

# Discipline and Punish

## Book review

Michael Scrivener

a review of

*Discipline and Punish: The Birth of the Prison* by Michel Foucault. Trans. Alan Sheridan (New York: Pantheon Books, 1977)

The book is now a Vintage paperback; the original French version was *Surveiller et punir, Naissance de la prison* (Paris: Gallimard, 1975)

Foucault insists that “delinquency, controlled illegality, is an agent for the illegality of the dominant groups” (p.279). Delinquency is a uniquely modern development, which first materialized in the nineteenth century. As Foucault delineates the process, the Enlightenment reforms of the penal code and prison conditions were adapted to the new conditions of early industrial capitalism. Delinquency, then, is depoliticized crime, distinct from popular illegalities such as peasant uprisings, sans-culotte direct democracy, Luddism, strikes, insurrections and so on. The reformed penal code and the new criminal justice bureaucracy (police, courts, lawyers, prisons) created, in the nineteenth century, a circumscribed zone of illegality that was easily controlled and which posed no threat to the ruling class. On the contrary, delinquency became one of the principal modes by which the bourgeois regime maintained its legitimacy as a ruling class.

The way delinquency acts as social legitimation is both ingenious and simple. Law prohibits a set of activities which only people at the bottom of the social ladder will be tempted to perform, or if performed, will be apprehended by the police. Property theft, prostitution, use of certain intoxicants, burglary and certain kinds of undisciplined public behavior define the territory of delinquency. Thus defined, delinquency is regulated, supervised, and exploited by the criminal justice bureaucracy, starting with the state’s lawmakers and ending with the prison guard.

Once a delinquent enters the criminal justice system, s/he is manipulated by a totalitarian regime of discipline and punishment specifically designed to produce life-long delinquents, who cannot function outside delinquency; thus the system insures itself of raw material for the bureaucracy to “process”. Furthermore, delinquency also produces a certain group of people that are useful to the state and capital: police informers, agents provocateurs, scabs, thugs and so on. Since delinquents usually victimize other proletarians, rarely the bourgeois, who live in remote districts that are well patrolled and guarded, and since delinquents are used as instruments of capital in the industrial conflicts against the proletariat, there has always been a serious rift between the lumpen delinquents and the workers.

Although anarchists, Fourierists, and other libertarian elements in the working class were aware of the exploitation of delinquency and constantly pointed to the necessity of abolishing prisons and the legal system which created them, the emergent working class ideology posited an unbridgeable chasm between the law-abiding, respectable worker and the disreputable delinquent. Needless to say, this ideology marked the bourgeoisification of the proletariat in a nearly definitive way because the workers thereby ratified the virtues of work discipline, obedience to arbitrary law, and respect for private property; thus the proletariat was absorbed by bourgeois culture.

Moreover, delinquency created—and still creates—a zone of illegality which deflected attention from the structural crimes of the bourgeois system itself: war, imperialism, racism, capitalist exploitation, etc. By concurring with the state's definition of delinquency, the proletariat guaranteed its subordinate position and rendered impossible any revolutionary challenge.

## **Spectacle of Punishment**

The modern penal system, which generates delinquency, not only acts as social legitimation, but also marks the extreme point of a general system of domination. The system of criminal justice which preceded the modern one relied upon the public spectacle of physical punishment: torture, flogging, hanging, branding, and so on. Rather than rehabilitate the offender, the old system punished the body and often transported him or her to a penal colony. The old system of social legitimation depended on the public spectacle to reproduce, in a dramatic way, the irresistible and eternal power of the sovereign.

If this spectacle was not enough to persuade the offender, then the State deemed him or her a lost soul, which would be executed or removed from the body politic. The modern system, however, with its democratic pretensions, is reluctant to give up on anyone since theoretically everyone is malleable, able to be molded into a being useful to capital and the state. The modern prison, then, is both a laboratory for social-psychological engineering and a network of domination which exists, in a less total and intense way, in the society beyond the prison walls.

With the rise of industrial capitalism and urbanism in the nineteenth century, there was “a higher juridical and moral value placed on property relations, stricter methods of surveillance, a tighter partitioning of the population, more efficient techniques of locating and obtaining information” (p.77). Likewise, according to Foucault, the “reform of criminal law must be read as a strategy for the rearrangement of the power to punish, according to modalities that render it more regular, more effective, more constant and more detailed in its effects; in short, which increase its effects while diminishing its economic” and. political costs (pp. 80–81).

