

A Critique of Michel Foucault's *Discipline and Punish*

By Joshua R. Clary
Brescia University
Owensboro, KY

Editor's note: Michel Foucault (1926-1984), a postmodern philosopher whose work touched on issues of culture, history, and gender, has had a great influence in the academy, especially in what is often called "Theory," a term designating intellectual pursuit that crosses disciplinary lines and challenges traditional humanist notions concerning social institutions and the nature of the individual. Discipline and Punish, the work discussed by Clary, popularized the analysis of how power works in institutions and their discourse. His paper addresses a key theme in Foucault's work: the helplessness of the individual caught in the web of social mechanisms of power.

For centuries punishment was dominated by spectacle and driven by fear. Horrible, ghastly scenes of hangings and beheadings were the norm. This spectacle of the scaffolding was part torture, part entertainment, and part punishment. The general populace feared this system through the Age of Enlightenment and the horrors of the French Revolution. Human bodies were the vehicle of punishment. It is precisely this setting in which Michel Foucault begins his work *Discipline and Punish: The Birth of the Prison*.

Foucault examines the history of the discipline system from the late Eighteenth Century through the early Twentieth. He chronicles the major shift in the judicial system; the soul, not the body, became the vehicle of punishment. Foucault says early in the work, "The expiation that once rained down upon the body must be replaced by a punishment that acts in the depth on the heart, the thoughts, the will, and the inclinations" (*Discipline and Punish* 16).

For Foucault, this shift was an important moment because it is here that is born the prison system as we know it. Foucault argues that the relationship between knowledge and power played a pivotal role in bringing about this shift. In *Discipline and Punish* Foucault discusses the mechanisms of power and control as shown by prisons and how politics dictates the mechanisms. In analyzing the so-called enlightened reforms of the prison in the 19th century, he purports to reveal a science of discipline and provides examples of how it is used in the military, in factories, and most of all, in prisons. Foucault, however, fails to take into effect the role of free will, and this weakness seems to undermine the entire structure of discipline. Herein lies the major critique presented in this document.

The inherent relationship between knowledge and power seem to be at the core of Foucault's work and must be developed further. Before doing so, the philosophical context in which Foucault worked should be looked at in order to gain a better understanding of his work. Following this the main ideas of all of Foucault's work are to be investigated. Finally, the science of discipline will be scrutinized. With each major section of doctrine, I will attempt to identify a logical fallacy and refute the argument.

Foucault and his contemporaries worked in the enormous shadow of Jean-Paul Sartre. Sartre dominated his day and those who followed him struggled to define

themselves as different from Sartre and existentialism. Foucault was no exception, but outstripped most of his contemporaries to become regarded as the most brilliant French thinker since Sartre.

Also hanging over Foucault's head was the school of phenomenology, or the process of breaking ideas down into their most basic forms so they could be understood. Though not classified in this school and ultimately rejecting the goal of its founder, Edmund Husserl, to establish a scientific understanding of human consciousness, Foucault does sometimes take a phenomenological approach. His attempt to analyze institutions like the prison shifted the focus from finding an objective truth that lies outside experience to an emphasis on impersonal lines of power arising in culture. Though he never used the term to describe himself, Foucault belonged to the school of postmodernism. Postmodernists reacted against existential phenomenology and rejected most of what these schools taught. This statement by William Lawhead sums up postmodernism: "We are the products of history and history is nothing but an aimless play of shifting social forces." Lawhead also points out that postmodern thinking often rejects the following traditional truths: "1) There is one picture of reality; 2) it is possible to obtain universal, objective knowledge; 3) science is a superior form of knowledge; 4) the history of modern thought has been a cumulative progression of increasingly better theories about reality; 5) and the autonomous knowing subject is the source of all ideas" (559).

Before narrowing our look at *Discipline and Punish*, I want to examine Foucault's major philosophical ideas. In a 1976 lecture at the College de France, Foucault examines the mechanism of the relationship between power, truth, and right:

We are forced to tell the truth, we are constrained, we are condemned to admit the truth or discover it. Power constantly questions us; it constantly investigates and records; it institutionalizes the search for truth, professionalizes it and rewards it. We have to produce the truth in the same way that we produce wealth. Truth laws down the law: it is the discourse of truth that decides, at least in part; it conveys and propels truth-effects. After all we are judged, condemned, forced to perform tasks and destined to live and die in certain ways by discourses that are true and which bring them to specific power-effects. So: rules of right, mechanisms of power, truth-effects. Or: rules of power, and the power of true discourses. (*Society Must Be Defended* 24-25)

