formula; the regulations characteristic of the Protestant and pious armies of William of Orange or of Gustavus Adolphus were transformed into regulations for all the armies of Europe; the model colleges of the Jesuits, or the schools of Batencour or Demia, following the example set by Sturm,

provided the outlines for the general forms of educational discipline; the ordering of the naval and military hospitals provided the model for the entire reorganization of hospitals in the eighteenth century.

But this extension of the disciplinary institutions was no doubt only the most visible aspect of various, more profound processes.

1. *The functional inversion of the disciplines.* At first, they were expected to neutralize dangers, to fix useless or disturbed populations, to avoid the inconveniences of over-large assemblies; now they were being asked to play a positive role, for they were becoming able to do so, to increase the possible utility of individuals. Military discipline is no longer a mere means of preventing looting, desertion or failure to obey orders among the troops; it has become a basic technique to enable the army to exist, not as an assembled crowd, but as a unity that derives from this very unity an increase in its forces; discipline increases the skill of each individual, coordinates these skills, accelerates movements, increases fire power, broadens the fronts of attack without reducing their vigour, increases the capacity for resistance, etc. The discipline of the workshop, while remaining a way of enforcing respect for the regulations and authorities, of preventing thefts or losses, tends to increase aptitudes, speeds, output and therefore profits; it still exerts a moral influence over behaviour, but more and more it treats actions in terms of their results, introduces bodies into a machinery, forces into an economy. When, in the seventeenth century, the provincial schools or the Christian elementary schools were founded, the justifications given for them were above all negative: those poor who were unable to bring up their children left them 'in ignorance of their obligations: given the difficulties they have in earning a living, and themselves having been badly brought up, they are unable to communicate a sound upbringing that they themselves never had'; this involves three major inconveniences: ignorance of God, idleness (with its consequent drunkenness, impurity, larceny, brigandage); and the formation of those gangs of beggars, always ready to stir up public disorder and 'virtually to exhaust the funds of the Hôtel-Dieu' (Demia, 60-61). Now, at the beginning of the Revolution, the end laid down for primary education was to be, among other things, to 'fortify', to 'develop the body', to prepare

the child 'for a future in some mechanical work', to give him 'an observant eye, a sure hand and prompt habits' (Talleyrand's Report to the Constituent Assembly, 10 September 1791, quoted by Léon, 106). The disciplines function increasingly as techniques for making useful individuals. Hence their emergence from a marginal position on the confines of society, and detachment from the forms of exclusion or expiation, confinement or retreat. Hence the slow loosening of their kinship with religious regularities and enclosures. Hence also their rooting in the most important, most central and most productive sectors of society. They become attached to some of the great essential functions: factory production, the transmission of knowledge, the diffusion of aptitudes and skills, the war-machine. Hence, too, the double tendency one sees developing throughout the eighteenth century to increase the number of disciplinary institutions and to discipline the existing apparatuses.

2. *The swarming of disciplinary mechanisms.* While, on the one hand, the disciplinary establishments increase, their mechanisms have a certain tendency to become 'de-institutionalized', to emerge from the closed fortresses in which they once functioned and to circulate in a 'free' state; the massive, compact disciplines are broken down into flexible methods of control, which may be transferred and adapted. Sometimes the closed apparatuses add to their internal and specific function a role of external surveillance, developing around themselves a whole margin of lateral controls. Thus the Christian School must not simply train docile children; it must also make it possible to supervise the parents, to gain information as to their way of life, their resources, their piety, their morals. The school tends to constitute minute social observatories that penetrate even to the adults and exercise regular supervision over them: the bad behaviour of the child, or his absence, is a legitimate pretext, according to Demia, for one to go and question the neighbours, especially if there is any reason to believe that the family will not tell the truth; one can then go and question the parents themselves, to find out whether they know their catechism and the prayers, whether they are determined to root out the vices of their children, how many beds there are in the house and what the sleeping arrangements are; the visit may end with the giving of alms, the present of a religious picture, or the provision of additional beds (Demia, 39-40).

