

COLUMBIA UNIVERSITY
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Bernard E. Harcourt
Isidor and Seville Sulzbacher Professor of Law and Professor of Political Science
Executive Director of the Columbia Center for Contemporary Critical Thought
Directeur d'études, École des hautes études en sciences sociales (EHESS)

212.854.1997
beh2139@columbia.edu
bernard.harcourt@ehess.fr

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Re. Readings for EHESS Graduate Seminar

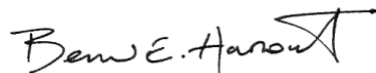
Dear colleagues,

Please find enclosed the readings for our seminar on December 15, 2013.

To place the materials in context, please begin by reading the attached Louvain lecture by Foucault on Homer's *Iliad* (1981). Then please read the attached excerpts from Foucault's *Penal Theories and Institutions* (1972), *The Punitive Society* (1973), "Truth and Juridical Forms" (1973), and *Discipline and Punish* (1975).

I look forward to our seminar, which will be held in the salle 3.08 of the Centre de colloques, Cours des humanités 93300 Aubervilliers at 16:30-18:30.

Sincerely yours,



Bernard E. Harcourt
Isidor and Seville Sulzbacher Professor of Law and
Professor of Political Science, Columbia University

MICHEL

FOUCAULT

**Wrong-Doing
Truth-Telling**

THE FUNCTION OF AVOWAL IN JUSTICE

EDITED BY Fabienne Brion AND Bernard E. Harcourt

TRANSLATED BY Stephen W. Sawyer

The first lecture, then, will focus on Greek law—to be exact, prelaw Greece—and how the earliest works in prelaw Greece tie together the problem of competition, truth, and justice—or, more precisely, the competition, the true, and the just. There exists a text, the first great text that attests to the existence and practice of something resembling judicial avowal. This text can be found in Homer.* One might say that this is the first emergence, the first appearance of a kind of judicial avowal or an equivalent to judicial avowal in a text by Homer. The extremely complex and elaborate scene, from verses 257 to 650 in book 23, presents a vast interplay between relations of force, manifestations of truth, and the settlement of a litigation.⁴ This text, book 23, belongs to the narrative regarding the games held by Achilles to honor the memory of Patroclus. In these games, as the first trial of these games organized by Achilles, there is a chariot race. A certain number of competitors participate in this chariot race. In the order of their station, prerogative, and status, the competitors are—and as you will see, these questions are of the utmost importance—Diomedes, son of Tydeus; Eumelus, son of Admetus; Menelaus; Antilochus, son of Nestor; and lastly, someone who, as you will see, is of little importance, named Meriones.⁵

Among these competitors, Antilochus is in fourth position. And yet he is painted in a special light from the beginning. Antilochus is the son of Nestor and at the moment when he stands, after the other three, to demonstrate his intention to participate in the race—after Achilles has announced that there is going to be a chariot race and that those who would

*Translator's note: As noted in the Editor's Preface, p. 7, we have chosen to translate Foucault's own translations of the Greek and Latin texts, rather than reproduce published English translations, because they more accurately capture his thought in these lectures. References to published English translations are provided in the endnotes.

like to participate should stand, Antilochus stands—and at this point, his father, the wise Nestor, approaches him and says: “You know full well that your horses are slower than the others and, as a result, things will not go well for you in the race that is going to start. But,” Nestor adds, “even if your horses are slow, there are ways, there are ideas, there are things you can do to ensure that strength does not always lead to victory. For example, a woodcutter, when he is clever, can easily accomplish more work than another who is stronger. Similarly, a charioteer does not simply need strength and vigor. He also needs to be resourceful. So, in the same way, even if your horses are slower than the others, you may be able to win if you are resourceful, if you learn something. And, I am going to teach you this thing that you don’t yet know.”⁶

At this point, Nestor explains how to turn around a post—what would seem a relatively simple technique, that is, of course, for those familiar with chariot racing. For in the race there’s a back and forth, and all the chariots must turn around a post at one end. So Nestor teaches Antilochus that he must lean when he comes to the post.* As he leans to the inside, he must hold on to his horse and then push the horse to the exterior, and brush the post without touching it to avoid destroying his chariot. This is how he may correct, modify, or reverse the relations of force given at the outset.

So the race begins at this point, and it takes place. But the race is fraught with constant irregularities and these irregularities come first from the gods. The strongest competitor, Diomedes, starts in the lead, and he would have stayed in the lead the entire time if his enemy Apollo had not trapped him by making his whip fall out of his hands and preventing him from being able to drive his horses. When Athena sees Apollo sabotage her protégé Diomedes, she attacks his own protégé Eumelus by throwing him directly to the ground, injuring him and lightly damaging his chariot. Meanwhile, Athena returns the whip to Diomedes, who may then continue the race. So the race is completely sabotaged by the gods. But on the other side, there is also a human ruse, more precisely Antilochus’s human ruse. Interestingly enough, though, Antilochus does not apply the wise Nestor’s method. Antilochus does something else that is

* Foucault poses a question at this point: “He must lean towards the interior. Yes, I think it is the interior, or—I don’t remember. No—he must lean to the outside, no? In any case, he must lean.” The audience laughs.

going to be the object of contention, and which will necessarily lead to the establishment of a judicial procedure that must be examined closely.

What is it that Antilochus does that will bring about all of the problems that follow? Well, he does the following: Antilochus was behind Menelaus, because Menelaus was stronger than he, and therefore advancing faster. Antilochus leans on his own horses and says to them: "You had better hurry and run faster, for you should know that if you do not win a prize, Nestor, my father will have you sacrificed at the end of the race."⁷ No sooner had the horses heard this than they leapt forward alongside those of Menelaus. And the two chariots are exactly even. Excuse me for so much detail, but you will see that it is important. So the two chariots are exactly even, but they are even at precisely the moment when the track narrows and only one chariot can pass at a time. And at that very moment Menelaus says, yelling at Antilochus: "Be careful, we are not both going to be able to pass at once. Let me go ahead and you will catch up if you can."⁸ And Antilochus responds: "Not a chance. I am going to hold my chariot steady."⁹ So he holds his chariot steady in such a way that there was going to be an accident until Menelaus slows down his chariot to avoid the accident, and lets Antilochus take the lead. And the race continues then to the end without incident. Diomedes, who recovered the lead thanks to Athena, wins the race. Antilochus, who did not let Menelaus pass, comes in second, and Menelaus takes third. Meriones, who has a minor role, comes in fourth. And poor Eumelus, who was thrown to the ground by Athena, injured, and with a broken chariot, stumbles in laboriously last.

At this point the prizes may be distributed. Of course the prize goes to Diomedes without any problem—or, more precisely, Diomedes seizes the prize, as is his right. And then, at that very moment, Achilles intervenes and states: "Okay, Diomedes, you won, you take the prize, but the second prize, I am going to give it to Eumelus, who was beaten by Athena and arrived last, but merits second place because he is very strong, even the best—*ho aristos*. As such, he deserves the second prize."¹⁰

Against this attribution of the second prize to Eumelus, Antilochus replies indignantly, "But I came in second! Eumelus may have been tossed aside by Athena, but that is a problem between him and the gods. It was up to him to pray to the gods and be on good terms with them. If he had, he would have taken his proper place. But he didn't, and therefore I should have the second prize. Achilles, if you like him enough to give him something, and if indeed he is worthy because he is a good charioteer, you

should give him a supplemental prize, but not the second.”¹¹ Achilles considers this response perfectly just and legitimate, and agrees to give Eumelus a supplemental prize, a cuirass, granting the second prize to Antilochus who had in fact come in second.

It is at this point that Menelaus rises and in turn dissents, addressing Antilochus in these terms: “Antilochus, you who were so wise until now, what have you done? You have tarnished my valor. You have wronged my horses by throwing yours, who were far inferior—*hoi toi polu kheirones ēsan*—ahead.”¹² And on these grounds Menelaus claims the prize, the second prize. But he does not want it said that the second prize was won through violence to Antilochus, that he imposed his victory through treachery: he wants the truth of his victory to be recognized without violence and in truth. He proposes then that the chiefs, the guides of the Argives, decide who, between him and Antilochus, should have the second prize. He makes this proposition and then he immediately reconsiders, stating: “No, I will render the judgment myself—*egōn autos dikasō*. I will judge.”¹³ The French translation, or the one I have before me, reads: “*Ma sentence sera droite*”¹⁴—sentence [sentence], *dikē*; just [droite] *itheia*. But obviously *dikē* cannot be translated as “sentence,” because it is clear that Menelaus cannot deliver a sentence. In fact, he proposes a mode of settlement. The *dikē* that he proposes is not justice. It is not a just sentence, but rather the just settlement of the dispute, of the conflict that opposes him to Antilochus.

How is it to take place, and what is this just settlement of the conflict between him and Antilochus? He proposes to Antilochus that he place himself in the ritual position of the oath, standing in front of his horses, holding the whip in his right hand, with the end of the whip touching his horses’ foreheads. In this position he is to swear that he, Antilochus, did not voluntarily thwart Menelaus’s chariot through trickery.¹⁵ Such is the *dikē*, the settlement Menelaus proposes to Antilochus.

To this, Antilochus does not respond “I avow” or even “I refuse to swear.” He simply says: “Yes, Menelaus, you are older and you are better—*proteros kai areion*.¹⁶ Me, I am younger, and youth is subject to error. So I will give you the prize that I had nevertheless won. Take this second prize”—it is a mare—“and even if you want more than the prize given by Achilles, I am ready to give it to you. I am ready to give it to you because I do not want you, Menelaus, to put an end to your love for me. I do not want your heart to turn away from me, nor do I want to be guilty in the eyes of the gods.”¹⁷

Upon which Menelaus responds magnanimously—he says to him: “Now that you have renounced taking the oath and have thereby recognized, I will renounce the disputed prize. I will let you have it, Antilochus, because you are usually wise and I know very well that if you committed such an act, it is because you were victim of your youthfulness; and because you fought against the Trojans for me, Menelaus. You, your father, and your brother all fought for me, and for that reason I will renounce my prize. But, from now on, I advise you not to trick someone better or stronger than yourself.”¹⁸ Consequently, following the additional prize given to Eumelus, the second prize goes to Antilochus. Menelaus receives the third prize, and the fourth goes to Meriones. We shall see what comes of the fifth prize, because it clarifies a part of this story.

Excuse me for having been so long and meticulous in telling this story, which perhaps many of you are familiar with already. In fact, the scene is very complex and I think that its meaning and structure deserve examination. The first question one may rightly ask is whether or not it is legitimate to insert this scene, to cite it, to evoke it in a history of judicial practices. Is this truly a judicial scene that we are dealing with? Is it anything more than the story of a competition between two athletes who were fighting in the course of the games? Is it not just a scene from the games? Is the true judicial scene not to be found in another passage from Homer, the famous passage of book 18 in which Homer describes Achilles’s shield—a judicial scene where two people fight over the settlement of a blood prize, surrounded by others who have taken an oath, standing amidst a crowd in front of judges who are to deliver their sentence?¹⁹ Perhaps this is the true judicial scene, and not the one I have just described, which is, after all, a scuffle between two athletes who coveted the same prize.

