

New Foucault way, 11/13/01

2. The new way in punishment (pp. 3-22)

A. Have them read pp. 3-7.

B. While they're doing that, write on board:

	Punishment
public spectacle	hidden (the trial is now only public part)
torture	routine
intensity (of pain)	certainty (of punishment)
punishment	rehabilitation
pain	confinement, deprivation

1. **Q:** Why does Foucault begin his book with the gruesome details of a public torture and execution? Why does he follow it with an example of a prison regime, 80 years later?

2. Foucault wants to contrast punishment in the 18th century with modern punishment. Punishment in France in 1757 was public, shocking, and involved an excruciating amount of pain. But by 1840 public torture has been replaced by the timetable and order of a prison barracks.

3. **No public spectacle** (chain gangs, public execution, pillories). Punishment now takes place out of public view: only the trial and sentence is now public.

4. **Pain is no longer the main instrument of punishment**, but the suspension of rights is. E.g. the guillotine (12-13). Foucault makes it look positively civilized!

5. The **purpose of punishment** changes, too: The purpose is no longer to punish but to "cure," correct, or rehabilitate.

[need further explanation of the table above?]

C. **Q:** What happened? Why was "the entire economy of punishment... redistributed" in Europe and the U.S. in the mid-19th century? And what is the significance of this change?

1. Is it because we've become more civilized?

2. For Foucault, the new way in punishment better suits the needs of today's society. "Punish less, in order to punish better."

3. **Q:** What's happening in the interval between the torture of 1757 and the prison of 1840 in Europe? **The rise of capitalism.**

4. The changes in punishment, Foucault argues, closely follow changes in the mode of production. The forms of punishment that were appropriate for feudalism aren't appropriate for capitalism; new forms of punishment must be developed. **The new way in punishment serves new functions that help maintain capitalism.**

II. Foucault(1926-1984), Marx, and Nietzsche

[go over handout]

A. Foucault and Marx: Critics of capitalist society

1. Foucault borrows Marx's **materialist approach** to studying history. He analyzes changes in French or European society as it undergoes the transformation from feudalism to capitalism.

2. Foucault goes beyond Marx, however, in that **he is not only concerned with relations between proletariat and bourgeoisie** but all sorts of human relations: student and teacher, doctor and patient, prisoner and jailer, cop and criminal, sane and insane, etc. All of these relations have been fundamentally transformed (or even invented) under capitalism. What kinds of changes in human relations have accompanied the rise of capitalism?

3. Rather than analyzing power in a descending manner (i.e. power flows from the bourgeoisie and/or the state down to the particular forms of repression, confinement, and discipline in society), Foucault studies the *mechanisms* of power: the prison, the hospital, the military, the school. There is nothing necessary about excluding the insane from civil society for capitalism to function, for example, but there is something necessary for capitalism about the methods and techniques used in the identification, treatment, and exclusion of the insane from "normal" society.

4. In short, while Marx is a theorist of the accumulation of capital, **Foucault is a theorist of the "accumulation of men,"** or the creation of new social relationships and identities such as sane/insane and normal/delinquent that accompanies the rise of capitalism.

B. Foucault and Nietzsche: the concept of power

1. The background for Foucault's theory is capitalism and the power of the bourgeoisie and the state. But what is the theoretical glue that ties all these "micro" relationships of student and teacher, doctor and patient, prisoner and jailer, cop and criminal, sane to capitalism? **Power.**

2. Foucault borrows Nietzsche's **conception of power** as the fundamental force organizing human relations.

3. But Foucault abandons Nietzsche's psychological conception of the will to power. Rather than understanding power as a psychological force of intentions, drives, and passions, **Foucault will locate power as a relationship between persons, or subjects.** (Subject = an agent or subject of history, but also someone who is subjected to various forms of power.) Foucault is not trying to explain human nature but **how power functions** in modern society.

III. Four rules on studying punishment: F's notion of power

[follow along page 23-24, explaining as you go]

A. **Power is productive**, not just repressive

B. **Power is capillary:** Diffuse, strategic. We need a "micro-physics of power."

C. **Power produces knowledge.** Psychologists, priests, counselors, lawyers

D. **Power is a relationship**

E. **Power's function is to normalize.**

IV. Disciplinary power [see old Foucault first lecture notes, II.C. and III.]

C. This new function is not merely to assess guilt and to punish, it's to **distinguish the normal from the delinquent**.

1. Sentencing someone now is no longer simply a matter of guilt, it also involves an assessment of the "normality" of the perpetrator and/or the likelihood that he can be rehabilitated and made normal again.