Similarly, the hospital is increasingly conceived of as a base for the medical observation of the population outside; after the burning down of the Hôtel-Dieu in 1772, there were several demands that the large buildings, so heavy and so disordered, should be replaced by a series of smaller hospitals; their function would be to take in the sick of the quarter, but also to gather information, to be alert to any endemic or epidemic phenomena, to open dispensaries, to give advice to the inhabitants and to keep the authorities informed of the sanitary state of the region.⁵

One also sees the spread of disciplinary procedures, not in the form of enclosed institutions, but as centres of observation disseminated throughout society. Religious groups and charity organizations had long played this role of 'disciplining' the population. From the Counter-Reformation to the philanthropy of the July monarchy, initiatives of this type continued to increase; their aims were religious (conversion and moralization), economic (aid and encouragement to work) or political (the struggle against discontent or agitation). One has only to cite by way of example the regulations for the charity associations in the Paris parishes. The territory to be covered was divided into quarters and cantons and the members of the associations divided themselves up along the same lines. These members had to visit their respective areas regularly. 'They will strive to eradicate places of ill-repute, tobacco shops, life-classes, gaming house, public scandals, blasphemy, impiety, and any other disorders that may come to their knowledge.' They will also have to make individual visits to the poor; and the information to be obtained is laid down in regulations: the stability of the lodging, knowledge of prayers, attendance at the sacraments, knowledge of a trade, morality (and 'whether they have not fallen into poverty through their own fault'); lastly, 'one must learn by skilful questioning in what way they behave at home. Whether there is peace between them and their neighbours, whether they are careful to bring up their children in the fear of God . . . whether they do not have their older children of different sexes sleeping together and with them, whether they do not allow licentiousness and cajolery in their families, especially in their older daughters. If one has any doubts as to whether they are married, one must ask to see their marriage certificate'.⁵

3. *The state-control of the mechanisms of discipline.* In England, it was private religious groups that carried out, for a long time, the functions of social discipline (cf. Radzinovitz, 203-14); in France, although a part of this role remained in the hands of parish guilds or charity associations, another – and no doubt the most important part – was very soon taken over by the police apparatus.

The organization of a centralized police had long been regarded, even by contemporaries, as the most direct expression of royal absolutism; the sovereign had wished to have 'his own magistrate to whom he might directly entrust his orders, his commissions, intentions, and who was entrusted with the execution of orders and orders under the King's private seal' (a note by Duval, first secretary at the police magistrature, quoted in Funck-Brentano, 1). In effect, in taking over a number of pre-existing functions – the search for criminals, urban surveillance, economic and political supervision – the police magistratures and the magistrature-general that presided over them in Paris transposed them into a single, strict, administrative machine: 'All the radiations of force and information that spread from the circumference culminate in the magistrate-general. . . . It is he who operates all the wheels that together produce order and harmony. The effects of his administration cannot be better compared than to the movement of the celestial bodies' (Des Essarts, 344 and 528).

But, although the police as an institution were certainly organized in the form of a state apparatus, and although this was certainly linked directly to the centre of political sovereignty, the type of power that it exercises, the mechanisms it operates and the elements to which it applies them are specific. It is an apparatus that must be coextensive with the entire social body and not only by the extreme limits that it embraces, but by the minuteness of the details it is concerned with. Police power must bear 'over everything': it is not however the totality of the state nor of the kingdom as visible and invisible body of the monarch; it is the dust of events, actions, behaviour, opinions – 'everything that happens';⁷ the police are concerned with 'those things of every moment', those 'unimportant things', of which Catherine II spoke in her Great Instruction (Supplement to the *Instruction for the drawing up of a new code*, 1769, article 535). With the police, one is in the indefinite world of a

supervision that seeks ideally to reach the most elementary particle, the most passing phenomenon of the social body: 'The ministry of the magistrates and police officers is of the greatest importance; the objects that it embraces are in a sense definite, one may perceive them only by a sufficiently detailed examination' (Delamare, unnumbered Preface): the infinitely small of political power.

