

MICHEL FOUCAULT

DISCIPLINE AND PUNISH

THE BIRTH OF THE PRISON



Michel Foucault

Discipline and Punish

The Birth of the Prison

Translated from the French by Alan Sheridan



Penguin Books

PENGUIN BOOKS

Published by the Penguin Group

Penguin Books Ltd, 80 Strand, London WC2R 0RL, England

Penguin Putnam Inc., 375 Hudson Street, New York, New York 10014, USA

Penguin Books Australia Ltd, 250 Camberwell Road, Camberwell, Victoria 3124, Australia

Penguin Books Canada Ltd, 10 Alcorn Avenue, Toronto, Ontario, Canada M4V 3B2

Penguin Books India (P) Ltd, 11 Community Centre, Panchsheel Park, New Delhi – 110 017, India

Penguin Books (NZ) Ltd, Cnr Rosedale and Airborne Roads, Albany, Auckland, New Zealand

Penguin Books (South Africa) (Pty) Ltd, 24 Sturdee Avenue, Rosebank 2196, South Africa

Penguin Books Ltd, Registered Offices: 80 Strand, London WC2R 0RL, England

www.penguin.com

First published as *Surveiller et punir*:

Naissance de la prison by Éditions Gallimard 1975

This translation first published by Allen Lane 1977

Published in Peregrine Books 1979

Reprinted in Penguin Books 1991

24

Copyright © Alan Sheridan, 1977

All rights reserved

Printed in England by Clays Ltd, St Ives plc

Set in Monotype Fournier

Except in the United States of America, this book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser

ISBN-13: 978-0-140-13722-4

www.greenpenguin.co.uk



Penguin Books is committed to a sustainable future for our business, our readers and our planet. The book in your hands is made from paper certified by the Forest Stewardship Council.

List of Plates

- 1 Medal commemorating Louis XIV's first military review in 1668.
- 2 Handwriting model.
- 3 Plan of the Panopticon by J. Bentham, 1843.
- 4 Plan for a penitentiary by N. Harou-Romain, 1840.
- 5 The Maison centrale at Rennes in 1877.
- 6 Interior of the penitentiary at Stateville, United States, twentieth century.
- 7 Bedtime at the reformatory of Mettray.
- 8 Lecture on the evils of alcoholism in the auditorium of Fresnes prison.
- 9 Steam machine for the 'celeriferous' correction of young boys and girls.
- 10 *L'orthopédie ou l'art de prévenir et de corriger dans les enfants les difformités du corps* (Orthopaedics or the art of preventing and correcting deformities of the body in children) by N. Andry, 1749.

Translator's Note

Any closer translation of the French title of this book, *Surveiller et punir*, has proved unsatisfactory on various counts. To begin with, Foucault uses the infinitive, which, as here, may have the effect of an 'impersonal imperative'. Such a nuance is denied us in English. More seriously the verb '*surveiller*' has no adequate English equivalent. Our noun 'surveillance' has an altogether too restricted and technical use. Jeremy Bentham used the term 'inspect' – which Foucault translates as '*surveiller*' – but the range of connotations does not correspond. 'Supervise' is perhaps closest of all, but again the word has different associations. 'Observe' is rather too neutral, though Foucault is aware of the aggression involved in any one-sided observation. In the end Foucault himself suggested *Discipline and Punish*, which relates closely to the book's structure.

Another problem was posed by the French word '*supplice*', which heads the first part of the book. For the sake of brevity I have entitled this first part 'Torture', but no single English word will cover the full range of the French. Here '*supplice*' refers specifically to the public torture and execution of criminals that provided one of the most popular spectacles of eighteenth-century France. By extension the word can also refer to any prolonged torture, mental as well as physical. Depending on the context, I have translated the word by 'torture', 'public execution' or 'scaffold'. The author also refers to another form of torture, '*la question*', the extraction of confessions by interrogation and the systematic application of pain. Here I have followed the accepted translation, 'judicial torture'.

References to other works are usually given not in footnotes but in an abbreviated form in the text itself. These references, in brackets, consist of the author's name and a page number; dates of publication are used to distinguish more than one work by an author, and roman numerals refer to volume numbers. Full references are to be found in the Bibliography.

Contents

List of Plates	vii
Translator's Note	ix
PART ONE TORTURE	
1. The body of the condemned	3
2. The spectacle of the scaffold	32
PART TWO PUNISHMENT	
1. Generalized punishment	73
2. The gentle way in punishment	104
PART THREE DISCIPLINE	
1. Docile bodies	135
<i>The art of distributions</i>	141
<i>The control of activity</i>	149
<i>The organization of geneses</i>	156
<i>The composition of forces</i>	162
2. The means of correct training	170
<i>Hierarchical observation</i>	170
<i>Normalizing judgement</i>	177
<i>The examination</i>	184
3. Panopticism	195

PART FOUR PRISON

1. Complete and austere institutions	231
2. Illegalities and delinquency	257
3. The carceral	293
Notes	309
Bibliography	

Part One

Torture

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