2. Punishment becomes tied up with **normalization**. The goal of punishment is to create "normal" people and "delinquents." This affects everyone, not just criminals, since in order to call a criminal a delinquent you have to know what's "normal." Hence you have the rise of psychological experts, social workers, probation officers, etc. All of them are "judges," in a sense. 21-22

D. Along with these new forms of punishment emerges "a whole new system of truth" (23). New forms of scientific knowledge (psychiatry, psychology, etc.), new techniques, and new discourses are formed. (22-23)

1. This, of course, is right from Nietzsche: New truths are revealed from a "**genealogy**" of punishment. 23-24

10. Foucault, *Discipline and Punish*

November 14, 16, 21, 2000

Announcements: *everyone get MX readings?*

Upcoming response paper:

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II. The new way in punishment (pp. 3-22)

A. Q: How does the book start off?

1. Q: Why does Foucault begin his book with the gruesome details of a public torture and execution?

2. Foucault wants to contrast punishment in the 18th century with modern punishment. Punishment in France in 1757 was public, shocking, and involved an excruciating amount of pain. But by 1840 public torture has been replaced by the timetable and order of a prison barracks.

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B. Q: What happened? Why was "the entire economy of punishment... redistributed" in Europe and the U.S. in the mid-19th century? And what is the significance of this change?

1. Is it because we've become more civilized?

2. For Foucault, the new way in punishment better suits the needs of today's society. "Punish less, in order to punish better."

3. Q: What's happening in the interval between the torture of 1757 and the prison of 1840 in Europe? **The rise of capitalism.**

4. The changes in punishment, Foucault argues, closely follow changes in the mode of production. The forms of punishment that were appropriate for feudalism aren't appropriate for capitalism; new forms of punishment must be developed. **The new way in punishment serves new functions that help maintain capitalism.**

C. This new function is not merely to assess guilt and to punish, it's to **distinguish the normal from the delinquent.**

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D. Along with these new forms of punishment emerges "a whole new system of truth" (23). New forms of scientific knowledge (psychiatry, psychology, etc.), new techniques, and new discourses are formed. (22-23)

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III. Disciplinary power

A. Foucault argues we should study punishment not according to how it's "supposed to work" according to the law but how it actually operates in the details. 24

B. Read 26-27

1. So instead of studying the law or the social contract, study the tactics, techniques, and technologies through which power is exercised. "Micro-physics"

2. Power is something that is exercised, not possessed. It flows through a network of relations. It flows like the internet rather than like a kingdom.

3. These forms of power function within a larger system of capitalism, but they are also relatively independent from capitalism as well.

4. There are several forms of power in existence (sovereign, bio, etc.) In this book Foucault is primarily concerned to set out a theory of **disciplinary power**.

C. Disciplinary power: definition

1. **Q:** What do you think of when you think of the word "discipline"?

2. Discipline as in punish and control, but also as in to shape or mold behavior.

3. **Disciplinary power:** A form of power that constantly subjects particular bodies to relations of docility-utility. 137-39, 215, 218

D. Docility-utility

1. Docile: To make someone more obedient and pliable. Something that can be used, transformed, and improved. 136

2. Utility: To make something useful, especially economically useful.

3. Docility-utility, therefore, means **making people more economically useful and politically docile at the same time**. It means making people more productive and more obedient simultaneously.

4. **Read 138.**

5. Think of **Marx on Cooperation** (from *Capital* chapter 13)

a. **Management in a factory serves two functions:**

1) It serves as a means to rationally organize labor. It coordinates labor in order to squeeze the maximum s-v out of production. It encourages cooperation.

2) Practically, it serves as a means to subject workers' wills to the capitalist's. It tamps down resistance. This control, Marx argues, is "**despotic.**"

b. The function of management in the factory, then, is to subject workers to relations of docility-utility.

6. **Q:** Can you think of other kinds of examples of relationships that produce docility-utility? [Mesa public school's checklists every hour and narcking, etc.]

7. Teachers do it to students, army brass to soldiers, doctors to patients, social workers to clients, guards to prisoners, etc. The fundamental relations of modern society are ones that make us all docile and useful.

E. The function of disciplines

1. Disciplines are "general formulas of domination," 137. They function in institutions such as the schools, the hospitals, the military, the factory.

2. Disciplines are concerned with the "**micro-physics**" of power, 139. They don't operate like the big forms of power (the law, the state, capitalism), they **supplement these forms of power by operating on people in the details of their lives:** the student-teacher relationship, boss-worker, parent-child, doctor-patient, etc.

3. It's a form of power that is diffuse and everywhere. Its tools include regulations, inspections, supervision. "Discipline is a political anatomy of detail." 139

4. **Read 141.**

5. A discipline isn't an institution like the prison so much as it is a form of power that organizes the prison. It's a technique, a procedure, a technology. **Read 215-16** if necessary.