And, in order to be exercised, this power had to be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible. It had to be like a faceless gaze that transformed the whole social body into a field of perception: thousands of eyes posted everywhere, mobile attentions ever on the alert, a long, hierarchized network which, according to Le Maire, comprised for Paris the forty-eight *commissaires*, the twenty *inspecteurs*, then the 'observers', who were paid regularly, the '*basses mouches*', or secret agents, who were paid by the day, then the informers, paid according to the job done, and finally the prostitutes. And this unceasing observation had to be accumulated in a series of reports and registers; throughout the eighteenth century, an immense police text increasingly covered society by means of a complex documentary organization (on the police registers in the eighteenth century, cf. Chassaigne). And, unlike the methods of judicial or administrative writing, what was registered in this way were forms of behaviour, attitudes, possibilities, suspicions – a permanent account of individuals' behaviour.

Now, it should be noted that, although this police supervision was entirely 'in the hands of the king', it did not function in a single direction. It was in fact a double-entry system: it had to correspond, by manipulating the machinery of justice, to the immediate wishes of the king, but it was also capable of responding to solicitations from below; the celebrated *lettres de cachet*, or orders under the king's private seal, which were long the symbol of arbitrary royal rule and which brought detention into disrepute on political grounds, were in fact demanded by families, masters, local notables, neighbours, parish priests; and their function was to punish by confinement a whole infra-penalty, that of disorder, agitation, disobedience, bad conduct; those things that Ledoux wanted to exclude from his architecturally perfect city and which he called 'offences of non-surveillance'. In short, the eighteenth-century police added a

disciplinary function to its role as the auxiliary of justice in the pursuit of criminals and as an instrument for the political supervision of plots, opposition movements or revolts. It was a complex function since it linked the absolute power of the monarch to the lowest levels of power disseminated in society; since, between these different, enclosed institutions of discipline (workshops, armies, schools), it extended an intermediary network, acting where they could not intervene, disciplining the non-disciplinary spaces; but it filled in the gaps, linked them together, guaranteed with its armed force an interstitial discipline and a meta-discipline. 'By means of a wise police, the sovereign accustoms the people to order and obedience' (Vattel, 162).

The organization of the police apparatus in the eighteenth century sanctioned a generalization of the disciplines that became co-extensive with the state itself. Although it was linked in the most explicit way with everything in the royal power that exceeded the exercise of regular justice, it is understandable why the police offered such slight resistance to the rearrangement of the judicial power; and why it has not ceased to impose its prerogatives upon it, with ever-increasing weight, right up to the present day; this is no doubt because it is the secular arm of the judiciary; but it is also because, to a far greater degree than the judicial institution, it is identified, by reason of its extent and mechanisms, with a society of the disciplinary type. Yet it would be wrong to believe that the disciplinary functions were confiscated and absorbed once and for all by a state apparatus.

'Discipline' may be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a 'physics' or an 'anatomy' of power, a technology. And it may be taken over either by 'specialized' institutions (the penitentiaries or 'houses of correction' of the nineteenth century), or by institutions that use it as an essential instrument for a particular end (schools, hospitals), or by pre-existing authorities that find in it a means of reinforcing or reorganizing their internal mechanisms of power (one day we should show how intra-familial relations, essentially in the parents-children cell, have become 'disciplined', absorbing since the classical age external schemata, first

educational and military, then medical, psychiatric, psychological, which have made the family the privileged locus of emergence for the disciplinary question of the normal and the abnormal); or by apparatuses that have made discipline their principle of internal functioning (the disciplinarization of the administrative apparatus from the Napoleonic period), or finally by state apparatuses whose major, if not exclusive, function is to assure that discipline reigns over society as a whole (the police).

On the whole, therefore, one can speak of the formation of a disciplinary society in this movement that stretches from the enclosed disciplines, a sort of social 'quarantine', to an indefinitely generalizable mechanism of 'panopticism'. Not because the disciplinary modality of power has replaced all the others; but because it has infiltrated the others, sometimes undermining them, but serving as an intermediary between them, linking them together, extending them and above all making it possible to bring the effects of power to the most minute and distant elements. It assures an infinitesimal distribution of the power relations.