No, I believe this is indeed a judicial scene. It is a judicial scene because, first, all the decisions made by Achilles—to give the additional prize to Eumelus and accept Menelaus’s challenge—all of these decisions were taken under the council of warriors who were around there and to whom it was asked if things could and should have happened in this way. Each time Achilles sought to modify the results of the race, he asked for these warriors’ opinion.²⁰ Furthermore, the vocabulary used in this Homeric text and the gestures designated by its vocabulary are clearly juridical. When we see what each competitor does when he takes his prize or claims his prize, we find the same gestures that appear in later documents and are characteristic of those used to mark the appropriation of something.²¹ Be-

hind this scene and the gestures used by the different competitors to claim their prizes is the question of the juridical status of the prizes that are being given in this way. Who do they belong to? Do they belong to the person who bestows them until the moment they are attributed to the winner? Or should they be considered *res nullius*, waiting in the middle to be taken upon victory? What is the legal title, what legitimacy does victory grant over these prizes? There is in fact a series of precise and complex juridical questions that run throughout this scene by Homer and that can be found throughout the actions that are performed and the words that are employed.²²

Above all, the proof that this is not merely an athletic competition but is indeed a judicial scene can be seen in the pledge proposed by Menelaus, which takes on a ritual form, a very precise juridical-religious form. Antilochus must stand up, whip in hand, and the whip must touch the head of the horses. Moreover, when he explains to Antilochus the oath's formula and tells him that he must "do this and that," at that moment, Menelaus is very clear that he is giving his *dikē*—that is, the form he has chosen for a judicial settlement—and, as well, that all of these forms, all of these rituals, are, as he says, in conformity with *themis*—in other words, with the rules that allow for the settlement of a dispute.²³ We are in the world of *dikē* and *themis*, the world of rules, the world of liquidating a conflict.

But if it is true that it is indeed a question of judicial procedure, one must also remember—and I think this is an important aspect of this entire story—that the judicial procedure is nonetheless in direct continuity with the competition, with the athletic rivalry, with the *agōn*. There is in fact no heterogeneity between the judicial scene and the *agōn*, or between the judicial scene and the competition. From the athletic combat to the judicial scene you have a kind of extension, you have a continuum, which does not at all prevent it from being a judicial scene, but which means that it is entirely set up as a confrontation, an athletic confrontation, a confrontation between two warriors, a confrontation between two heroes—but a confrontation nonetheless. The proof is that there is no judge in this story. There is no judge. Of course there is an audience; there are people who give their opinion and approval. But what do they approve? They approve the very regularity of the procedure, not the sentence. The warriors agree that this is the proper course of action. But there is no judge to say: "This is how things should be decided and the prize should go to this person."

It is the competitors themselves who confronted one another in the

race and then in the judicial settlement. They confront each other in the race itself, they then confront one another over the conditions of the race's unfolding, and finally they confront one another over the conditions under which they may settle the debate and the conflict that arose between them. The oath itself took on exactly the same form as the struggle, because it is a question of Menelaus's challenging Antilochus. What Menelaus is really saying to Antilochus is: "Will you have the stomach to take an oath in Zeus's name and assert that you did not cheat? Are you capable of this?" And it is in this competition, in this confrontation, in this challenge that Antilochus, who took up the challenge of the race, renounces the challenge of the oath. It is here that he loses, just as one loses a combat when one is not up to the challenge put forward by one's adversary.

It is clear then that we are dealing with a scene that is typically and precisely judicial and, at the same time, that has entirely the texture of a conflict, an *agōn*. And I will quote for you, in this respect, a passage by Gernet on this altercation between Menelaus and Antilochus, from a very interesting and important work, *Droit et Société en Grèce*, which explains: "The law that begins to appear in the scene between Menelaus and Antilochus, the law that begins to appear in this scene does not appear to be a specialized or professional technique. The law itself emanates from the life of the games. There is continuity between the agonistic customs and the judicial customs. The question of competence is settled by itself; the *agōn*, the combat, the milieu that is preestablished for reaching a decision through competition, is also a milieu favorable to reaching a decision by means of a sentence."²⁴ The first point to keep in mind in analyzing this scene is therefore the continuity between the *agōn* and the judicial, between the confrontation through competition and the judicial confrontation. They have the same texture.

The second problem, the second point that must be emphasized, is the problem of truth and of the interplay of truth. Let's take this very question of the struggle, the whole question of the *agōn*, that is, of the race and the confrontation between different participants. The athletic form of struggle, the *agōn*, is the context within which the judicial procedure appears, but what happens in this struggle? Or, one might even wonder, what is the point of this race? Because in the end, the race that we see unfolding in the games, this race is fundamentally different from those that we know or from what we might expect. That is to say, the race does not consist of taking competitors who have an equal chance at the outset so

that in the end, after the various adventures in the race, a winner emerges who must be as unpredictable as possible for the race to have been fair. Let's say that for us, a fair race is a race where everyone's chances are equal from the beginning, so that the winner is as unpredictable as possible. The adventures within the race then produce a winner out of this original equality.

One could say that the race, such as it is organized by Achilles, as it unfolds in this Homeric text, is precisely the opposite. When Achilles calls for a chariot race, the heroes stand one after the other. And what do we see when they rise? First, there is Eumelus, who is said to be the strongest, and then there is Diomedes, who is said to be extremely strong; next is Menelaus with his fast horses, followed by Antilochus whose horses are slower; and finally there is Meriones, about whom almost nothing is said. The very adjectives attached to their names reveal from the outset their respective strengths and the vigor of their teams. They are not at all considered equal from the beginning. To the contrary, they stand one by one according to their strength, in descending order from the one who must win to the one who has no chance of winning. The presentation of the heroes thus indicates their true strength. And then after the enumeration of the heroes comes the list of gifts that corresponds exactly to the places and to the competitors who were just enumerated: the first will be given a slave, the second a mare, the third a cauldron, the fourth two gold talents, and the fifth a vase with two handles.²⁵ Fundamentally, what is being presented is the strength of each hero and the value of the rewards in an order that corresponds to the truth. Such is the truth of each hero's respective strength, such is the value, brilliance, wealth, and beauty of each gift; all that remains is the pairing. That is to say, there is no reason to hold the race. We already know everything. But we already know everything because the race has an entirely different function than bringing forth an unpredictable winner out of a field of equals.

The order is already predetermined, so what is the function of the race, exactly? The function of the race is nothing more than to develop, in one sense, and dramatize an order of truth that is given from the beginning. And if the race is so dramatic, it is precisely because there are people who interfere. How do they interfere? By making it such that the truth does not come to light. This is what happens when Apollo on the one side and Athena on the other intervene by taking the whip from one and throwing

the other to the ground. They prevent the race from fulfilling its true function, which is to be the visible ceremony of a truth that is already visible. The adventures of the race and the gods' interventions, as well as Antilochus's actions, mask the truth, hide it, and prevent it from being what it should be—that is, very simply, the liturgical unfolding of a truth already known. And the debate over the rewards is about how to restore the truth of the respective strengths that was given from the start when the competitors and the rewards were introduced—and which the race masked when it should have manifested or confirmed it.

The race should have, as its function, to manifest a truth that is already recognized. The race has, as its function, to solemnly reveal, in a combat that is at the same time a ceremony, the heroes' different strengths. The race's real function is to put them in the order of their true value. Consequently, far from being a test in which equal individuals can distinguish themselves so that an unpredictable winner emerges, the race is nothing more than a liturgy of truth. Or, if you will, to forge a term—or not exactly to forge a term, because one finds it already in the vocabulary of late Greek—one might employ the word *alethurgy*. That is, it is a ritual procedure for bringing forth *alēthes*: that which is true. And in the case of this race, understood as an *alethurgy*—a liturgy of truth—all of the various adventures will appear to be tricks, ploys, and ruses. From this point of view it is easier to understand what was so perverse in Antilochus's behavior vis-à-vis Menelaus, even though it seemed so normal to us.

And it is here precisely that I would like to return to the problem of the contestation between Menelaus and Antilochus. For there are a number of elements to be noted with regard to this very dispute and what happened between them. First, there are two elements that consistently reappear regarding Antilochus. Antilochus, the one who did this thing that is going to be contested, is constantly referred to, throughout the scene, as “the wise Antilochus.” At each moment, it is said, “Antilochus, you who are so wise, in spite of your youth,” “Antilochus, you who are so thoughtful.”²⁶ Antilochus was wise, he was well-informed, thoughtful, at once because of who he is and because he is the son of Nestor, and therefore benefits from his advice, et cetera. Second, what also resurfaces on multiple occasions is that as wise as he is, he was duped. He was duped by what? By something, and this something is his youth. He says as much himself when he finally concedes: “My youth overcame my reason.”²⁷ This does not prevent him

from being wise, but there was a conflict within Antilochus, a struggle, a joust between his youth and his reason—and youth carried over reason, at least for a moment.

Now, what was the consequence of the fact that he, the wise Antilochus, was clouded and conquered by his youth, at least for an instant? What did he do in this famous race that provoked such worry and solicited such a complex judicial proceeding? Did he break a rule? Obviously not. In fact, as you will recall, Antilochus had caught up with Menelaus, and simply refused to yield to Menelaus at the point at which one of the two had to slow his horses down to allow the other to pass. He simply refused to cede the passage—and he refused to cede the passage to Menelaus, Menelaus who was the stronger of the two. This was the irregularity. It was not the fact that there was a rule forbidding one from passing under such conditions. The irregularity, or the point of contention, lay in the fact that Menelaus was the stronger of the two and that the one who was weaker hindered him and prevented the stronger from appearing as such. So at the end of the race, he was second in front of Menelaus who was third (though Homer adds—or rather the Homeric text reads—that if the race had lasted longer, Menelaus would have caught up with Antilochus once again, and Antilochus would have been defeated).²⁸ You see clearly that the point of difficulty, the point of contention is not that Antilochus violated a law, but that he prevented the truth from being manifested by not yielding to his better. He did not make room for what was true—that is, that Menelaus was the stronger of the two. He did not break a rule of the race; he upset the race insofar as it was to be a liturgy of truth.

How, then, is truth to be restored? It is to be restored through the oath. And here I must introduce a small element that I did not yet mention: that is, when the rules of the race are explained at the beginning of the text, it is stated that an *istōr*, or witness, named Phoenix,²⁹ would be sent to inspect the famous post around which they turn. And yet, during the debate between Antilochus and Menelaus, do they call upon this witness, the one who saw the event and was in a position to say “Yes, such and such a thing happened?” Absolutely not; there is never any question of Phoenix nor the *istōr* throughout the debate, and it will never be brought up again. The public is also present, but it only intervenes when it is a question of deciding the validity of the procedures. The public does not intervene at all in the establishment of the facts, nor in the justice of the sentence. So how is the truth restored? It is restored through the particular episode of

the oath, or rather the proposition to take an oath in the ritual position. Antilochus must swear that he did not hinder Menelaus's horses, either voluntarily or by ruse. The word used here is worth noting: *kerdos*,³⁰ which does not exactly mean ruse, but rather may be used in a positive or negative sense to mean profit or seeking advantage. In this instance it has a negative meaning. In other words, an act that strikes us as completely normal and would even seem to be the very essence of any race—that each individual tries to profit and gain the advantage—becomes negative. Here it connotes a devious, mean, or perverse ruse, because in this race no one should try to gain the upper hand. The race must unfold in such a way that the truth—that is, the true relation and differences in strength—manifests itself, as in a ceremony and as in a liturgy.