6. Disciplines don't replace the standard forms of state and economic power, they infiltrate them. They shape how these big forms of power operate on the ground. 216

F. "The art of distributions" in disciplines

1. **Enclosure:** Schools, barracks, prisons, and factories are designed to facilitate supervision, obedience to superiors, efficiency, and control.

Architecture makes docile and useful subjects. 141-42

2. **Partitioning and functional sites:** Breaking up groups of people into discrete units: the cell, the dorm, the cubicle, the assembly line, the hospital ward. This promotes efficiency and utility, but also political control. 143

3. **Rank:** Classifying individuals, classrooms, departments. Arranging bodies in a particular way in relation to others rather than to a fixed position. 145-46

4. **The clock:** Start/stop work or class, breaks, timecards, bells, etc. discipline us as well. No more "wasting time" (i.e. idleness). 149-56.

5. The goal? **To organize society like an army.** **Read 168, 169**

G. Disciplines (institutions and techniques such as prisons, hospitals, schools, army barracks, etc.) don't just act on the delinquent. Techniques such as surveillance and imprisonment act on all of us. **They forge "normal" subjects by contrasting it to the "delinquent."** Since the delinquent is an example of bad behavior, we adjust our own behavior accordingly to be "normal." We put the cop inside our head as well as out on the street and behind the camera. **Through our own self-policing and self-control we forge the disciplined self.**

H. **Q for next class: Read 146.** How are the disciplines connected to liberal democracy?

IV. Contrast: The sovereign theory of power

A. The **sovereign model** of power understands power as something that is held by the state and exercised through the rule of law. Power is the law—and transgressions of it. There are liberal and Marxist versions of the juridico-discursive model:

1. **Liberal:** Views power as a right. Power is like a commodity, which you can buy, sell, possess, transfer. The transferral of power from one agent to another takes place through the contract. **Example:** the social contract of Hobbes and Locke from the SoN to civil society.

2. **Marxist:** Power maintains the existing relations of production of a society. A rc holds power over a wc.

3. Both share a similar (feudal) conception of **power as sovereignty:** Power is conceived as the power held by the sovereign, or ruler, whether that ruler is a King or a ruling class or a liberal democratic government. Our legal system, our understanding of power, our conception of rights and obligations as citizens, everything we know about power points to those who possess it and those to whom we agree to invest it in: the sovereign.

4. Both conceptions share an **economistic view of power.** Power is a commodity to be exchanged or it maintains the economic base of a society. Foucault asks: "is power always in a subordinate position relative to the economy?" His answer: no. Power cannot be reduced to the economy or relations of exchange. It is definitely an aspect of power, Foucault argues, but not the only aspect, nor even the most important one. And it's definitely the wrong way to conceive of power as a whole.

B. **Example:** Studying the insane and how they are dealt with in a society:

1. A Marxist view would argue that lunatics are confined to asylums under capitalism (whereas they were allowed to roam freely under feudalism) because they are useless in industrial production and they undermine the work ethic.

2. Foucault argues that this is too simplistic. What the bourgeoisie is interested in, Foucault argues, is not locking away the insane, or delinquents, but in the **mechanisms and techniques** used to control the insane, and how these tools can be used to create relations of docility-utility in the rest of the society.

3. The methods of dealing with the insane or criminal are used on the rest of us, and they serve as an example of what we should not do ("**gardens of the law**") **These mechanisms are necessary not just to put away criminals or the insane, but for the smooth functioning of the entire society.** Some of these mechanisms include excluding the mad, reforming criminals, surveillance, the medicalization of sexuality, etc.

C. For Foucault, **the sovereign theory of power is essentially a negative model of power:** power only represses, restricts, prohibits, censors, distorts. It is a power that can only say no. It understands power only as a set of "thou shalt not"s. It can't explain what power *produces*.

1. What we need to do, then, is "**cut off the king's head,**" i.e. abandon this model of power. We need to be able to theorize the *positive* effects of power as well as the negative: what power produces in terms of norms and even human subjects.

November 16, 2000

Discipline and Punish, pp. 170-228

Announcements:

Put on the board: "Control less, in order to control it better."

Key points for today:

1. The instruments of discipline
2. The panopticon
3. The disciplinary society [skip?]
4. The disciplines and liberal democracy

↳ "supervisors, perpetually supervised"

I. The instruments of discipline (techniques)

A. Surveillance or the gaze ("hierarchical observation," 170-77)

1. Architecture is designed to facilitate surveillance. In so doing, it shapes and transforms individuals. "Stones can make people docile and knowable." 172
2. E.g. military camps are designed to facilitate observation of troops, hospitals to observe patients, schools to observe pupils, factories to observe workers.
3. The object is to see everything with a single gaze.
4. The public spectacle of punishment is replaced by the constant surveillance of the gaze. The gaze is less violent but it's more thorough in its control.
5. **Q:** Can you think of examples of this? Security cameras, GPS, etc.
6. The aim of surveillance: to create docile and useful subjects.

your office at work? classroom?