A few years after Bentham, Julius gave this society its birth certificate (Julius, 384-6). Speaking of the panoptic principle, he said that there was much more there than architectural ingenuity: it was an event in the 'history of the human mind'. In appearance, it is merely the solution of a technical problem; but, through it, a whole type of society emerges. Antiquity had been a civilization of spectacle. 'To render accessible to a multitude of men the inspection of a small number of objects': this was the problem to which the architecture of temples, theatres and circuses responded. With spectacle, there was a predominance of public life, the intensity of festivals, sensual proximity. In these rituals in which blood flowed, society found new vigour and formed for a moment a single great body. The modern age poses the opposite problem: 'To procure for a small number, or even for a single individual, the instantaneous view of a great multitude.' In a society in which the principal elements are no longer the community and public life, but, on the one hand, private individuals and, on the other, the state, relations can be regulated only in a form that is the exact reverse of the spectacle: 'It was to the modern age, to the ever-growing influence of the state, to its ever more profound intervention in all the details

and all the relations of social life, that was reserved the task of increasing and perfecting its guarantees, by using and directing towards that great aim the building and distribution of buildings intended to observe a great multitude of men at the same time.'

Julius saw as a fulfilled historical process that which Bentham had described as a technical programme. Our society is one not of spectacle, but of surveillance; under the surface of images, one invests bodies in depth; behind the great abstraction of exchange, there continues the meticulous, concrete training of useful forces; the circuits of communication are the supports of an accumulation and a centralization of knowledge; the play of signs defines the anchorages of power; it is not that the beautiful totality of the individual is amputated, repressed, altered by our social order, it is rather that the individual is carefully fabricated in it, according to a whole technique of forces and bodies. We are much less Greeks than we believe. We are neither in the amphitheatre, nor on the stage, but in the panoptic machine, invested by its effects of power, which we bring to ourselves since we are part of its mechanism. The importance, in historical mythology, of the Napoleonic character probably derives from the fact that it is at the point of junction of the monarchical, ritual exercise of sovereignty and the hierarchical, permanent exercise of indefinite discipline. He is the individual who looms over everything with a single gaze which no detail, however minute, can escape: 'You may consider that no part of the Empire is without surveillance, no crime, no offence, no contravention, that remains unpunished, and that the eye of the genius who can enlighten all embraces the whole of this vast machine, without, however, the slightest detail escaping his attention' (Treillard, 14). At the moment of its full blossoming, the disciplinary society still assumes with the Emperor the old aspect of the power of spectacle. As a monarch who is at one and the same time a usurper of the ancient throne and the organizer of the new state, he combined into a single symbolic, ultimate figure the whole of the long process by which the pomp of sovereignty, the necessarily spectacular manifestations of power, were extinguished one by one in the daily exercise of surveillance, in a panopticism in which the vigilance of intersecting gazes was soon to render useless both the eagle and the sun.

The formation of the disciplinary society is connected with a number of broad historical processes – economic, juridico-political and, lastly, scientific – of which it forms part.

1. Generally speaking, it might be said that the disciplines are techniques for assuring the ordering of human multiplicities. It is true that there is nothing exceptional or even characteristic in this: every system of power is presented with the same problem. But the peculiarity of the disciplines is that they try to define in relation to the multiplicities a tactics of power that fulfils three criteria: firstly, to obtain the exercise of power at the lowest possible cost (economically, by the low expenditure it involves; politically, by its discretion, its low exteriorization, its relative invisibility, the little resistance it arouses); secondly, to bring the effects of this social power to their maximum intensity and to extend them as far as possible, without either failure or interval; thirdly, to link this 'economic' growth of power with the output of the apparatuses (educational, military, industrial or medical) within which it is exercised; in short, to increase both the docility and the utility of all the elements of the system. This triple objective of the disciplines corresponds to a well-known historical conjuncture. One aspect of this conjuncture was the large demographic thrust of the eighteenth century; an increase in the floating population (one of the primary objects of discipline is to fix; it is an anti-nomadic technique); a change of quantitative scale in the groups to be supervised or manipulated (from the beginning of the seventeenth century to the eve of the French Revolution, the school population had been increasing rapidly, as had no doubt the hospital population; by the end of the eighteenth century, the peace-time army exceeded 200,000 men). The other aspect of the conjuncture was the growth in the apparatus of production, which was becoming more and more extended and complex; it was also becoming more costly and its profitability had to be increased. The development of the disciplinary methods corresponded to these two processes, or rather, no doubt, to the new need to adjust their correlation. Neither the residual forms of feudal power nor the structures of the administrative monarchy, nor the local mechanisms of supervision, nor the unstable, tangled mass they all formed together could carry out this role: they were hindered from doing so by the irregular and inadequate extension of