The oath enters at this point and is presented as a judicial procedure, inasmuch as, from that moment on, from the moment the oath is demanded, there are only two possible outcomes. Either Antilochus takes the oath, and in that case Menelaus is forced to concede. But this would mean that the conflict between Antilochus and Menelaus would be transferred from the human to the divine realm. It would be in some way Zeus that Antilochus would be forced to confront, the very Zeus who makes the earth tremble and who Antilochus would have had to confront if he took the oath proposed by Menelaus. The challenge to take the oath transfers the *agōn* from the race to the dispute between the two partners and from the dispute to a settlement by oath. If the oath were taken, the *agōn* would remain a dispute, but would be transferred from the clash between Menelaus and Antilochus to the clash between Antilochus and Zeus. And Antilochus does not want to take this risk: the transfer of the agonistic structure from man to the gods, that is precisely what Antilochus is going to run up against.³¹

And this is indeed what happens. It is thus the second hypothesis that is confirmed: Antilochus refuses to take the oath. But it remains to be seen how this renunciation happens. Can it be said that this is truly an avowal by our standards? If by avowal we mean a defined and ritualized act through which, in the course of a dispute, the accused recognizes the validity of the accusations against him and the victory of his accuser, then of course we can say that Antilochus avowed. It is indeed an avowal. But this avowal does not consist of saying, "I committed this fault." It does not, for two reasons. First, because he does not say it and there is not the famous verbal act, "I did it. I admit it. I committed such and such an

act”—this does not exist within such a procedure. Second, you can see that in truth it is not really a question of fault. In fact, the avowal consists of saying, “You were stronger; you were first; you were ahead of me (*proteros kai areiōn*—you were first; you were stronger).”³² This does not at all mean that Menelaus was ahead, that Menelaus’s chariot was ahead of Antilochus’s. It means that according to the order, in a sense, of their true strength, according to the order of their true status, according to the order of the brilliance of each hero, indeed, Menelaus was the *proteros*, he was the first. The role of the race was to ritualize this situation and this relationship; and what Antilochus did—and is now renouncing—was to try to extinguish, suffocate, weaken Menelaus’s brilliance. This would have meant casting a shadow upon him—doing him wrong, as Menelaus says³³—and, as a result, surpassing him in this order of reality, which was also the order of brilliance and the order of glory. The quasi-avowal does not consist, then, of admitting a fault before a judicial body that demands to know what actually happened. Antilochus’s quasi-avowal consists, in renouncing the struggle, in refusing to take up the new form of *agōn* proposed by the challenge of the oath, in declaring himself beaten in the new episode of the struggle. The avowal consists of allowing the truth to manifest itself—a truth that he had obstructed by his attitude during the race. The avowal consists of restoring, within the agonistic structure, the forms in which the truth of their strengths was supposed to ritually appear.

Now, let’s add, to conclude this episode of the dispute between Menelaus and Antilochus—of the chariot race—a few words which confirm, I believe, that the function of this quasi-avowal was a voluntary restoration of the truth of their strengths within the ritual of the competition. These are the following. It should not be forgotten that the chariot race takes place as part of the ritual in honor of Patroclus’s funeral. That is, these games were designed to immortalize or preserve the memory of Patroclus that the living might forget. And just as there were great animal sacrifices to create a vast bloody hecatomb to feed the already faded shadow of Patroclus, the games were designed as well to perpetuate his memory as long as possible among men. The games were destined to that purpose. In a general sense, they served as a memorial rite through which the radiance of the heroes’ exploits was kept alive as long as possible.

And so, you may recall that within this somewhat curious story whose structure is at once very simple and very complex, there were five competitors, five rewards. There were the gods who prevented the truth from mani-

festing itself and Antilochus, who also prevented the truth from being manifested. Finally, Eumelus received an additional prize, such that there were five competitors, one of whom received an additional lot, and four others who received four of the rewards. There is then a fifth lot, which remains. What should be done with this lot? Well, Achilles takes it. He takes it and to whom does he carry it? He carries it to Nestor, the father of Antilochus. Why does he carry it to Nestor? Because Nestor is a wise man and of good counsel? Because he had given Antilochus a formula that was far more reasonable and less perverse than the one Antilochus himself used? Nothing in the text would indicate as much. In fact, what the text says in explanation of Achilles's act is the following: if Achilles takes the last of the rewards and gives it to Nestor, it is because Nestor is too old to compete. When he was young, Nestor was also a great athlete and a winning competitor. And when Nestor sees Achilles approach to give him the gift, this is precisely how Nestor interprets the act. He says: "I thank you for giving me this gift, for, indeed, I too shined among heroes—*meteprepon hēpōessin*. My heart is full of joy now that I see that you remember my goodness and have not forgotten to pay me the homage I deserve."³⁴

It is clear that throughout this story of the race, of the dispute, and of the gifts, what is at stake is at once the manifestation of truth and the memory of great achievements. What is at issue is struggle and memory, competition and celebration as rituals of truth, as alethurgy, as manifestation of the truth in the full light of day. In this immense ceremony of memory, in this immense ceremony where the truth must be made manifest in the competition of the chariot race and must survive in the memory of men, in this great game of truth, Antilochus's avowal is nothing more than the renunciation of what, for a brief instant and by fraud, veiled the truth and the true brilliance of the heroes. Antilochus's avowal is a renunciation of that which could have prevented the truth of the strengths, of the exploits, of the victories from crowning the combats and the competitions and from being perpetuated in the indefinite celebrations of memory.

By placing this strictly judicial, properly judicial scene back in its general context, a certain number of important elements appear regarding what was no doubt the first scene of judicial avowal that we know of within Western culture. In this scene there is one and only one individual—Antilochus—who is at once the accused and the bearer of truth, the one who must also unveil the truth and has the power to unveil it, and all this within the structure of the *agôn*. The idea that there is an accused, that this

accused bears the truth, that it is up to him to unveil it because he knows it and has the power to unveil it, as you know this very same structure can also be found in *Oedipus*.³⁵ Oedipus is also the accused. He too holds the truth. And he too must unveil it. He too, as king, has the power to reap the consequences by unveiling it. So there is the same structure between the avowal of Antilochus and the avowal of Oedipus or the same type of superimposition, but with one small difference: in the case of Antilochus, everything is situated within a framework that is the structure of the combat, the structure of the *agōn*, the structure of the joust between two warriors within a civilization, or at least within a social group of warriors. On the contrary, for Oedipus—and this is what I will explain next time—this same superimposition, namely that an individual bears a truth that will devastate him and that consequently he must reveal by himself, this manifestation and the procedures of manifestation will not unfold within this form of the *agōn*, in the form of the joust, the confrontation between heroes or between warriors. Rather, it is within a far more complex judicial and political structure. Here we will see a whole mottled effect, if you will, of diverse institutions—religious, aristocratic, tyrannical—that become the structures through which the accused emerges as the one who will have to tell the truth. Oedipus's path from the status of the accused to the one who speaks the truth, who avows what he is accused of, is infinitely longer than this immediate and hieratic figure who, in the course of the competition, having first prevented the truth from unveiling itself, then hesitates to confront Jupiter himself and the anger of Jupiter or Zeus, preferring to let the truth unfold according to its own liturgy. The unity of the act, the unique scene in which Menelaus challenges Antilochus with the oath and then he, Antilochus, cedes—we are going to see this scene fractured through a whole series of structures, institutions, and diverse political and judicial practices, when the accused is no longer a hero or a warrior but is rather a king or a tyrant, when the accused holds political power, which is completely different from the brilliance, prestige, and presence of a warrior hero from the Homeric era. For this, the appearance of a judicial body will be necessary: a judicial body who will tell the truth through procedures that are far more complex than the oath.

MICHEL FOUCAULT



Penal Theories and Institutions

LECTURES AT THE COLLÈGE DE FRANCE

1971-1972



Edited by Bernard E. Harcourt

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I. After analysis of the function and power relations of penal justice in the Middle Ages, studying its knowledge effects: not in the sense of ideological operations, but of production of truth. - In Germanic law, the test establishes the superiority of one over the other. - In the new penal regime with royal procurators, the inquiry establishes the truth that makes it possible to pass from accusation to sentence. The inquiry as restoration of order. - The test is replaced by the truth established by witnesses and writing which records.

II. Complementary comments. Inquiry and confession (aveu) as privileged sources of the discovery of truth in the new penal regime. - Torture's point of insertion. - The system of legal proofs. Contrast between inquiry and measure. Measure as the instrument and form of a power of distribution; inquiry as instrument and form of a power of information. Inquiry-bureaucratic system in the Middle Ages. - Analysis of the types of extraction of surplus power. Relation to the 1970-1971 lectures on "the will to know". Final comment on the appearance of the examination form in the eighteenth-nineteenth century. The birth of the human sciences.

Three levels in the analysis of penal justice in the Middle Ages, in the study of its prehistory as State apparatus:

[228/1]

1. The level of its conditions of exercise: the position and function of the penal apparatus
 - in relation to the circulation of wealth, more precisely: to the authoritarian levy on wealth by those holding power. Penalty and taxation;
 - its relationship with the distribution of arms (which is itself linked to the tax function).
2. The level of the power relations which pass through and are institutionalized in this penal justice.

- The appearance of Parlement, of the procurator, and of the right of prosecution characterize these relations of power, [229/2]
- or rather they show how the exercise of justice, which is a power relation, very quickly relies on the (no doubt rudimentary) forms of a State apparatus.

3. We now need to study the level of the knowledge effects to which this penal justice give rise.

Knowledge effects [which are distinct from] ideological operations.[†]

- By ideological operations, [we understand] the set of processes by which penal practices and institutions are justified, explained, reworked, inserted within systems of rationalization:

- the theory of the king as guardian of order and *ons justitiae*,
- the conception of *pax et justitia*

We find such ideological transcriptions at whatever level we analyze the penal institution.

- By knowledge effects we should understand something else: the carving-out, distribution, and organization of what is given to be known in penal practice; the position and function of the subjects authorized to know, the form of knowledge, information, revelation, manifestation that is at stake here.

Analyzing the knowledge effects of penal practice means studying this practice as the stage on which a truth is introduced. [230/3]

A. What does this stage consist of in the old system of the juridical liquidation (or redress) of the crime? What were the forms that had to be observed, what words had to be spoken, what gestures made, what were the periods and sequences, the opposing characters and their roles?

The form to be observed was not a way of guaranteeing the rights of adversaries, the impartiality of the judges, or respect for the truth.

Complex forms were imposed on the litigants as a way of subjecting them to the test, of seeing if they were going to fail or if they could succeed.[‡]

So: a series of tests

[...][§]

* Word crossed out: "internal". Then the manuscript has "≠". The following word, "effects", is crossed out and replaced with "operations".

† Word crossed out: "effects".