Foucault has brought forth a hierarchical relationship of 1) knowledge/power, 2) truth-effects, and 3) right/might. This is the triangle of interdependent ideals that Foucault sees as dominating political and intellectual wealth. Knowledge/power is the mental force of the minority which subjugates the majority and demands the search of truth. Truth-effects are the intellectual wealth which objectively "laws," or rules the civil code. Right-might is the discourse of truth (law) that, in part, conveys and propels truth-effects that satisfy the mechanism of power, which, in turn, creates conditions for subjugation.

First is the interconnected relationship between knowledge and power. Early in *Discipline and Punish*, Foucault characterizes the essential unity of the two concepts: "Power and knowledge directly imply one another; 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" (27).

For Foucault the relationship between knowledge and power is equivalent to the relationship between might and right. While the formula “might makes right” embodies physical dominion of a stronger body politic over another, the phrase “knowledge is power” embodies mental dominion of an elite educated hierarchy over the masses. “Might makes right” thus is equivalent to “Knowledge is power.” In both instances a minority is able to impose “truth” upon the majority, whether it be political ideology (such as in Nazi Germany or the Soviet Union under Stalin) or intellectual concepts of abnormality, discipline, and truth (such as in mental institutions.) In regard to the latter concept, Lawhead echoes Foucault’s characterization: “Intellectual history is nothing more than a display of the way in which the notion of ‘truth’ has been used to mask the will of power operating beneath the surface” (560).

In true postmodern style, Foucault asserts that the supposed objectivity of knowledge is nothing more than a weapon for manipulation by the intellectual hierarchy. It is in this argument that I find Foucault’s first fallacy, that of begging the question. Foucault does not offer any evidence that the objectivity of knowledge is being used for manipulation. Indirectly, Foucault appeals to the reactionary side of human nature that would see his statement as indicating that power or those in power use a subjective “truth” to manipulate the masses.

Not only does Foucault’s argument assume what it needs to prove, but it is also a gross oversimplification of a complex dichotomy. If “truth,” as employed by political forces, serves only as a mask for power and accompanying deceit, then there would be no objective “truth,” and one of two conditions would prevail. Either communication between the truth-teller and truth-receiver would break down; thus, the citizenry would eventually have no reason to believe the “truth” as told to them, resulting in an anarchy quite opposite from what Foucault depicts in *Discipline and Punish*. Or, if the mask were impenetrable, then the people would be eternally deceived and accept their discipline without question. In fact, however, we know that people do not blindly accept truth from the hierarchies of power. Through the people’s free challenge to certain “truth,” we see that Foucault’s notion is flawed.

Next in Foucault’s major ideas is the role of truth-effects. As stated earlier, truth-effects are the intellectual wealth which objectively “laws” the civil code. That is to say, knowledge/power precipitates and mandates law. Truth-effects are the vehicle through which the law is lived. Law has life and vivacity only through truth. If a given law were not based in truth, then it would not bear scrutiny. Only when based on truth does law stand the test of right.

However Foucault makes an error of equivocation in his argument when he says that truth-effects objectively law the civil code. This argument holds water only if everyone is in agreement on the nature of law. Foucault has equivocated the word law by using it as both a noun and a verb.

This leads us to the third part of the hierarchical triangle: right-might. I touched on this briefly when I said that only when based in truth does law stand the test of right. Foucault uses right-might in the sense that it is the discourse of truth that conveys and propels truth-effects that satisfy the mechanisms of power which allow subjugation. In other words, right-might gives meat to law. As a product of discourse, this mechanism substitutes knowledge for overt force as a means to discipline the people. It is in this fashion that the triangle is complete: knowledge/power demands the search of truth;

truth-effects mandate the foundation of law; and right-might fuels the mental and physical legitimacy of knowledge/power.

I believe, however, that Foucault has left out a vital element in his equation: free will. The power of choice overrides that of all others save God. Free will/choice corrodes the legitimacy of knowledge/power, truth-effects, and right-might by empowering the *individual* against social hierarchical structures, thus bringing about radical change in those structures that appear to dominate society. Freewill/choice does this in the following ways.

First, the search for truth mandated by knowledge/power does not necessarily have to come from political hierarchies. In modern society, the media becomes a collective seeker of truth, often against the authorities. The media question governmental sources and demands that the truth be known. To this extent, the people are free to choose the source of media they gather their information from; moreover, the people are free to accept or decline the truths being presented.