their network, by their often conflicting functioning, but above all by the 'costly' nature of the power that was exercised in them. It was costly in several senses: because directly it cost a great deal to the Treasury; because the system of corrupt offices and farmed-out taxes weighed indirectly, but very heavily, on the population; because the resistance it encountered forced it into a cycle of perpetual reinforcement; because it proceeded essentially by levying (levying on money or products by royal, seigniorial, ecclesiastical taxation; levying on men or time by *corvées* of press-ganging, by locking up or banishing vagabonds). The development of the disciplines marks the appearance of elementary techniques belonging to a quite different economy: mechanisms of power which, instead of proceeding by deduction, are integrated into the productive efficiency of the apparatuses from within, into the growth of this efficiency and into the use of what it produces. For the old principle of 'levying-violence', which governed the economy of power, the disciplines substitute the principle of 'mildness-production-profit'. These are the techniques that make it possible to adjust the multiplicity of men and the multiplication of the apparatuses of production (and this means not only 'production' in the strict sense, but also the production of knowledge and skills in the school, the production of health in the hospitals, the production of destructive force in the army).

In this task of adjustment, discipline had to solve a number of problems for which the old economy of power was not sufficiently equipped. It could reduce the inefficiency of mass phenomena: reduce what, in a multiplicity, makes it much less manageable than a unity; reduce what is opposed to the use of each of its elements and of their sum; reduce everything that may counter the advantages of number. That is why discipline fixes; it arrests or regulates movements; it clears up confusion; it dissipates compact groupings of individuals wandering about the country in unpredictable ways; it establishes calculated distributions. It must also master all the forces that are formed from the very constitution of an organized multiplicity; it must neutralize the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it: agitations, revolts, spontaneous organizations, coalitions – anything that may establish horizontal conjunctions.

Hence the fact that the disciplines use procedures of partitioning and verticality, that they introduce, between the different elements at the same level, as solid separations as possible, that they define compact hierarchical networks, in short, that they oppose to the intrinsic, adverse force of multiplicity the technique of the continuous, individualizing pyramid. They must also increase the particular utility of each element of the multiplicity, but by means that are the most rapid and the least costly, that is to say, by using the multiplicity itself as an instrument of this growth. Hence, in order to extract from bodies the maximum time and force, the use of those overall methods known as time-tables, collective training, exercises, total and detailed surveillance. Furthermore, the disciplines must increase the effect of utility proper to the multiplicities, so that each is made more useful than the simple sum of its elements: it is in order to increase the utilizable effects of the multiple that the disciplines define tactics of distribution, reciprocal adjustment of bodies, gestures and rhythms, differentiation of capacities, reciprocal co-ordination in relation to apparatuses or tasks. Lastly, the disciplines have to bring into play the power relations, not above but inside the very texture of the multiplicity, as discreetly as possible, as well articulated on the other functions of these multiplicities and also in the least expensive way possible: to this correspond anonymous instruments of power, coextensive with the multiplicity that they regiment, such as hierarchical surveillance, continuous registration, perpetual assessment and classification. In short, to substitute for a power that is manifested through the brilliance of those who exercise it, a power that insidiously objectifies those on whom it is applied; to form a body of knowledge about these individuals, rather than to deploy the ostentatious signs of sovereignty. In a word, the disciplines are the ensemble of minute technical inventions that made it possible to increase the useful size of multiplicities by decreasing the inconveniences of the power which, in order to make them useful, must control them. A multiplicity, whether in a workshop or a nation, an army or a school, reaches the threshold of a discipline when the relation of the one to the other becomes favourable.