‡ Words crossed out: "of rationalization".

§ A crossed out line follows: "It was basically a series of tests".

¶ There are several gaps in the manuscript of this thirteenth lecture (two sheets, fol. 4-5, are missing). They can no doubt be filled in by referring to the lectures Foucault

[*]

[...] or defeat. The outcome is favorable or unfavorable. And the outcome of the test entails the outcome of the trial. It contains it. Therefore; [231/6]

a/ Spectator judge. The test is not an element subject to the judge's sovereign assessment. It is a mechanism which, provided the form is respected, automatically entails the outcome of the case.

b/ This outcome of the test:

- is an operator of right; that which assures the definitive victory of right (over and above the dispute, the harm invoked, private war and vengeance);

- is secondarily an indicator of truth. If his right prevailed, then he spoke the truth. But this is only secondary. And above all it is not because he spoke the truth, and insofar as he spoke it, that his right prevails.

The test is "mark" (and not simply sign); it does not fall under a semiology, but a dynamics

- it is the foundation, the establishment of a relationship of superiority of one over the other;

- it is the ritual institutionalization of this relationship of force;

- it is the index of the side, of the region in which the good right and the greatest force are jointly lodged.[†]

And if we can finally speak of truth, it is not because the test indicates [232/7] where truth lies and thus enables one to deduce where right is and on what side force justly inclines.

It is, in the judicial procedure, because the relationship of force really is congruent with the superiority of right.[‡]

The judicial stage is the stage on which inequality of force and superiority of right match up. Everything is arranged so that they manifest themselves simultaneously and in truth.

The judge is there as witness, guarantor that they really are manifested, that they are manifested in truth.[‡]

delivered on the same theme in Rio in 1973: "La vérité et les formes juridiques", "Truth and Juridical Forms". See here in particular the third lecture *DE*, II, pp. 574-576/"*Quarto*", pp. 1442-1444, and *EW*, 3, pp. 37-39.

* Word crossed out: "truth".

† In the margin of the manuscript is written: "The reason of the form".

‡ The following text corresponds to a crossed out passage [fol. 7-8]:

Whereas proof establishes “facts” by reference to which the law is ordered, to which in turn all the forces must yield, the test sets up [233/8] “events” which manifest inequality (that, jointly, of rights and forces).

Ritualization of a series of *events* in the form of the *test*,² of the struggle, of success and failure.

B. The intervention of the King’s procurator, of the official prosecution, upsets the system. The accusatory procedure, in which two adversaries [234/9] are face to face and in which the judicial procedure sets up a test of strength between them which is not a foregone conclusion, is no longer possible.

The “extra power” is fixed definitively, once and for all, on one and only one side: that of the accusation.³

- If there is a private accuser, behind him there is that supplement of power that is the prosecutor.
- If there is only the prosecutor, his situation is not that of a duel with the accused, since he is the representative of power itself, of the one who is the sovereign-guardian of order.

The consequences of this are that:

1/ the accusation as ritualization of events-tests in the form of the struggle (with both sides having the chance of winning or losing, reversibility of the penalty) is no longer possible. The king cannot be punished if his champion is defeated.⁴ The king is guardian of order.

“(We are the furthest away from what constitutes the later distribution a judge who in the suspension of the forces sees the truth and decides where right lies.)

In the space of a medieval court, in this ‘closed field’ of the judicial duel which is the most visible, the most symbolic form (although it is not unique), the distribution of the judge, litigants, truth, force, right, equality and inequality, the decision, in short the whole game of the allocation of the penalty conforms to strict laws.

- They are very different from those that preside over the organization of the modern judicial space.
- We are accustomed to speak of the ‘barbarian’ system of proof. In actual fact it not a matter of proof at all. But of test in which what stands out is the reciprocal belonging to each other of superior right and greatest force”.⁵

* These two words are underlined in the manuscript.

† Words crossed out: “power itself”.

‡ Word crossed out: “justiciar”.

- 2/ The court can no longer be the instance that certifies the outcome of a game in which each right is in itself its own force; it is the instance that represents the other face of power. Power-justiciar. [235/10]
 The power to decide who is right and who is wrong, who must pay and how much;
- 3/ and the accused finds himself finally caught between two powers: one which denounces the disorder and one which assures its redress through the sentence.

We can therefore sketch out two series:

- [1] injury – plaintiff/defendant – event/test – outcome guaranteed by the public power
 [2] disorder – the public power/accused – x/y – sentence imposed by the public power[†]

What makes it possible to go from the public power/accused confrontation to the sentence imposed? Obviously this cannot be an event/test (with all its uncertainties).

The component that makes it possible to get from a guardian of order power to a sentence-wielding power is the *inquiry-truth*.

How does it fit in?

[...][‡]

[*]

[...] - questioning: he had the right to address someone and demand an answer; the latter were obliged to respond. [236/16]

Public power establishes common knowledge (*notoire*) through the notable[§]: it has the right to extract knowledge from those who know[¶].

The extra power (which the procurator manifests in the penal system) is expressed through an extraction of knowledge. He extracts knowledge.

* Words crossed out: "on the penalty".

† A line crossed out follows: "This place of the event-test will be occupied by the inquiry/truth".

‡ Underlined in the manuscript.

§ Here, five sheets are missing (fol. 11-15) which it seems to us can be situated by reference to the passage of "La vérité et les formes juridiques", corresponding to pp. 581-584/pp. 1449-1452; "Truth and Juridical Forms", pp. 44-47.⁷⁰

(Note the difference between this “knowledge (*savoir*)”, to which power has a right, and the “prudence”, “wisdom” or gift of “sight” attributed to the chief, the king

asfons justitiae, the king *isprudens*, himself as guardian of order, he has the right to know, through the intermediary of his procurator.)

- By providing the means for reaching a justified truth, these two practices offer a sort of substitute for capture in the act.

If something is well-established by inquiry, if the notables (or those who should know) have established its notoriety, the thing may be considered true, unmistakable, quasi-actual. The inquiry assures a sort of delayed flagrance.

We can recover the procedure of capture in the act.¹¹

- These two practices allow the entry of certain kinds of behavior into the field of penalty which are not injuries to individuals, but disorders. [237/17]

The aim of the Carolingian inquiry is to determine:

- what is the order that must be followed,
- and if things are in conformity with this order.

The aim of the ecclesiastical inquiry is:

- to determine if there has been disorder (with reference to the monastic rule, with reference to the law of the Church)
- and to bring about redress.

The inquiry is an operator of the restoration of order, on the basis of something which may be an injury, but may be something else: an irregularity.

- They both put the accused, the defendant in a completely singular position:

- Whereas in the old Germanic law the defendant struggles with his accuser, in these procedures of inquiry he is an object of knowledge. He is no longer someone who must struggle; he is someone about whom one must know.

He was in a field of force; he is now in a domain of knowledge. [238/18]

- In the Germanic type of law, the accused won or lost: now, “one knows” or “does not know” about him. He is seen through or remains hidden.

* Word crossed out: “models”.

† The manuscript does not have quotation marks.

- He is caught in the opposition light/darkness and no longer winning or losing.

- Lastly, in Germanic law, he could always signal his own loss; he could give up at any moment.

He can now become the enunciator of his truth, by becoming an informer on himself through confession.¹² With the moral ambiguity that this involves.

- Finally, the inquiry introduces two elements into the penal system which will become fundamental:

- the truth, as established by witnesses, by those who have seen¹³;

- writing, which transcribes what has been said; and conveys actuality.¹⁴

Two transfers of actuality:

- testimony which transfers capture in the act → investigator

- writing which transfers the testimony → judge

The event test is replaced by truth seen and faithful writing.

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MICHEL FOUCAULT



On the Punitive Society

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Theme of the lectures: the prison-form as social form; a knowledge-power. (I) General analysis of power. Four schemas to be rejected. 1. Appropriation: power is not possessed, it is exercised. The case of worker saving. 2. Localization: power is not strictly localized in the State apparatuses, but is much more deep rooted. The case of police in the eighteenth century and of the penal in the nineteenth century. 3. Subordination: power does not guarantee, but constitutes modes of production. The case of sequestration. 4. Ideology: the exercise of power is not the site of the formation of ideology, but of knowledge; all knowledge makes possible the exercise of a power. The case of administrative survey (surveillance). (II) Analysis of disciplinary power: normalization, habit, discipline. ∩ Comparison of the use of the term "habit" in the philosophy of the eighteenth and nineteenth centuries. Comparison of power-sovereignty in the eighteenth century and power-normalization in the nineteenth century. ∩ Sequestration produces the norm and produces normal individuals. New type of discourses: the human sciences.

TO CONCLUDE WHAT I have said this year I am going to try to bring to the fore what I have kept at the back of my mind while I have been talking. Basically, the point of departure was this: why this strange institution, the prison? The question is justified on several counts. In

the first place, it is justified historically by the fact that the prison as a penal instrument was, after all, a radical innovation at the beginning of the nineteenth century. Suddenly, all the old forms of punishment, all that marvelous and shimmering folklore of classical punishments—the stocks, quartering, hanging, burning at the stake, and so on—gave way to this monotonous function of confinement. Historically, then, it is something new. Moreover, theoretically, I do not think the necessity of imprisonment can be deduced from the penal theories formulated in the second half of the eighteenth century, it cannot be deduced as a system of punishment coherent with these new theories. Theoretically it is a foreign element. Finally, for a functional reason:^{*} the prison was dysfunctional from the start. First it was realized that the new system of penalty did not bring about any reduction in the number of criminals, and then that it led to recidivism; that it quite perceptibly reinforced the cohesion of the group formed by delinquents.

So the problem I posed was this: why the prison one hundred and fifty years ago, and for one hundred and fifty years? To answer this, I picked up the track of the text by Julius in which he speaks of particular architectural features of the prison, saying that these are not characteristic of the prison alone, but of a whole form of society linked to the development of the State.¹ It seemed to me that this point of departure was actually important. There is a certain spatial form of the prison: that of the star,[†] with a center that is the point of constant and universal surveillance, in every direction and at every moment; around the center are wings in which the life, the work of the prisoners takes place; and, constructed on the central point, a tower, which is the heart of the edifice in which authority is established, from which orders are transmitted and to which information flows in from the whole. This is an exact diagram of order as command and regularity; the architectural problems of the theater, but reversed: showing everything, to a single individual; of the fortress, but reversed: for the latter defined a place that shields you and allows you to see everything happening outside, whereas with the prison it is a case of seeing everything taking place

^{*} Manuscript (1st fol.): “economically or politically/functionally.” The manuscript for this lecture is not numbered and consists of 26 sheets.

[†] The manuscript (2nd fol.) adds: “Bentham → Petite Roquette.”²

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inside without one being able to see in from the outside, and, at the same time, of the holder of power inside the prison being shielded from the very ones he sees.