B. Normalizing judgments (177-84)

1. Major forms of punishment (prisons, violence, etc.) are supplemented by a "micro-penalty" of punishments for small things such as tardiness, absences, not paying attention, negligence, idle chatter, insolence, dirtiness, etc. 178
2. **Disciplines judge people:** They define good and bad and they compare people to others. They rank, grade, and otherwise arrange people.
3. **The effect of these judgments is to create standards of "normal" and "delinquent" behavior.** It creates "normal" by pushing people toward an ideal standard: the closer you are to the standard, the more "normal" you are. "Delinquents" are those who fall outside the boundaries of normalcy.
4. **Read 184.**

C. The examination (184-92)

1. Exams combine the gaze with normalizing judgments. They rank pupils or workers and thereby "normalize" them.
2. Exams also define "truth."
3. Exams are also a way of monitoring pupils and are therefore a type of gaze.
4. We are constantly being examined.
5. **Q:** Can you think of examples of this? ["This call may be monitored..."]

supervision
↳ get more
on cooperation
here?
P.3 of 4 + S.
U.D.S.

Q: what does F think of disciplinary power? Does he condemn it?

II. The Panopticon

A. Q: What is the panopticon? How does it work?

1. The panopticon is the architectural representation of disciplinary power: It organizes the gaze in a building to normalize and to ensure docility-utility.

2. Q: Who is Jeremy Bentham? Is it a coincidence that a liberal philosopher also invented the panopticon?

B. **The panopticon vs. the dungeon**

1. Both enclose the prisoner, but while the dungeon darkens and hides, the panopticon lightens and exposes. 200

2. E.g. Control unit prisons, in which the lights are kept on 24-7.

3. The panopticon isolates prisoners. You can see straight ahead (i.e. at the guard tower) but not laterally (i.e. at fellow prisoners). Prevents solidarity. 200-01

C. **The panopticon causes you to police yourself.** Whether you are a prisoner or a guard, there's always the chance that someone might be watching you, so you always have to act as if you are being watched.

1. This is much more cheaper than being constantly watched. It requires fewer personnel, no bars, is less violent, and is continuous and ever-present. It also makes you more politically obedient, for there's no overseer to vent your animosities toward.

2. It makes power homogenous and individualizing: Anyone can exercise "the gaze" and each inmate is observed individually rather than as a group. This enables classification, ranking, and other forms of disciplinary power that contribute to the normalization of subjects. 202-03.

3. The result is docility-utility in that institution. **Read 201.**

4. Q: Can you think of examples of the panopticon principle today? Security cameras, prisons, hospitals, etc. *computer surveillance of email, web sites, etc. in the workplace*

D. The panopticon, and disciplinary power in general, is an **everyday form of power**. It's not like infrequent and extraordinary forms such as arrests, courts, or elections. It's a form of power that goes all the way down into the nooks and crannies of life. Power abhors a vacuum; there are no pockets free of power.

III. The disciplinary society [skip?]

A. E.g. the police represent a sovereign power (the state), but they also cover the entire social body like a "dust": surveillance, tickets, inspections, the use of informants. Their job is to know every nook and cranny of their beat. Their concern is "the infinitely small of political power." 213-14

1. The police are the link between sovereign power and disciplinary power. 213-15. Their job is to ensure that "discipline reigns over society as a whole." 216

B. **Read 218.**

x. The rise of the disciplines corresponds to the large increase in population and in economic growth due to capitalism. Feudal forms of power were insufficient and costly.

1. **Compare** the economic or internal extraction of surplus value in capitalism vs. the political extraction of wealth in feudalism analyzed by Marx to the internal vs. external extraction of power in the disciplinary and sovereign forms of power.

2. **Read 220-21**

3. Disciplines accomplish the "accumulation of men" required for the accumulation of capital.

4. **Q:** Does everyone understand what he means by that?

IV. Disciplines and liberal democracy

A. **Q:** How are the disciplines related to liberal democracy?

B. With the rise of capitalism we also have **the rise of the autonomous individual**: Individual rights, contracts, the ability to acquire property, etc. Feudalism had no such concern for the individual. All were indistinguishable subjects of the king.

C. But Foucault argues that **the rise of individual rights is accompanied by the rise of individualization.**

1. Disciplines create a mediocre "norm." But the processes of normalization also individualize: Normalization makes you a "file," a "record," a "case." In the feudal era, only the actions of important people were recorded. Now, everyone's actions are recorded, by doctors, teachers, bosses, companies, computers, etc.

2. **Read** if time 191-92.

3. This individualization enables the comparison, ranking, judging, punishing and correcting of an individual by comparing her to a norm.