If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men

made possible a political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection. In fact, the two processes – the accumulation of men and the accumulation of capital – cannot be separated; it would not have been possible to solve the problem of the accumulation of men without the growth of an apparatus of production capable of both sustaining them and using them; conversely, the techniques that made the cumulative multiplicity of men useful accelerated the accumulation of capital. At a less general level, the technological mutations of the apparatus of production, the division of labour and the elaboration of the disciplinary techniques sustained an ensemble of very close relations (cf. Marx, *Capital*, vol. 1, chapter XIII and the very interesting analysis in Guerry and Deleule). Each makes the other possible and necessary; each provides a model for the other. The disciplinary pyramid constituted the small cell of power within which the separation, coordination and supervision of tasks was imposed and made efficient; and analytical partitioning of time, gestures and bodily forces constituted an operational schema that could easily be transferred from the groups to be subjected to the mechanisms of production; the massive projection of military methods onto industrial organization was an example of this modelling of the division of labour following the model laid down by the schemata of power. But, on the other hand, the technical analysis of the process of production, its 'mechanical' breaking-down, were projected onto the labour force whose task it was to implement it: the constitution of those disciplinary machines in which the individual forces that they bring together are composed into a whole and therefore increased is the effect of this projection. Let us say that discipline is the unitary technique by which the body is reduced as a 'political' force at the least cost and maximized as a useful force. The growth of a capitalist economy gave rise to the specific modality of disciplinary power, whose general formulas, techniques of submitting forces and bodies, in short, 'political anatomy', could be operated in the most diverse political régimes, apparatuses or institutions.

2. The panoptic modality of power – at the elementary, technical, merely physical level at which it is situated – is not under the immediate dependence or a direct extension of the great

juridico-political structures of a society; it is nonetheless not absolutely independent. Historically, the process by which the bourgeoisie became in the course of the eighteenth century the politically dominant class was masked by the establishment of an explicit, coded and formally egalitarian juridical framework, made possible by the organization of a parliamentary, representative régime. But the development and generalization of disciplinary mechanisms constituted the other, dark side of these processes. The general juridical form that guaranteed a system of rights that were egalitarian in principle was supported by these tiny, everyday, physical mechanisms, by all those systems of micro-power that are essentially non-egalitarian and asymmetrical that we call the disciplines. And although, in a formal way, the representative régime makes it possible, directly or indirectly, with or without relays, for the will of all to form the fundamental authority of sovereignty, the disciplines provide, at the base, a guarantee of the submission of forces and bodies. The real, corporal disciplines constituted the foundation of the formal, juridical liberties. The contract may have been regarded as the ideal foundation of law and political power; panopticism constituted the technique, universally widespread, of coercion. It continued to work in depth on the juridical structures of society, in order to make the effective mechanisms of power function in opposition to the formal framework that it had acquired. The 'Enlightenment', which discovered the liberties, also invented the disciplines.

In appearance, the disciplines constitute nothing more than an infra-law. They seem to extend the general forms defined by law to the infinitesimal level of individual lives; or they appear as methods of training that enable individuals to become integrated into these general demands. They seem to constitute the same type of law on a different scale, thereby making it more meticulous and more indulgent. The disciplines should be regarded as a sort of counter-law. They have the precise role of introducing insuperable asymmetries and excluding reciprocities. First, because discipline creates between individuals a 'private' link, which is a relation of constraints entirely different from contractual obligation; the acceptance of a discipline may be underwritten by contract; the way in which it is imposed, the mechanisms it brings into play, the non-reversible