Now, this prison-form is much more than an architectural form; it is a social form.³ With a great deal of speculation we might go so far as to say that if the Greek city state invented a certain social space, the *agora*, which was the institutional condition of possibility of the *logos*, the form of the star, of the power of surveillance, gives rise to a new type of knowledge. Such was the point of my remarks: the prison as social form, that is to say as form according to which power is exercised within a society—the way in which power extracts the knowledge it needs in order to be exercised and the form in which, on the basis of this knowledge, it distributes orders, prescriptions.* We could thus try to identify the image in which the form of power is symbolized; we would have the medieval image of the throne, the seat from which one listens and judges: this is the magisterial form of power. We then have the absolutist image of the head that commands the body, which comes to a head: this is the capital form of power as it figures on the title page of *Leviathan*.⁴ Finally, we would have the modern image of the center from which the watchful and controlling gaze radiates, where a whole series of flows of knowledge end up and from which a whole flow of decisions issues: this is the central form of power.[†] It seemed to me that, in order really to understand this institution of the prison, we had to study it against this background, that is to say not so much on the basis of penal theories or conceptions of law, nor on the basis of a historical sociology of delinquency, but by putting the question: in what system of power does the prison function?

* * *

It is now time to talk about this power.⁵ To situate the problem, I would like to note four [types] of theoretical schemas that seem to

* The manuscript (3rd fol.) adds: "This starred form is a form of knowledge-power."

† The manuscript (4th fol.) adds: "Now this form, still according to Julius, was linked to the birth of an industrial society [and] to the development of the State. In fact, this need for surveillance is linked to the threat of a class that was immediately seen as numerous; foreign; on the verge of indigence; dangerous."

me to govern [...] analyses of power—and from which I would like to distinguish myself.

First, the theoretical schema of the appropriation of power, that is to say the idea that power is something one possesses, something in a society that some possess and others do not. There is a class that possesses power: the bourgeoisie. Certainly, the formula: “such a class has power” has its political value, but it cannot be used for a historical analysis. In fact, power is not possessed for several reasons. First of all, power is exercised in all the depth, over the whole surface of the social field, according to a whole system of relays, connections, points of support, of things as tenuous as the family, sexual relationships, housing, and so on. However finely we penetrate the social network, we find power, not as something someone possesses, but as something that takes place, is effectuated, exercised. And then, power may or may not succeed in being exerted: it is therefore always a certain form of momentary and continually renewed strategic confrontations between a certain number of individuals. It is not possessed because it is in play, it is risked. At the heart of power is a warlike relation therefore, and not a relation of appropriation. Finally, power is never entirely on one side. There are not those who have power and who apply it brutally to those who have no power at all. The power relationship does not conform to the monotonous and definitive schema of oppression. Of course, in this kind of general war through which power is exercised, there is a social class that occupies a privileged position and may thereby impose its strategy, carry off a certain number of victories, accumulate them, and obtain the advantage of an effect of hyper-power, but this effect is not of the order of total possession. Power is not monolithic. It is never entirely controlled from a certain point of view by a certain number of people. At every moment it is in play in little singular struggles, with local reversals, regional defeats and victories, provisional revenges.

To take some examples, I will refer to the problem of worker saving: how is it played out? In the nineteenth century it is the site of a battle of powers, with a whole series of opposed strategies, of victories and defeats that depend upon each other. This saving stems from the need felt by the employers to fix the working class to an apparatus of production, to avoid worker nomadism, and it fixed the working

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class in space by fixing it in time: by depositing in such and such a place something that assures the future. But, at the same time, this saving, imposed by the employers' strategy, produces the counter effect of the worker now having funds available to him for certain freedoms, including that of going on strike. So that the strike as instrument of retaliation against the employers is inscribed in the very measure by which the employers thought to control the working class. Hence, in return, a new employers' measure: control this saving and impose the presence of employer representatives in the provident banks. Hence, from the second half of the nineteenth century, the struggles over the direction and control of these funds. We thus see how, within a general strategy of worker sequestration by the employers, a whole series of struggles are played out, how a whole series of victories and defeats are set off one after the other, or one on top of the other.

So the power relationship is never stable, suffered definitively, but is always in this kind of mobility. So we cannot say power and profit as if they were analogous. Power should not be assimilated to a wealth possessed by some; it is a permanent strategy that should be thought of against the background of civil war. Similarly, we should abandon the schema according to which power, through a commercial kind of contract, would be conferred on some by the will of all—a contract that would mean that those who break it fall outside society and resume the war of all against all. Power, the legality it makes use of, and the illegalisms it carefully manages, or against which it struggles, should be understood as a certain way of conducting civil war.

Second, the schema of the localization of power: political power is always located in a society in a certain number of elements, essentially in State apparatuses.⁶ So there is a match of forms of power and political structures. Now I do not think that power can adequately be described as something located in State apparatuses. Maybe it is not even sufficient to say that the State apparatuses are the stake of an internal or external struggle. It seems to me rather that the State apparatus is a concentrated form, or even a support structure, of a system of power that goes much further and deeper. Which means, practically, that neither control nor destruction of the State apparatus may suffice to transform or get rid of a certain type of power, the one in which it functioned.

I have tried to give some examples of this relationship between State apparatuses and the system of power within which they function. Let's take the police apparatus of the eighteenth-century French monarchy, a very new type of State apparatus. The apparatus was not externally laid on those who are subject to it; it is profoundly bound up with a system of power running through the whole of the social body. It could only function engaged with, linked, to powers distributed in families (paternal authority), religious communities, professional groups, and so on. And it is because there were these micro-instances of power in society that something like this new State apparatus was actually able to function. Similarly, the penal apparatus of the nineteenth century is not some kind of great isolated edifice. It functions in constant collaboration* with something that is not just its ancillary field, but its condition of possibility: the whole punitive system, whose agents are employers, landlords, and contractors who constitute so many instances of power enabling the penal apparatus to function, since it is bit by bit, through an accumulation of punitive mechanisms foreign to the State apparatus, that individuals are ultimately pushed into the penal system and actually become its objects.

So we should distinguish not only systems of power from State apparatuses, but even, more generally, systems of power from political structures. In fact, the way in which power is exercised in a society is not adequately described by political structures like the constitutional regime[†] or by the representation of economic interests in the State apparatus. There are systems of power that are much more extensive than political power in its strict functioning: a whole set of sources of power that may be sexual relations, the family, employment, accommodation. And the problem is not so much whether these other instances of power repeat the structure of the State. Really, it matters little whether the family reproduces the State or the other way round. The family and the State function in relation to each other, by relying on each other, possibly confronting each other, in a system of power that, in a society like ours, may be characterized as disciplinary in a

* Manuscript (8th fol.): "in collaboration with a disciplinary system, a punitive system in which the employer, the foreman, the landlord, the supplier constitute instances of power."

† The manuscript (9th fol.) adds: "the recruitment of the political class."

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homogeneous way, that is to say [where] the disciplinary system is the general form in which power is inserted, whether located in a State apparatus or diffused in a general system.

Third, the schema of subordination according to which power is a certain way of maintaining or reproducing a mode of production: power is always subordinate, then, to a mode of production that is, if not historically, at least analytically prior to it. If we give power the extension I have been talking about, we are led to locate its functioning at a very deep level. Power, therefore, can no longer be understood solely as the guarantee of a mode of production, as that which allows the formation of a mode of production. Power is, in fact, one of the constitutive elements of the mode of production and functions at its heart. This is what I wanted to show when I talked about all those apparatuses of sequestration, which are not all linked to a State apparatus, far from it, but which all, whether provident banks, factories-prisons, or reformatories, function at a certain level that is not that of the guarantee given to the mode of production, but rather of its constitution.

What in fact is the point of this sequestration? Its basic aim is the subjection of individual time to the system of production and, quite precisely, to three of its elements. The time of life must be subjected to the temporal mechanisms, the temporal processes of production. Individuals must be tied to a production apparatus according to a certain use of time that continues hour by hour and fixes the individual to the chronological course of the productive mechanism. This excludes all irregularities like absence, debauchery, revelry, and so on. Individuals must be subjected not only to the chronology of production, but also to the cycles of productive activity. Although they do not possess any means of production, they must be able to withstand periods of unemployment, crises, reduced activity. This implies the coercive prescription of saving; saving will thus be a means of plugging into and submitting to the great cycles of productive activity. Saving—which means exclusion of all useless expenditure, gambling, and dissipation. The individual's time must be subject to the time of profit, that is to say that labor-power must be put to use for at least as much time as is needed for the investment to become profitable. For this, individuals must be fixed to a certain apparatus of production for a certain length

of time, which entails all the controls tying workers down locally, the system of debt,^{*} for example.

A system of power like *sequestration* goes far beyond the guarantee of the mode of production; it is constitutive of it. We could say: the problem of feudal society was to assure the extraction of rent through the exercise of a sovereignty that was, above all, territorial; the problem of industrial society is to see to it that the individual's time, which is purchased with wages, can be integrated into the production apparatus in the forms of labor-power. It is necessary to ensure that what the employer buys is not empty time, but indeed labor-power. In other words, it is a matter of constituting the individual's time of life into labor-power.⁷ Which leads to this conclusion: if it is true that the economic structure, characterized by the accumulation of capital, has the property of transforming individuals' labor-power into productive force, the aim of the structure of power which takes the form of sequestration is, prior to that stage, to transform the time of life into labor-power. People must be able to bring onto the market something that is labor-power, which is secured by this system of power that is sequestration, the correlative, in terms of power, of the accumulation of capital in economic terms. Capitalism, in fact, does not simply encounter labor-power, just like that.[†]

It is false to say, with certain famous post-Hegelians, that labor is man's concrete existence.⁸ The time and life of man are not *labor*[‡] by nature; they are pleasure, discontinuity, festivity, rest, need, moments, chance, violence, and so on. Now, it is all this explosive energy that needs to be transformed into a continuous labor-power continually offered on the market. Life must be synthesized into labor-power, which involves the coercion of this system of sequestration. For exercising this coercion that transforms the time of life into labor-power, the clever ploy[§] of industrial society was to take up the old technique[¶] of the confinement of the poor, which, in the classical age, was a way of fixing and, at the same time, suppressing those who through idleness, vagabondage, or

* Manuscript (11th fol.): "the pressure of indigence is a system of indebtedness."

† Manuscript (13th fol.): "as immediate and concrete form of human existence."

‡ Manuscript (14th fol.): "continuous *labor*."

§ Manuscript (14th fol.): "stroke of genius."

¶ Manuscript (14th fol.) adds: "apparently much depreciated."

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revolt had escaped all the geographical fixations in which the exercise of sovereignty was carried out. This institution will have to be generalized and utilized, in contrast, to connect up individuals to the social apparatuses; it will be specified in accordance with a whole series of apparatuses from the factory-prison to the prison, passing through poorhouses, schools, and reformatories. Reutilized to this end, all this old system of confinement will make possible sequestration, which is actually constitutive of modes of production.*

Fourth, the schema of ideology[†] according to which power can produce only ideological effects in the realm of knowledge (*connaissance*), that is to say power either functions in the silent fashion of violence, or in the discursive and wordy fashion of ideology.[‡] Now power is not caught in this alternative of either being exercised purely and simply through violent imposition,[§] or hiding itself and getting itself accepted by holding the wordy discourse of ideology.[¶] Actually, every point at which a power is exercised is, at the same time, a site of formation, not of ideology, but of knowledge (*savoir*); and, on the other hand, every knowledge formed enables and assures the exercise of a power. In other words, there is no opposition between what is done and what is said, between the silence of force and the prattle[¶] of ideology. It is necessary to show how knowledge and power are effectively bound up with each other, not in the mode of identity—knowledge is power, or the other way round—but in an absolutely specific fashion and according to a complex interplay.