D. **The contradiction of liberal democracy**

1. **Read** 222 (194 is also a good quote)

2. The bourgeoisie became dominant through liberal democracy and political equality, parliamentary democracy, individual rights, and the rule of law. But the disciplines are "the other, dark side of the [democratic] process." 222

3. In a sense, Foucault argues that the disciplines explain **the contradiction of liberal democracy.**

4. Every ideology or theory has its contradictions. The contradiction of liberal democracy is the following:

a. Liberal democracy is based on a belief in the fundamental **equality** of all persons and a **market economy**, or capitalism. But these two things exist in tension with each other. Capitalism, even though it is based on equality of opportunity and free markets in theory, is still a mode of production in which one class, which owns the capital and controls the means of production, hires another class to work for them for wages. Obviously the former class, the capitalist class, possesses more wealth than the lower or working class. It therefore also commands more power in society.

b. **The contradiction is this:** we live in a society in which we all possess equal political rights, but in which wealth (and therefore actual power) is held unevenly: one class has a disproportionate share of the wealth and power for their size.

c. The obvious question this raises is **why don't the masses revolt?**

5. Foucault argues that the reason they don't is because of the disciplines that accompany the rise of capitalism and the political system of equality. The rise of capitalism grants us individual rights and freedoms, but it also subjects us to social relations that make us politically docile and economically useful. **The contract is accompanied by the panopticon.**

why both
Marx's
predicti
core t

D. Thus, the birth of individual rights is accompanied by the individualizing, normalizing power of the disciplines. **The rise of the autonomous individual promotes both individual liberty and docility-utility.** Disciplines are the other half of liberal individualism. It's no wonder that Bentham is both a theorist of liberal rights and the inventor of the panopticon.

1. "Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?" 228

E. **Q:** Can you think of any examples of this tension between individual freedom and the disciplines?

1. Computers, privacy, crime (freedom vs. security), etc.

2. **This tension between individual rights and normalization is inherent to liberal democracy,** Foucault argues.

F. **Q:** Compare the law in politics or the "handbook" at work to what really goes on in politics and in the workplace. How much does "official policy" really determine how things actually get done?

1. **Q:** Do laws and regulations really limit the exercise of power and abuse?

2. Disciplines direct what "really happens." They are a "counter-law" that ensures the domination of the capitalist class despite formal political equality. 223

G. **Q:** How free are we under liberal democracy, then? Does Foucault's argument make a fundamental challenge to the Lockean conception of freedom?

November 21, 2000

Discipline and Punish, pp. 231-33, 248-85, 293-308

Announcements:

- Hand out and go over paper assignment #3
- Return papers
- Would a working session on the paper on the 28th or 30th help?

Upcoming response paper: Due Nov. 30 on hooks chaps 4 & 5:

What is sisterhood and what are the obstacles to creating it? Can men be feminists?

Things to cover

Foucault's theory of power: sum up and compare with sovereign model

Disciplines vs. liberal democracy

The role of prisons in modern society

I. Foucault's theory of power (HoS 4.2; Deleuze pp. 70-94; Digeser, D&P, P/K)

A. The sovereign model of power understands power as something that is held by the state and exercised through the rule of law. Power is the law—and transgressions of it. There are liberal and Marxist versions of the model:

1. **Liberal:** Views power as a right. Power is like a commodity, which you can buy, sell, possess, transfer. The transferral of power from one agent to another takes place through the contract. **Example:** the social contract of Locke from the SoN to civil society.

2. **Marxist:** Power maintains the existing relations of production of a society. A bourgeoisie holds power over a proletariat.

3. Both share a similar (feudal) conception of **power as sovereignty:** Power is conceived as the power held by the sovereign, or ruler, whether that ruler is a King or a ruling class or a liberal democratic government.

4. For Foucault, **the sovereign theory of power is essentially a negative model of power:** power only represses, restricts, prohibits, censors, distorts. It is a power that can only say no. It understands power only as a set of "thou shalt not"s.

5. What we need to do, then, is "**cut off the king's head,**" i.e. abandon this model of power. (HoS vol 1, 88-9) The state or the sovereign can not be the last word on power. We need a new way to theorize power, one that can explain the *positive* effects of power as well as the negative: what power produces in terms of norms and even human subjects.

B. Foucault's conception of power:

[go over Foucault on power handout]

1. **Power is not something that is held** (by a rc) or exchanged (in a market); **it is something that is exercised. Power is an activity.** You don't "hold" power. No action, no power.

a. **Power is a relationship, a relationship of force.** It thus implies some form of **coercion and domination**, though we may fully embrace that coercion even as it's exercised on or through us.