subordination of one group of people by another, the 'surplus' power that is always fixed on the same side, the inequality of position of the different 'partners' in relation to the common regulation, all these distinguish the disciplinary link from the contractual link, and make it possible to distort the contractual link systematically from the moment it has as its content a mechanism of discipline. We know, for example, how many real procedures undermine the legal fiction of the work contract: workshop discipline is not the least important. Moreover, whereas the juridical systems define juridical subjects according to universal norms, the disciplines characterize, classify, specialize; they distribute along a scale, around a norm, hierarchize individuals in relation to one another and, if necessary, disqualify and invalidate. In any case, in the space and during the time in which they exercise their control and bring into play the asymmetries of their power, they effect a suspension of the law that is never total, but is never annulled either. Regular and institutional as it may be, the discipline, in its mechanism, is a 'counter-law'. And, although the universal juridicism of modern society seems to fix limits on the exercise of power, its universally widespread panopticism enables it to operate, on the underside of the law, a machinery that is both immense and minute, which supports, reinforces, multiplies the asymmetry of power and undermines the limits that are traced around the law. The minute disciplines, the panopticism of every day may well be below the level of emergence of the great apparatuses and the great political struggles. But, in the genealogy of modern society, they have been, with the class domination that traverses it, the political counterpart of the juridical norms according to which power was redistributed. Hence, no doubt, the importance that has been given for so long to the small techniques of discipline, to those apparently insignificant tricks that it has invented, and even to those 'sciences' that give it a respectable face; hence the fear of abandoning them if one cannot find any substitute; hence the affirmation that they are at the very foundation of society, and an element in its equilibrium, whereas they are a series of mechanisms for unbalancing power relations definitively and everywhere; hence the persistence in regarding them as the humble, but concrete form of every morality, whereas they are a set of physico-political techniques.

To return to the problem of legal punishments, the prison with all the corrective technology at its disposal is to be resituated at the point where the codified power to punish turns into a disciplinary power to observe; at the point where the universal punishments of the law are applied selectively to certain individuals and always the same ones; at the point where the redefinition of the juridical subject by the penalty becomes a useful training of the criminal; at the point where the law is inverted and passes outside itself, and where the counter-law becomes the effective and institutionalized content of the juridical forms. What generalizes the power to punish, then, is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic techniques.

3. Taken one by one, most of these techniques have a long history behind them. But what was new, in the eighteenth century, was that, by being combined and generalized, they attained a level at which the formation of knowledge and the increase of power regularly reinforce one another in a circular process. At this point, the disciplines crossed the 'technological' threshold. First the hospital, then the school, then, later, the workshop were not simply 'reordered' by the disciplines; they became, thanks to them, apparatuses such that any mechanism of objectification could be used in them as an instrument of subjection, and any growth of power could give rise in them to possible branches of knowledge; it was this link, proper to the technological systems, that made possible within the disciplinary element the formation of clinical medicine, psychiatry, child psychology, educational psychology, the rationalization of labour. It is a double process, then: an epistemological 'thaw' through a refinement of power relations; a multiplication of the effects of power through the formation and accumulation of new forms of knowledge.

The extension of the disciplinary methods is inscribed in a broad historical process: the development at about the same time of many other technologies – agronomical, industrial, economic. But it must be recognized that, compared with the mining industries, the emerging chemical industries or methods of national accountancy, compared with the blast furnaces or the steam engine, panopticism has received little attention. It is regarded as not much more than a

bizarre little utopia, a perverse dream – rather as though Bentham had been the Fourier of a police society, and the Phalanstery had taken on the form of the Panopticon. And yet this represented the abstract formula of a very real technology, that of individuals. There were many reasons why it received little praise; the most obvious is that the discourses to which it gave rise rarely acquired, except in the academic classifications, the status of sciences; but the real reason is no doubt that the power that it operates and which it augments is a direct, physical power that men exercise upon one another. An inglorious culmination had an origin that could be only grudgingly acknowledged. But it would be unjust to compare the disciplinary techniques with such inventions as the steam engine or Amici's microscope. They are much less; and yet, in a way, they are much more. If a historical equivalent or at least a point of comparison had to be found for them, it would be rather in the 'inquisitorial' technique.

The eighteenth century invented the techniques of discipline and the examination, rather as the Middle Ages invented the judicial investigation. But it did so by quite different means. The investigation procedure, an old fiscal and administrative technique, had developed above all with the reorganization of the Church and the increase of the princely states in the twelfth and thirteenth centuries. At this time it permeated to a very large degree the jurisprudence first of the ecclesiastical courts, then of the lay courts. The investigation as an authoritarian search for a truth observed or attested was thus opposed to the old procedures of the oath, the ordeal, the judicial duel, the judgement of God or even of the transaction between private individuals. The investigation was the sovereign power arrogating to itself the right to establish the truth by a number of regulated techniques. Now, although the investigation has since then been an integral part of western justice (even up to our own day), one must not forget either its political origin, its link with the birth of the states and of monarchical sovereignty, or its later extension and its role in the formation of knowledge. In fact, the investigation has been the no doubt crude, but fundamental element in the constitution of the empirical sciences; it has been the juridico-political matrix of this experimental knowledge, which, as we know, was very rapidly released at the end of the Middle Ages.