Let's take the example of the administrative survey (*surveillance*) of populations, which is a requirement of any power. In the seventeenth to eighteenth centuries, the administrative survey is a function of power assured by a number of people: intendants, police apparatus, and so on. Now this power, with its specific instruments, gives rise to a number of forms of knowledge.

* The manuscript (15th fol.): "Dismantling or not dismantling a type of power is therefore essential to the very existence of a mode of production."

† Manuscript (5th fol.): "that of ideological production."

‡ The manuscript (5th fol.) adds: "It needs an ideology. And it fabricates ideology."

§ Manuscript (15th fol.): "threat, violence, terror."

¶ Manuscript (15th fol.): "and the chatter (even persuasion) of ideological discourse."

1. A *management knowledge*: those who manage the State apparatus, either directly on behalf of the political power, or indirectly by a system of farming out, form at the same time a certain knowledge, which they accumulate and use. Thus, after inquiry, they know how they must tax, how to calculate the taxes, who can pay them, who in particular must be watched so that they pay their taxes, and on what products customs duties need to be levied.*

2. On the fringes of this knowledge of management, we see the emergence of a *knowledge of inquiry*: there are people who generally are not linked directly to the State apparatus or responsible for managing it, but who conduct inquiries into the wealth of a nation, the demographic movement of a region, the craft techniques employed in a particular country, and the state of health of populations. From the second half of the eighteenth century, these inquiries conducted, originally at least, on private initiative, begin to be taken over by the State. Thus, the Société royale de médecine, founded in 1776, will codify and take over responsibility for inquiries on the state of health;¹⁰ similarly, inquiries into craft techniques will be taken back under State control and in the form of a State apparatus in the nineteenth century.¹¹

3. A *police inquisition knowledge*: consigning someone to a place of detention is thus accompanied by a report on his behavior, his motives. From the nineteenth century, all the forms and techniques of this survey knowledge will be taken up again and, at the same time, founded in a new way, and this takes place in terms of two great principles that are crucial in the history of knowledge.

First, the principle we see emerging under the Revolution that is systematized, notably by Chaptal,¹² and at the time of the Consulate:¹³ henceforth, every agent of power will be at the same time an agent of the formation of knowledge. Every agent[†] must provide information on both the effects of, and the consequent necessary corrective changes to be made to, actions ordered by the authorities. From the end of the

* The manuscript (16th fol.) adds: “from what population to recruit soldiers.”

† Manuscript (16th fol.): “Every agent of power must report back knowledge correlative to the power it exercises (which enables its conditions and effects to be determined: possible corrections): Prefects; public prosecutors.”

In the margin: “We enter the era of the report. As important in [industrial] society as *feed back* [English in original; G.B.] in modern technology, as double-entry book-keeping in the economy.”

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eighteenth century, prefects, public prosecutors, police functionaries, and so on, are bound to this fundamental obligation of the report. We are entering the era of the report as the fundamental form of the relations between knowledge and power. Certainly, this was not invented in the eighteenth century, but the systematization of what, for example, in the seventeenth century were only sporadic actions in the relations between intendants and ministers, the institutionalization of every agent having to report particular kinds of knowledge to his superior is an essential phenomenon.

In close connection with this introduction of reporting knowledge to the origin of power, there is the setting up of a whole series of specific instruments of abstraction, generalization, and quantitative assessment. This can be brought out if we compare several strata of documents. The reports produced by Sartine,¹⁴ one of the last lieutenants of police of the Ancien Régime: the way in which he monitors the population, and the sporadic, individual kind of information given to his minister. The reports of Fouché,¹⁵ which are already a kind of synthesis and integration, but of what is supposed to represent the state of the political opposition, of delinquency, and the constant state of the latter in France. The annual reports of the minister of Justice, published from 1826,¹⁶ in which there is the same type of information as at the beginning, but treated, filtered by a knowledge machine and a number of techniques of abstraction and statistical quantification. A history of this State knowledge could be written, that is to say the history of the administrative extraction of knowledge.¹⁷

Second, the other phenomenon, opposite to the previous one, is the opening of apparatuses of power to autonomous sources of knowledge.* Certainly, one didn't have to wait for the nineteenth century for power to be enlightened by the advice and knowledge (*connaissances*) of a number of supposedly competent people; but, from the nineteenth century, knowledge (*savoir*) as such is statutorily endowed with a certain power. The nineteenth century brought something new, which is that knowledge must function in society as endowed with a certain quantity of power. School, grades, the way in which degrees of knowledge are

* The manuscript (17th fol.): "Up to the eighteenth century, this took place in the form of advice or pedagogy, kings [listening] to the philosophers, the learned and the wise."

actually calculated, measured, and authenticated by all the apparatuses of training, all this is both a factor and the expression of the fundamental phenomenon that knowledge has the right to exercise a power. Thus, the character of the scholar who exercised no other power in society than that of speaking the truth, of giving advice, gives way to a character, a laboratory director, a professor, whose knowledge is immediately authenticated by the power he exercises. This goes for the economist, for example: who were economists in the eighteenth century? Vauban, someone who is out of favor and takes up economics after losing power.¹⁸ Quesnay, who wants, but does not have power.¹⁹ At this point those in power have only an administrative knowledge. Economic theory does not arise within the power apparatus. The clearest case is that of the physician who, from the nineteenth century, inasmuch as he is the master of the normal and the pathological, thereby exercises a certain power not just on his client, but on groups, on society. Similarly, the psychiatrist has a power institutionalized by the 1838 law which, by turning him into an expert who has to be consulted for any action of confinement, gives the [doctor-]psychiatrist and psychiatric knowledge as knowledge a certain power.²⁰

It is necessary here to reply to an objection: does not speaking of strategy, calculation, defeat, and victory get rid of all opacity of the social field? In a sense, yes. I think in fact that we too readily endow the social field with opacity, envisaging in it only production and desire, the economy and the unconscious; there is in fact a whole margin that is transparent to analysis and that can be discovered if we study the strategies of power. Where sociologists see only the silent or unconscious system of rules, where epistemologists see only poorly controlled ideological effects, I think it possible to see perfectly calculated, controlled strategies of power. The penal system is a privileged example of this. It is clear that if we pose the problem of the penal system in terms of economy, it appears opaque and even obscure, because no analysis of the economic role of the prison, of the population marginalized by this penal system, can account for its existence.²¹ In terms of ideology, it is not just opaque, but completely muddled, the system having been so covered over with varied ideological themes.* On the other hand, if one

* The manuscript (19th fol.) adds: "It collects them all, from the social enemy to the neurosis

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poses the problem in terms of power and of the way in which power has actually been exercised within a society, it seems to me that the penal system becomes much clearer. Which does not mean that the social field is entirely transparent, but that it should not be given facile opacities.

* * *

Where was I wanting to go? I wanted to analyze a certain system of power: disciplinary power.* It seemed to me, in fact, that we live in a society of disciplinary power, that is to say a society equipped with apparatuses whose form is sequestration, whose purpose is the formation of a labor force, and whose instrument is the acquisition of disciplines or habits. It seems to me that since the eighteenth century there has been a constant multiplication, refinement, and specification of apparatuses for manufacturing disciplines, for imposing coercions, and for instilling habits. This year I wanted to do the very first history of the power of habits, the archeology of those apparatuses of power that serve as the base for the acquisition of habits as social norms.

Let's consider this notion of *habit*. If we look at it in eighteenth-century political philosophy, habit has a primarily critical use. This notion makes it possible to analyze law, institutions, and authority. The notion of habit is used for knowing the extent to which something that appears as an institution or authority can be founded. To everything appearing thus founded, the following question is put: You claim to be founded by the divine word or by the sovereign's authority, but are you not [quite simply] a habit? This is how Humean criticism works, using the notion of habit as a critical, reductive instrument, because habit, on the one hand, is only ever a result and not an original datum—there is something irreducibly artificial in it—and, on the other hand, while unable to lay claim to originality, it is not founded by something like a transcendence: habit always comes from nature,

of confession, by way of debauchery, the primitive, the degenerate, the perverse. If one poses the problem in economic terms, the penal system loses all utility. [If one poses the problem in] ideological [terms], it loses all specificity. It is rationalized if one studies it in the form of power in which it works.”

* Manuscript (20th fol.): “the analysis of a form of power I have called punitive, which it would be better to call disciplinary.”

since in human nature there is the habit of contracting habits. Habit is both nature and artifice.²² And if this notion was used in the political and moral philosophy of the eighteenth century, it was in order to get away from anything of the order of traditional obligations founded on a transcendence, and to replace these obligations with the pure and simple obligation of the contract; in order to replace these traditional obligations, which are shown to be only the effects of habit, with a game of obligations in which the will of each will be voluntarily bound and actualized in the contract. To criticize tradition through habit in order to contractualize social bonds, such is the essence of this use of the notion of habit.

Now it seems to me that the use of the term habit in the nineteenth century is different. In political literature, it ceases being regularly used in a critical way. On the other hand, it is used prescriptively: habit is what people must submit to. There is a whole ethics founded on habit. Far from habit limiting the sphere of morality, of ethics, a whole politics of habit is formed that is transmitted by very different sorts of writing—writings of popular moralization or tracts of social economy.²³ Habit is always given as something positive, something to be acquired. Now, in this position, it does not have the same relation to the contract that habit had in the eighteenth century: in the eighteenth century, one scoured tradition with criticism of habit so as to give way to the *contract*, which replaced habit, [whereas] in the nineteenth century habit is conceptualized as complementary to the contract. In the political thought of the nineteenth century, the contract is the juridical form that binds property owners to each other. It is the juridical form that guarantees the property of each. It is what gives a juridical form to exchange. Finally, it is through the contract that individuals form alliances on the basis of their property. In other words, the contract is the link between individuals and their property, or the link between individuals through their property. Habit, on the other hand, is what links individuals, not to their property, since this is the role of the contract, but to the production apparatus. It is what binds those who are not property owners to an apparatus they do not own; it is what links them to each other as members, not of a class, but of society as a whole. Habit, therefore, is not what links one to a partner at the level of

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property, but what links one to an order of things, to an order of time and to a political order. Habit is the complement of the contract for those who are not linked through their property.