Secondly, if the people choose not to accept a given truth, then it cannot stand as intellectual wealth for law. Further still, a given truth could, in fact, be false, and the people could accept it. If this is the case, then law appears to be based on truth, but is not and still will not stand the test of right.

Thirdly, if the people choose not to accept the legitimacy of a given law based on its truth, then they are free to defy said law or ask for its repeal. To this end the power and legitimacy of a given political body may also be challenged on the basis of truth and acceptance of law. The people are free to demand a search of freedom and thus to seize the mechanisms of power from the established hierarchy. Freewill/choice thus undermines the hierarchies Foucault has laid out.

Despite the questionable reasoning used by Foucault in regards to the relations of knowledge, truth, and power, it is on these foundations that he builds his picture in *Discipline and Punish* of how the prison became a model of social control. Foucault says, "It is no longer the body, with the ritual play of excessive pains, spectacular branding in the ritual of public execution; it is the mind or rather a play of representations and signs circulating discreetly but necessarily and evidently in the minds of all" (101). This shift from punishment of the body to punishment of the mind indicates a change in the systematic use of power and authority in society. Through this shift Foucault defines a new science: the science of discipline. Used not only in prisons but also in the military, mental institutions, and factories, this new science creates specific techniques to reform or shape certain members.

The first major principle in the science of discipline is spatialization. Spatialization essentially boils down to the phrase, "a place for everyone, and everyone in his or her place." For Foucault, someone in the observed hierarchy of the prison system is defined completely by the stigma of the crime (*Discipline and Punish* 171). The sooner the prisoner accepts his place and role, the sooner he may be on the road to reform, but his reform is characterized by knowing his place, which is to be constantly observed as a "delinquent."

Next, the details of surveillance serve as a means of minute control of activity. To this end, only through excruciating detail of planned behavior can the learning process begin. Through repetitive actions, learning becomes more efficient and therefore, more effective (176). Repetitive exercise lends a hand to this purpose by physically weakening

prisoners, making them more docile and susceptible to the nuances of learning deemed by society to be worthy.

Detailed hierarchies of authority also play a vital role in the science of discipline. Complex chains of authority from top to bottom keep watch on lower levels. Power that is in the system functions as a piece of the machinery (177). This nature of power allows it to be manifested not in a person, but rather in the position in rank, which allows for upward mobility, but only in a narrow range and only for those who escape the state of delinquency, that is, only those who are normal.

The final cog in the machinery of discipline is normalizing judgment. Normalizing judgment consists of continual analysis of whether the disciplined one deviates in any way from normality (178). Foucault argues that disciplinary punishments are artificial and based solely on law, not personal interactions. Thus, it is the hierarchies of knowledge/power that set forth and define normalizing judgments upon those in corrective facilities. Foucault's critique of this system is as simple as it is postmodern: there is not an objective way to determine what is, in fact, normal. In practice, an intellectual minority forces upon the corrective systems their view of normality.

Discipline, then, has the function of being corrective (179). The goal of the prison system is to remake those imprisoned. Into what kind of person are these people to be remade? Through the science of discipline, soldiers, workers, and prisoners are conditioned to become docile workers who do as ordered without questioning. Spatialization, minute control of activity, repetitive exercise, detailed hierarchies, and normalizing judgments attempt to program people into this state.

Despite the seemingly overwhelming force of discipline, the system is not foolproof. We can see this through the failure of the prison system: repeat offenders. The only fallback for the system is having those who do not accept the results of discipline go through the system again. Thus, we see again the role of freewill/choice undermining the hierarchies of discipline.

In Foucault's failure to realize the tremendous power of freewill/choice, his entire pessimistic structure of discipline falls apart. He does not take into account the free choice of a prisoner to defy the mechanisms of the prison system. The human spirit and individual nature of freedom are the greatest forces governing humankind. Despite the most stringent and complex webs of hierarchies that attempt to control human behavior, freewill/choice always triumphs. However, discipline—not in Foucault's deterministic sense but in the traditional sense—is necessary to shape freewill/choice to a certain extent. Though we are indeed free to choose to do as we wish, the constraints of society demand that those acts will have consequences if they impinge negatively on others. In the end, the role of discipline complements human freewill/choice to create a far more various and hopeful world than the one envisioned by Foucault.

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