The new emphasis is on social engineering, which manipulates behavior on the assumptions of individual self-interest in such a way to produce well disciplined laborers who work and consume as expected. Just as the new system considered everyone malleable, it also sought to define every possible behavior; by defining and naming it, the system could control it, devise a therapy for it, a label, a mythology. To eliminate every vestige of mystery, indeterminacy and free will, the system evolved a discourse of domination. “This turning of real lives into writing...functions as a procedure of objectification and subjugation” (p. 192). A person was no longer a social rebel with a personal vision, but a paranoid schizophrenic with auditory and visual hallucinations.

## **Modern Modes of Domination**

More and more precise modes of domination characterize the modern era. Prison is where domination exists in its most concentrated form, but this same domination exists everywhere and in everyone. There is the militarization of the body, which is taught to move and respond in certain prescribed ways that render it obedient and productive. We are taught, from the earliest age, to stand at attention, raise our hands in order to speak, stand in lines quietly, sit in a rigid position, march in rows, and so on. To facilitate the domination of the body, architecture partitions space and enclosures in a purely functional way that makes surveillance easy and effortless.

Every inch of space is useful for something: production, transportation, recreation, consumption, etc. The old Paris streets were narrow, angular, chaotic and perfectly suited for urban uprisings that were difficult to suppress. The solution, of course, was an urban renewal which created broad, straight avenues through which soldiers and police could easily pass and from which they could attack the resident population. Another spatial form of domination is the hierarchical ranking of everything, the nearly infinite stratification of reality.

Hierarchical ranking of wages, classes, crimes, behavior, educational levels, mental capacity, and so on, ad nauseam, creates a vertical order which eternalizes the dominance of the ruling class, subverts solidarity, encourages

competitive individualism, and creates a discourse whose sole function is comparative evaluation, a dubious intellectual activity at best. One does not simply go to school: one is in the third grade, with an I.Q. of 130, with a certain grade-point average, in the highest reading group, in the college-bound track, in an upper-middle-class neighborhood,...

Indeed, the function of hierarchical ordering is to provide a system of demarcation suitable for the management of the entire population; to rule effectively, one must first classify. Just as the body and space are organized, so is time. Time is ordered in such a way that behavior can be most easily controlled. The timetable and punch-card are the appropriate symbols for the modern epoch: every minute is charted, from the moment one awakens to the moment one falls asleep.

With the rise of modern domination techniques comes the tyranny of the normal and normative. An important effect of domination is the prescription of behavior in all its facets. There are even books telling us how to make love (not surprisingly, the subject of Foucault's next study, of which one volume has been published). Domination defines a society in which rebellion is not simply punished, but deemed a psychological aberration, a sociological curiosity, bad manners, perhaps the result of faulty social engineering. In today's most advanced prisons the inmates are subjected to a variety of therapies, drugs, rewards and punishments, and other mind-control techniques. Although guard brutality has not vanished, the most dangerous aspect of today's prisons is psychological engineering. Techniques and drugs tested on prisoners today will be used tomorrow in the schools, offices and factories. Prison is in the avant-garde of domination.

## **Anti-Social Society**

The problem we confront today is far more serious than what confronted the nineteenth-century libertarians. There are potentially explosive contradictions, however. Capital needs law and order to maintain a system of production and consumption; this same capital has also undermined the possibility of society itself by destroying solidarity, discouraging mutual aid, and promoting competitive individualism.

Although capital needs consumers to maintain the system of accumulation, it is generating more and more delinquents who become consumers without the proper credentials (i.e., a job) because unemployment is a problem capital cannot solve and does not want to solve. Although it provides the state with a form of social legitimacy, delinquency threatens to become ungovernable, necessitating a totalitarian solution. Actually, the U.S. is one of the very few nation-states in the world with a formal, representative democracy.

The overwhelming majority of today's states are unequivocal dictatorships that rule mostly by terror and consequently possess little legitimacy. Capital does not want the U.S. to become the Argentina of the "free world" but it might have to if delinquency expands much more in the future. With the destruction of organic social formations, capital has created an anti-social society where so-called crime flourishes at all social levels.

The political implications of Foucault's study are interesting. First, the only radical approach to prison and the criminal justice system is outright abolition; it is a system that cannot be reformed, and whose alleged reforms always turn into new and improved techniques of domination. Second, the problem is not just the authoritarian state, or the accumulation of capital, but also the psychological-moral orthopedics under which we have all been trained. Our bodies have been militarized, coded, disciplined, and manipulated to such a severe extent that we have to de-regiment ourselves—or try to. We can learn a lot from prisoners who have successfully resisted the brainwashing techniques of the prison regime.

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Fifth Estate #298, June 19, 1979

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