We can say then how the apparatus of sequestration can effectively fix individuals to the production apparatus: it fixes them by forming habits through a play of coercion and punishment, apprenticeship and chastisement. It produces a fabric of habits through which the social membership of individuals to society is defined. It produces something like the norm; the norm is the instrument by which individuals are tied to the apparatuses of production. Whereas classical confinement ejected individuals outside the norms, whereas by confining the poor, vagabonds, and the mad it produced, hid, and sometimes displayed monsters, modern sequestration produced the *norm*^{*} and its function is to produce the normal.²⁴ And so we have a series that characterizes modern society: formation of labor–power—apparatus of sequestration—permanent function of normalization.[†]

In conclusion, if one wanted to characterize the system of power in which the prison functions and of which it is, at the same time, a symbol, a concentrate, but also a strategic functional component, we could say the following. Up to the eighteenth century, we had a society in which power took the visual, solemn, and ritual form of hierarchy and sovereignty. This power carried out its operations through a set of marks, of ceremonies that designated it as sovereign. To this sovereignty, thus made visible in the ritual of the ceremony, corresponded a certain type of historical narrative still close to the heroic narrative and, thereby, still fairly close to mythical effectiveness; a historical narrative whose function was to recount the sovereign's past, to reactualize the past of sovereignty in order to reinforce power. Historiography, as supplementary form of discourse of this power in the form of sovereignty, was a supplementary function of power; and, even though in the eighteenth century we witness its critical reversal, with Voltaire,

* The manuscript (24th fol.) adds: "Its medium is normalization."

† The manuscript (24th fol.) presents this series in the following way: "Apparatus of sequestration. Formation of a labor force. Disciplinary society. Permanent function of normalization/normativity."

Saint-Simon, Dupin, and so on, this discourse is always formed in the region of power, either in order to reinforce it or to undermine it.²⁵

In the nineteenth century, power is no longer effectuated through that solemn, visible, ritual form of sovereignty, but through the habit imposed on some, or on all, but in order that, first of all, fundamentally, some are obliged to yield to it. On these conditions, power may well abandon all that visible, ritual magnificence, all its drapery and marks. It will take the insidious, quotidian, habitual form of the norm, and in this way it is hidden as power and passes for society. The role of the ceremony of power in the seventeenth century²⁶ is now taken over by what is called social consciousness. This is precisely where Durkheim will find the object of sociology. We should re-read what he says in *Suicide* regarding anomy: what characterizes the social as such, in contrast with the political, which is the level of decisions, and the economic, which is the level of determinations, is nothing other than the system of disciplines, of constraints.²⁷ Power is exercised through the medium of the system of disciplines, but so that it is concealed and appears as that reality called society, the object of sociology that is now to be described, to be known. Society, Durkheim said, is the system of the disciplines; but what he did not say is that this system must be analyzed within strategies specific to a system of power.*

If in fact power now no longer manifests itself through the violence of its ceremony, but is exercised through normalization, habit, and discipline, we will see the formation of a new type of discourse. The discourse that will now accompany disciplinary power can no longer be the mythical or heroic discourse that recounted the birth of power and whose function was to reinforce it. It is a discourse that will describe, analyze, and found[†] the norm and make it prescriptible, persuasive. In other words, the discourse that speaks of the king and founds his kingship can disappear and give way to the discourse of the master, that is to say to the discourse of he who supervises, states the norm, makes the division between normal and abnormal,²⁸ evaluates, judges, decides: discourse of the schoolmaster, the judge, the doctor, the psychiatrist. Linked to the exercise of power, we thus see the appearance of a

* Manuscript (26th fol.): "Durkheim will find in our habits the very sign of the social."

† Manuscript (26th fol.): "found in reason."

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discourse that takes over from the mythical discourse on the origins of power—which periodically recounted the genealogy of the king and his ancestors—this is the normalizing discourse of the human sciences.^{29,*}

* The manuscript (26th fol.) ends in the following way: “In the Assyrian Empire, there was a mythical discourse profoundly connected to the exercise of power.³⁰ A discourse of origins. There is currently another type of discourse connected to the exercise of power, inseparable from it; but which is connected to it in a different way; which is delivered from a completely different place, and by completely different people. But which, in a certain way and while standing back, has taken over from these discourses of power. These are those ‘normalizing’ discourses of the human sciences.”

1. N. H. Julius, *Leçons sur les prisons* [see above, p. 00 note 2], p. 384 sq.
2. The “Petite Roquette” mentioned in the manuscript (fol. 2) refers to the prison originally built for young offenders in the 11th arrondissement of Paris, in 1827, based on plans inspired by Bentham’s *Panopticon*; at the time of the G.I.P., the Petite Roquette was a women’s prison. It was destroyed at the end of the 1970s. As Jacques Lagrange points out in *Le Pouvoir psychiatrique*, p. 92, n. 18; *Psychiatric Power*, p. 90, n. 18, according to the terms of the circular of 24 February 1825, the architectural project of the model-prison had to have an arrangement “such that, with the aid of a central point or internal gallery, the whole of the prison can be supervised by one, or at the most two people.” See also: C. Lucas, *Du système pénitentiaire en Europe et aux États-Unis* [see above, p. 00 note 25], vol. I, p. cxiii; M. Foucault, *Surveiller et Punir*, p. 276; *Discipline and Punish*, p. 271.
3. In his manuscript, (2nd fol.), Foucault adds this sentence: “Now this architectural form is at the same time a general social form that extends far beyond the prison. Should we say: *agora-logos* // prison-surveillance?” The theme of social surveillance and the punitive society, central in this course and treated in *Surveiller et Punir*, for example, p. 196, p. 209, and p. 211; *Discipline and Punish*, p. 189, pp. 202-203, and p. 206, did not, on the book’s reception, capture the attention of the readership a great deal, which focused on panopticism as describing a penitentiary rather than a social form, in other words, on the theme of the prison, rather than on the more general theme of the punitive society. Now, in Foucault’s conception, as Daniel Defert confirms, *Surveiller et Punir* is in continuity with this course on a problem of society.
4. Allusion to the famous frontispiece of Hobbes’ *Leviathan*, p. III.
5. An analysis developed in *Surveiller et Punir*, pp. 31-33; *Discipline and Punish*, pp. 26-28, and in “*Il faut défendre la société*” lecture of 7 January 1976, pp. 15-19; “*Society Must Be Defended*” pp. 14-18.
6. As Jacques Lagrange points out in *Le Pouvoir psychiatrique*, p. 20, n. 21; *Psychiatric Power*, p. 18, n. 21, it may be that this criticism is directed at Louis Althusser, who deals with the concept of “State apparatus” in his article: “Idéologie et appareils idéologiques d’État. (Note pour une recherche),” *La Pensée. Revue du rationalisme moderne*, no. 151, June 1970, pp. 3-38; reprinted in L. Althusser, *Positions* (Paris: Éditions Sociales, 1976) pp. 79-137; English translation Ben Brewster, “Ideology and Ideological State Apparatuses,” in L. Althusser, *Lenin and Philosophy* (London: New Left Books, 1971). On Foucault’s argument, see below, “Course context,” pp. 000-000 and pp. 000-000. In *Le Pouvoir psychiatrique; Psychiatric Power*, Foucault offers the following analysis: “Rather, therefore, than speak of violence, I would prefer to speak of a micro-physics of power; rather than speak of the institution, I would much prefer to try to see what tactics are put to work in these forces which confront each other; rather than speak of the family model or ‘State apparatus,’ I would like to try to see the strategy of these relations of power and confrontations which unfold within psychiatric practice” (lecture of 7 November 1973, Fr., p. 18; Eng., p. 16); “Methodologically this entails leaving the problem of the State, of the State apparatus, to one side and dispensing with the psycho-sociological notion of authority” (lecture of 21 November 1973, Fr., p. 42, fn.*; Eng., p. 40, fn.*). Note that the manuscript of *The Punitive Society*, in this passage, as after (8th and 9th sheets), has “State apparatus” in the singular, although it appears that Foucault speaks in the plural (typescript, pp. 197-199).
7. On this theme see *Les Anormaux*, the schematic summary in the lecture of 29 January 1975, pp. 80-81; *Abnormal*, pp. 87-88, and *Surveiller et Punir*, p. 30; *Discipline and Punish*, pp. 25-26: “This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with relations of power and domination; but, on the other hand, its constitution as labour power is possible only if it is caught up in a system of subjection (in which need is also a

- political instrument meticulously prepared, calculated and used); the body becomes a useful force only if it is both a productive body and a subjected body"; see also *ibid.*, p. 147 and pp. 222-223; Eng., p. 000 and pp. 000-000.
8. The point is taken up in May 1973 in "La vérité et les formes juridiques," pp. 621-622/pp. 1489-1490; "Truth and Juridical Forms," p.86: "What I would like to show is that, in point of fact, labor is absolutely not man's concrete essence or man's existence in its concrete form ... It needs the operation or synthesis carried out by a political power for man's essence to appear as being labor" [translation slightly amended; G.B.].
 9. With this juxtaposition of the coercive and the ideological it is clear that Foucault is addressing Althusser with regard to his article of 1970 (see above, note 6, and below, "Course context," pp. 000-000).
 10. In 1776, Turgot created a Commission of medicine responsible for studying epidemics, which, under Necker, took the name of Société royale de médecine. Its members, largely drawn from the Academy of Sciences, were responsible for: "a) inquiring into epidemics; b) discussing and interpreting them; c) prescribing the most suitable curative methods" (J.-P. Peter, "Une enquête de la Société royale de médecine: malades et maladies à la fin du XVIII^e siècle," *Annales. Économies, Sociétés, Civilisations*, 22nd Year, no. 4, 1967, p. 713). Dependent upon the Finance minister, the Société royale is widely thought to be the first State health body. See: *Histoire et mémoires de la Société Royale de Médecine et de Physique, tirés des registres de cette société* (Paris: Didot, 1776-1779); C. Hannaway, "The Société royale de médecine and epidemics in the Ancien Régime," *Bulletin of the History of Medicine*, 46, 1972, p. 257; J.-P. Desaiève et al., *Médecins, climat et épidémies à la fin du XVIII^e siècle* (Paris: Éditions de l'EHESS, 1972). For a more recent analysis of the place of the Société royale de médecine in the formation of an administrative science of health, see V. Tournay, "'Le concept de police médicale.' D'une aspiration militante à la production d'une objectivité administrative," *Politix*, 2007/1, no. 77, pp. 173-199; see also M. Foucault, *Naissance de la clinique*, ch. II, especially pp. 49-56; *The Birth of the Clinic*, pp. 26-31.
 11. This could refer to the chambers of commerce, as well as, from the Consulate, the consultative chamber of Arts and Manufactures, "assembly of the principal industrialists responsible for enlightening the government about the needs of industry" (A. Chéruel, *Dictionnaire historique des institutions, mœurs et coutumes de la France*, first part, Paris: Librairie Hachette et C^{ie}, 1899, p. 123). This would justify, notably, the use of the verb "taken back," since these institutions, officially established in 1701, were suppressed by the Revolution in 1791 and then re-established in 1802 with the mission of "presenting views on the means of increasing the prosperity of commerce, of making known to the government the causes that check its progress, of indicating the resources that may be obtained ..." (Decree of 3 Nivôse Year XI/24 December 1802, quoted by B. Magliulo, *Les Chambres de commerce et d'industrie*, Paris: PUF, 1980, p. 31). Chaptal, Minister of the Interior, presented the reasons for this re-establishment in these terms: "The action of government on commerce can be enlightened only by the faithful account of the condition and needs of commerce at every point of the Republic" (quoted, *ibid.*, p. 32). However, the notion of inquiry, and a fortiori of inquiry into craft techniques, does not appear directly in these activities. For an extensive bibliography on the subject, see E. Pendleton Herring, "Chambres de Commerce: Their Legal Status and Political Significance," *The American Political Science Review*, vol. 25(3), August 1931, pp. 691-692; see also A. Conquet, *Napoléon [III] et les chambres de commerce*, APPCI, 1978.
 12. Foucault also refers to Chaptal's inquiry in *Surveiller et Punir*, p. 236; *Discipline and Punish*, p. 234: "that [inquiry] of Chaptal in 1810 (whose task it was to discover what could be used to introduce the carceral apparatus into France)" [translation slightly modified; G.B.].
 13. In the manuscript (16th fol.), Foucault draws up a list which mentions: "Revolution; Consulate; Empire." See the list of inquiries in *Surveiller et Punir*, pp. 236-237; *Discipline and Punish*, p. 234: "that of Decazes in 1819, Villermé's work published in 1820, the report