It is perhaps true to say that, in Greece, mathematics were born from techniques of measurement; the sciences of nature, in any case, were born, to some extent, at the end of the Middle Ages, from the practices of investigation. The great empirical knowledge that covered the things of the world and transcribed them into the ordering of an indefinite discourse that observes, describes and establishes the 'facts' (at a time when the western world was beginning the economic and political conquest of this same world) had its operating model no doubt in the Inquisition – that immense invention that our recent mildness has placed in the dark recesses of our memory. But what this politico-juridical, administrative and criminal, religious and lay, investigation was to the sciences of nature, disciplinary analysis has been to the sciences of man. These sciences, which have so delighted our 'humanity' for over a century, have their technical matrix in the petty, malicious minutiae of the disciplines and their investigations. These investigations are perhaps to psychology, psychiatry, pedagogy, criminology, and so many other strange sciences, what the terrible power of investigation was to the calm knowledge of the animals, the plants or the earth. Another power, another knowledge. On the threshold of the classical age, Bacon, lawyer and statesman, tried to develop a methodology of investigation for the empirical sciences. What Great Observer will produce the methodology of examination for the human sciences? Unless, of course, such a thing is not possible. For, although it is true that, in becoming a technique for the empirical sciences, the investigation has detached itself from the inquisitorial procedure, in which it was historically rooted, the examination has remained extremely close to the disciplinary power that shaped it. It has always been and still is an intrinsic element of the disciplines. Of course it seems to have undergone a speculative purification by integrating itself with such sciences as psychology and psychiatry. And, in effect, its appearance in the form of tests, interviews, interrogations and consultations is apparently in order to rectify the mechanisms of discipline: educational psychology is supposed to correct the rigours of the school, just as the medical or psychiatric interview is supposed to rectify the effects of the discipline of work. But we must not be misled; these techniques merely refer individuals from one disciplinary authority to another, and they reproduce, in

a concentrated or formalized form, the schema of power-knowledge proper to each discipline (on this subject, cf. Tort). The great investigation that gave rise to the sciences of nature has become detached from its politico-juridical model; the examination, on the other hand, is still caught up in disciplinary technology.

In the Middle Ages, the procedure of investigation gradually superseded the old accusatory justice, by a process initiated from above; the disciplinary technique, on the other hand, insidiously and as if from below, has invaded a penal justice that is still, in principle, inquisitorial. All the great movements of extension that characterize modern penalty – the problematization of the criminal behind his crime, the concern with a punishment that is a correction, a therapy, a normalization, the division of the act of judgement between various authorities that are supposed to measure, assess, diagnose, cure, transform individuals – all this betrays the penetration of the disciplinary examination into the judicial inquisition.

What is now imposed on penal justice as its point of application, its 'useful' object, will no longer be the body of the guilty man set up against the body of the king; nor will it be the juridical subject of an ideal contract; it will be the disciplinary individual. The extreme point of penal justice under the Ancien Régime was the infinite segmentation of the body of the regicide: a manifestation of the strongest power over the body of the greatest criminal, whose total destruction made the crime explode into its truth. The ideal point of penalty today would be an indefinite discipline: an interrogation without end, an investigation that would be extended without limit to a meticulous and ever more analytical observation, a judgement that would at the same time be the constitution of a file that was never closed, the calculated leniency of a penalty that would be interlaced with the ruthless curiosity of an examination, a procedure that would be at the same time the permanent measure of a gap in relation to an inaccessible norm and the asymptotic movement that strives to meet in infinity. The public execution was the logical culmination of a procedure governed by the Inquisition. The practice of placing individuals under 'observation' is a natural extension of a justice imbued with disciplinary methods and examination procedures. Is it surprising that the cellular prison, with its regular chronologies, forced labour, its authorities of surveillance and

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registration, its experts in normality, who continue and multiply the functions of the judge, should have become the modern instrument of penalty? Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?

Part Four

Prison