2. For Foucault, **power is not essentially repressive but productive.** Power isn't something that always says no. Instead, it shapes our interests, our goals, our conception of rationality and truth, and our conception of freedom. It literally creates who we are.

3. **Power has no center.** It is a "multiplicity" of force relations. Power does not reside in one central location (i.e. the state), from which secondary forms may emanate. Think of power like the internet: it has no one single source but is instead **capillary**: spread throughout the social body with various nodes (servers) here and there and numerous nodes (users) everywhere.

4. **Power is omnipresent.** It is produced in every relationship. There is no such thing as a situation without power.

5. **Power is about strategies and tactics.** We should view power as a "perpetual battle" rather than as a contract or the conquest of territory (i.e. we should be Machiavellians, not Lockean). **Politics is war continued by other means.** (Inverting Clausewitz.)

6. But we are never completely shaped by power. There is also **resistance to power**, and these resistances shape us, too. This resistance is not exterior to power, e.g. the "resistance of the wc" existing outside of "the power of the rc." You can't jump outside of power, whether to fight it or to analyze it. (98) Resistance is at every point of the network, but there is no "locus of great Refusal, no soul of revolt." There are instead a plurality of resistances, all enmeshed in power relations and none of them inherently connected to another.

7. Also, **power relations are both intentional and nonsubjective.** There is no "puppet master" or great conspiracy that directs the entire network of power relations. Power functions through the routine, ordinary actions of our lives as much as it does through big systems. Power is intentionally enacted in certain local, explicit levels, but those who invoke it are not those who control the network. These particular objectives combine to form something greater than the sum of its parts.

8. In a sense, **Foucault's notion of power is Machiavelli minus the prince**, i.e. minus a sovereign conception of power. 97

C. The "art of governmentality."

1. If capitalism is about the accumulation of wealth or capital, then power is about **the accumulation of men**: organizing and controlling the population to make them more docile-useful.

2. **The function of the modern state is not to rule** (a la Machiavelli or Plato) **but to manage** individuals, goods, and wealth. The focus is no longer the ruler and his subjects but power and **populations**. Rather than controlling territory, the government takes care of its population as if it were a family. Its concern is to improve the welfare of the population. [from "On Governmentality"]

D. Disciplinary power fits with Marx's materialist analysis of capitalism. Disciplines create the political technologies necessary for the smooth functioning of capitalism. **In order to have a smooth accumulation of capital, you also have to accumulate humans** in a particular way. Subjection, obedience, etc. is a

political matter; **getting the workers to work is an ideological-political matter, not an economic one.** That's why we study capitalism not just by studying the state or the factory but also the prison, the military, and the insane asylum.

II. Disciplines and liberal democracy

[go over part IV. of 11/16 notes]

III. The role of the prison

A. **Q:** What's the role of the prison in today's society, according to F?

B. **The offender vs. the delinquent (250-53)**

1. An offender is someone who has offended, i.e. committed a crime. The focus of the law is on the crime itself and punishing the person for committing it.

2. A delinquent is not someone who commits an illegal act so much as he is a type of person, a "criminal type." **Read 251-52.**

3. Surveillance in the prison is accompanied by **documentation**. This documentation produces new forms of knowledge that are designed to "know" the delinquent, not the act he committed but his entire life, his case history.

4. **The emphasis now is now longer on the criminal act but on the criminal *subject*.** Criminal justice today is obsessed with "criminal elements" and the "criminal class" rather than criminal acts. Ordinary people don't commit crimes, only "delinquents" do. **The criminal becomes a different breed of human, practically, just like "the insane."**

5. Hence **the rise of a whole set of sciences** that produce new forms of knowledge: psychiatrists, probation officers, social workers, parole boards, etc. These positions all supplement the role of the judge; they are "judging" roles, too.

6. **The offender is an ordinary person who commits a crime; the delinquent is a type of person who is outside of "the norm."**

C. **The "failure" of prisons (265-72)**

1. Foucault argues that by its own objectives, prisons are a failure. They produce recidivism rather than rehabilitate the prisoner, they impoverish the families of the prisoner, they don't reduce crime; if anything, they *produce* delinquents.

2. And yet the typical solution to the failure of the prisons? More prisons!

3. **Q:** Why? Why are prisons still the predominant form of punishment in our society if they don't work?

4. Because, Foucault argues, **prisons are designed to "fail."** That is, they are designed to produce delinquency.

5. **Read 271-72**

6. The "failure" of the prisons is not a contradiction of the penal system, it's a consequence of the system. **The prison is useful**, therefore it can't "succeed," for success would put it out of business.

7. **Q:** What is the use of the prison?

D. **Delinquency vs. "popular illegalities" (273-79)**

1. **The function of the prison is to produce delinquents, and the function of delinquency is to contain working class resistance (i.e. "popular illegalities").**

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here →

2. **Q:** How similar is the description of the French chain gang in 1840 (257-63) to Sheriff Arpaio's chain gang?

3. **Q:** Why did the French authorities replace the chain gang with the prison cart?

4. Because chain gangs no longer served their purpose. Rather than a form of public humiliation and torture, they were now occasions for criminals to thumb their noses at authority. They became threats to the order rather than spectacles of its power.

5. In the 18th century and before, crime was a problem of the soul, a temptation that resides in the hearts of all men. By the 19th century, however, crime was something committed by a "criminal class," i.e. by delinquents rather than offenders. Delinquency defines an entire class of people as criminal.

6. The function of the prison is to turn "popular illegalities" (i.e. working class resistance) into "delinquency." Delinquency is a form of illegality that can be controlled. It produces relations of docility-utility among delinquents and "normal" subjects alike.

7. Thus, **prisons don't "fail," they succeed by producing delinquents rather than rebels.**

8. **Read 277.**

9. Prisons produce a "useful illegality," one that can be contained, supervised, and directed toward forms of criminal behavior that don't threaten the system, i.e. "politically harmless and economically negligible," (278).

10. Prisons fill a dual need of punishment under capitalism: it fulfills the demand for an "equal justice under the law" and an "autonomous" legal system while perpetuating the inequalities of disciplinary power. 232-33

E. The outlaw vs. the delinquent

1. The outlaw is someone who is outside the law (and therefore a threat to that law).

2. The delinquent, on the other hand, cannot go outside of the law. Delinquency is a "controlled illegality" (279). It is always inside the law, which eliminates the potentially revolutionary element of criminality.

3. An interesting implication: "It may be, therefore, that crime constitutes a political instrument that could prove as precious for the liberation of our society as it has been for the emancipation of the Negroes..." 289

F. Police, prisons, delinquents: the triad

[skipped: get from pp. 280-82 next time]

G. The carceral archipelago

1. The prison model has extended beyond the prison to other institutions: orphanages, schools, hospitals, factories, etc. We thus live in a "carceral city." The techniques used to control the prisoner are used on us. **The prison is universal.**

2. **Read 302-3.**

x. **Curable monsters:** Ironically, the delinquent is both a "monster," someone outside the boundaries of normal humanity, and "curable," something that can be rehabilitated. In this manner the penal system justifies its perpetual existence. 256

- The penal system produces “truth,” 256
- The leper and the exclusionary project vs. the plague and the disciplinary project, 198-99. Race is the latter, no?
- power is both pyramidal and lateral, 176-77.

VII. Critiques of Foucault

A. He himself is too totalizing

1. Nancy Hartsock argues that Foucault denies ability of the marginalized to resist. If everyone is simultaneously oppressor and oppressed, it is difficult to identify domination, cos it tends to equalize oppressive power relations as the same. Makes oppression “mediocre”; i.e. de-historicizes it. For example, it threatens to undermine feminist critiques of male power at the point when when women are just starting to analyze their subordination and acting to end it. Is Foucault’s theory a white male plot for posties?

2. Nancy Fraser argues his work is not connected to the lives of real people, especially those existing in the institutions he analyzes. Leads him to ignore ways in which people do resist (and sometimes win) disciplinary apparatuses that create docility-utility.

B. Foucault surrenders to fortuna. He ultimately betrays Machiavelli

1. He’s too pessimistic about the possibilities of escaping the “carceral city.” Seems to argue that you can only exchange one set of shackles for another. The solution to one set of oppressive power relations is often more oppressive than the original set. We are winding ourselves ever tightly in webs of disciplinary power, and every attempt to wrest loose only traps us tighter.

2. Where’s the notion of “ability/prowess,” or human agency?

C. He undermines the purpose of political theory

1. One purpose of theory is to engender alternatives and to imagine new forms of freedom. By denying emancipation is possible the purpose of criticism and politics itself is undercut. Why do politics at all? We have to believe we can create “new forms of subjectivity.”

Summing up: Foucault's analysis of power

1. **Power is an activity or network of relations** that acts on the actions of subjects, not on subjects themselves. It's not power *over* someone but power acting *through* subjects.
2. **Power is exercised, not held.**
3. **Power is productive:** It produces subjects, knowledge, and norms. In particular, power produces relations of docility-utility: it makes subjects as economically productive and as politically obedient as possible. Power is not primarily about repression. Power is a relationship of force, and thus it implies coercion and domination, though not only as repression and though we may embrace that coercion even as it's exercised on or through us.
4. **Power is capillary:** it is spread out throughout society at a variety of levels. There is no one central organ of power, like the state or the ruling class, although the state and the bourgeoisie are both key institutions through which power is exercised.
5. **Power is everywhere.** There is no such thing as a situation without power. Power has no center.
6. **Power is about strategies and tactics, not contracts or conquest.** Think not of Locke but of Machiavelli without a prince.
7. **Power inevitably breeds resistance.** We are never completely shaped by power. The goal should not be to abolish power but to promote "new forms of subjectivity," i.e. to exercise power in ways that do not sustain the status quo.

Four methodological precautions on studying power (from Michel Foucault, *Power/Knowledge*)

1. Don't focus on power where it is centrally located: the state, economy, "the king." **Study power at the "extremities,"** in its more regional and local forms and institutions. That's where the myth of power as right fades away and we can see and study power as domination more clearly. "In other words, one should try to locate power at the extreme points of its exercise, where it is always less legal in character."
2. Don't study power as something held by a person or a particular class over others. **Study power as a network of relations** that acts through and on humans. A person doesn't just either possess power (e.g. the capitalist) or feel it exercised on them (e.g. the proletariat), we all are simultaneously undergoing and exercising power. Power circulates through webs in our society; it exists everywhere. There are no pockets free of power.
3. Don't do a descending analysis of power (i.e. starting at some center and spreading outward, like roads leading away from Rome). Instead, **conduct an ascending analysis of power.** Look at power at the capillaries and then see how these micropowers have been used by more general forms of power. An ascending analysis of power shows how the mechanisms of power at the ground level are used by more general forms of power (the state, capitalists) to ensure the smooth functioning of society.
4. Don't focus on the ideology of an era, **focus on the instruments used to create and accumulate knowledge:** the methods of surveillance, registration, investigation and research, as well as apparatuses of control. Power creates knowledge, not ideology.

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Foucault(1926-1984), Marx, and Nietzsche

I. Foucault and Marx: Critics of capitalist society

Foucault borrows Marx's **materialist approach** to studying history. He analyzes changes in French or European society as it undergoes the transformation from feudalism to capitalism. Foucault goes beyond Marx, however, in that he is not only concerned with relations between proletariat and bourgeoisie but all sorts of human relations under capitalism: student and teacher, doctor and patient, prisoner and jailer, cop and criminal, sane and insane, etc. All of these relations have been fundamentally transformed (or even invented) under capitalism. What kinds of changes in human relations, he asks, have accompanied the rise of capitalism?

Rather than analyzing power in a descending manner (i.e. power flows from the bourgeoisie and/or the state down to the particular forms of repression, confinement, and discipline in society), Foucault studies the *mechanisms* of power: the prison, the hospital, the military, the school. Capitalism does not need to lock up the insane in asylums for capitalism to function, for example, but there is something necessary about the methods and techniques used in the identification, treatment, and exclusion of the insane from "normal" society.

In short, while Marx is a theorist of the accumulation of capital, Foucault is a theorist of the "accumulation of men," or the creation of new social relationships and identities such as sane/insane and normal/delinquent that accompanies the rise of capitalism.

II. Foucault and Nietzsche: The concept of power

The background for Foucault's theory is capitalism and the power of the bourgeoisie and the state. But what is the theoretical glue that ties all these "micro" relationships of student and teacher, doctor and patient, prisoner and jailer, cop and criminal, sane to capitalism? His answer: *power*.

Foucault borrows Nietzsche's conception of power as the fundamental force organizing human relations. He also borrows Nietzsche's notion of genealogy (the study of descent) as a way of analyzing history. But Foucault abandons Nietzsche's notion of a "will to power" that drives all life. Rather than understanding power as a psychological product of intentions, drives, and passions, Foucault understands power as a relationship between persons, or *subjects*. (Subject = an agent or subject of history, but also someone who is subjected to various forms of power.) Foucault is not trying to explain human nature but how power functions in modern society.

Suggestions

- Read Falagoutsas Marx as well as Nietzsche ~~Plato~~
 Nietzsche: Analysis of power, critique of truth, genealogical method
 Marx: Analysis of changing social relations under cap ("accum of capital
 men"), analysis of change from feudalism → cap., critique
 of Capitalism. Disciplines make cap. possible
- Also read Falagoutsas Plato?
 - no pl. for better

Tasks

- F's conception of power - disciplinary power (docility-utility), vs. sov. power
- normalization (vs. delinquency)
- Panopticon - surveillance + gaze over public spectacle
- disciplines + liberal dem. - individual (rights)/individualization, autonomous
 normalization, agents/subjects, liberties/disciplines
- read 222 + go over
- contradictions of lib dem
- governmentality - managing population as key function of state (vs. ruling subjects)

12-13 - role of the ^{act} prison - ^{type} offender vs. delinquent, delinquency vs. "popular illegality" (rebel)

Crit of Foucault

- too totalizing - under resistance (esp. ID politics) futile
- too pessimistic - no sense of ability to transform power relations
- no real alt. care for him