- on the *maisons centrales* drawn up by Martignac in 1829, the inquiries carried out in the United States by Beaumont and Tocqueville in 1831, by Demetz and Blouet in 1835, the questionnaires addressed by Monalivet to the directors of the *maisons centrales* and to the general councils of the *départements* during the debate on solitary confinement.”
14. See A. de Sartine, *Journal des inspecteurs de M. de Sartines, 1^{re} partie, 1761-1764* (Brussels: Ernest Parent, 1863). Antoine de Sartine, Count of Alby (1729-1801), politician, was criminal lieutenant at Le Chatelet in Paris, lieutenant general of police (1759-1774), and Naval Minister under Louis XVI.
 15. See J. Fouché, *Rapport fait aux consuls par le ministre de la Police sur l'infâme complot tendant à assassiner les consuls, leurs familles, les ministres et les principaux membres du gouvernement* (Paris: impr. Cornu, no date); *Rapport du ministre de la Police générale concernant l'attentat commis contre le 1^{er} consul Bonaparte, le 3 nivôse* [14 nivôse, Year IX]. *Arrêté des consuls, qui ordonne la déportation de 131 individus. Arrêté du Sénat conservateur, qui approuve cette mesure* (Paris: impr. Marchant, no date). Joseph Fouché (1759-1820) was Police minister under the Directory and the Empire.
 16. Foucault is referring here to the *Compte général de l'administration de la justice criminelle*, which appeared for the first time in 1827, based on the figures of the year 1825. “The *Compte générale* has an annual periodicity (except for war years) with recapitulatory volumes in 1850, 1880, and 1900. It was produced with the help of statistical tables sent to the courts ... The detailed facts and figures, abundant in the nineteenth century, tend to decrease from the years 1920-1930. The most numerous tables concern the accused, details of civil status, profession, and place of residence being taken into account only at the beginning of the twentieth century” (J.-C. Farcy, *Guide des archives judiciaires et pénitentiaires 1800-1948* (Paris: CNRS Éditions, 1992, p. 228). Following this mode a *Compte général de l'administration de la justice civile et commerciale* (1831), a *Compte générale de l'administration de la justice militaire* (1832), and a *Compte générale de l'administration de la justice dans la colonies* (1834) were created successively. They all appear as “a series of statistical tables preceded by a more or less lengthy introduction produced by the minister responsible for the statistical account, which comments on the facts and figures from an official point of view” (ibid.). See: M. Perrot, “Premières mesures des faits sociaux: les débuts de la statistique criminelle en France 1780-1830,” in [collective,] *Pour une histoire de la statistique*, vol. I: *Contributions/Journées d'études sur l'histoire de la statistique (Vaucresson, 1976)* (Paris: INSEE, 1977) pp. 125-177; Ministère de la Justice, *Compte générale de l'administration de la justice criminelle en France pendant l'année 1880 et Rapport relatif aux années 1826 à 1880*, published with a commentary by Michelle Perrot and Philippe Robert (Geneva and Paris: Slatkine Reprints, 1989).
 17. In the manuscript (16th fol.), Foucault adds: “Statistics as science of State,” then writes (17th fol.): “The philosophical critique of abstraction, of the evolution of the experimental method, has been made 1000 times, [but] never the history of State knowledge, of the administrative extraction of knowledge.” In “*Il faut défendre la société*,” lecture of 11 February 1976, p. 120; “*Society Must Be Defended*,” p. 138, he says: “Between the knowledge (*savoir*) of the prince and the knowledge (*connaissances*) of his administration, a ministry of history was created, which, between the king and his administration, had to establish, in a controlled way, the uninterrupted tradition of the monarchy” [translation slightly amended; G.B.]. This connects with the subject of Daniel Defert’s thesis on the development of statistics as administrative knowledge of the State in German universities in the eighteenth century, titled, “Le Savoir du Prince et les ci-devant secrets” (under the direction of Raymond Aron).
 18. Sébastien Le Prestre de Vauban (1633-1707), better known for his essential role as general superintendent of fortification, from 1695, addresses several memoranda to the king developing “the idea of reducing the numerous taxes then existing and replacing them by capitation. The aim of this capitation was to levy a tax at fifteen denier on the clergy, salaries, pledges, and pensions of all the civil and military officers of the realm, the King’s household, the troops of land and sea, ‘without excepting any of those who can support it’” (G. Michel

- and A. Liesse, *Vauban économiste*, Paris: E. Plon, Nourrit et C^{ie}, 1891, p. 17). Forced by illness to retire from his military functions, Vauban, appointed Marshal of France in 1703, progressively lost royal favor. The work in which he set out his project, *La Dime royale*, was published in 1707 without authorization and quickly became the object of an interdiction. Vauban died some weeks later. The book opens with a justification of the author's intentions: "I say therefore with the best faith in the world, that it was not the wish to delude myself, or to earn new considerations for myself, which made me undertake this Work. I am neither a man of letters nor a man of Finance, and it would be wrong of me to seek glory and advantage through things which are not part of my profession" (Vauban, *Le Dime royale*, presented by Emmanuel Le Roy Ladurie, Paris: Imprimerie nationale, 1992 [1897], p. 57). See also A. Reblliau, *Vauban* [published by Jacques Lovie] (Paris: Club des libraires de France, 1962).
19. François Quesnay (see above, p. 00 note 3), due to his status as King's surgeon and Madame de Pompadour's physician, as well as his desire to live in the mezzanine of the Versailles château so as to encourage the visits of influential personages, exercised a certain influence at court. Many accused him of having political pretensions; see G. Weulersse, *Le Mouvement physiocratique en France de 1756 à 1770* [above p. 00 note 3], vol. 2, pp. 626-682.
 20. Foucault describes and analyzes the 1838 law in *Le Pouvoir psychiatrique*, lecture of 5 December 1973, pp. 97-99; *Psychiatric Power*, pp. 94-97, and *Les Anormaux*, lecture of 12 February 1975, pp. 130-141; *Abnormal*, pp. 140-151. It seems that Foucault wrote "Castel" in the margin of the manuscript (17th fol.), no doubt referring to the works of Robert Castel on the history of psychiatry; see Robert Castel, "Le traitement moral. Thérapeutique mentale et contrôle social au XIX^e siècle," *Topique*, no. 2, 1970, pp. 109-129. In *Le Pouvoir psychiatrique*, p. 88, footnote *; *Psychiatric Power*, p. 87, footnote * (which refers to the manuscript for the course), Foucault refers explicitly to Castel's 1973 work, *Le Psychanalisme* (Paris: Maspéro, 1973), about which he says: "This is a radical book because, for the first time, psychoanalysis is situated solely within psychiatric practice and power" (*ibid.*, Fr., p. 198, n. 41; Eng., p. 199, n. 41). And the following year, in *Surveiller et Punir*, p. 29, n. 1; *Discipline and Punish*, p. 309, n. 2: "I should also have quoted a number of pages from R. Castel's *Psychanalisme*." See too, Robert Castel's book, published in 1976, *L'Ordre psychiatrique. L'âge d'or de l'aliénisme* (Paris: Éditions de Minuit); English translation W. D. Halls, *The Regulation of Madness: The Origins of Incarceration in France* (Berkeley: University of California Press, 1988).
 21. On this subject, see G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939). In *Surveiller et Punir*, p. 29; *Discipline and Punish*, p. 24, Foucault notes that: "Rusche and Kirchheimer's great work, *Punishment and Social Structure*, provides a number of essential reference points" and he borrows their notion of political economy of punishment in order to develop his idea of a "'political economy' of the body" (*ibid.*, p. 30).
 22. See D. Hume, *A Treatise of Human Nature*, ed., L. A. Selby-Bigge (Oxford: Clarendon Press, 1978 [1739]) Book I, Part III, Section XVI, p. 179: "Nature may certainly produce whatever can arise from habit: Nay, habit is nothing but one of the principles of nature, and derives all its force from that origin." Hume not only places custom or habit at the heart of the explanation of probable reasoning, but he describes them as both natural and artificial. It is habit that "determine[s] us to make the past a standard for the future" and "the supposition that the future will resemble the past is not founded on arguments of any kind, but is derived entirely from habit" (*Treatise*, Book I, Part III, Section XII, pp. 133-134, Hume's emphasis). When habit is the product of a constant past experience, it is "full and perfect" and "we make the transition without any reflection, and interpose not a moment's delay betwixt the view of one object and the belief of that which is often found to attend it" (*ibid.*). In other words, it is habit, without any reflection, and without any reference to the supposition according to which the future resembles the past, that assures the transition between the experience of the perception of an object and the belief in that which is usually associated with it. What

then is involved is a natural production of belief, but which is only produced in the presence of a full and perfect habit, itself the consequence of a constant past experience. On the other hand, in the more common case where past experience is mixed, the “reasonings of this kind arise not *directly*, but in an *oblique* manner” (ibid., Hume’s emphasis). At another point in the text, Hume also speaks of an “oblique and artificial manner” (p. 104). In such cases, we consciously consider the supposition according to which the future will resemble the past, and it is this consideration that produces belief. The latter is therefore an artificial human product, from the point of view reference to the supposition that the future resembles the past, which “has establish’d itself by a sufficient custom” (p. 105). For further clarifications, see D. Owen, *Hume’s Reason* (Oxford: Oxford University Press, 1999) ch. 7, pp. 147–174.

23. Foucault notes two examples in the manuscript. “Discussion of [M.] Bruno; *Traité d’économie sociale*” (22nd fol.). On M. Bruno, see above, p. 000 note 17. Furthermore, Foucault refers here to the work of the doctor Ange Guépin (1805–1873), *Traité d’économie sociale* (Paris: De Lacombe, 1833). Philanthropic physician and theorist of socialism inspired by Saint-Simon and Fourier, Ange Guépin played a central role in the political life of nineteenth-century Nantes. He applied himself in particular to measuring the poverty of Nantes workers and to putting forward solutions to combat it; see A. Guépin and E. Bonamy, *Nantes au XIX^e siècle* (see above, p. 000 note 9). In his *Traité d’économie social* (pp. 82–83), doctor Guépin, starting from the example of print workers, develops the idea of industry associations allowing in particular the socialization of risks of accident or inactivity as well as the cost of retirement, and the final aim of which would be to enable the workers to buy out the printing works themselves; see J. Maitron, ed., *Dictionnaire biographique du mouvement ouvrier français. Première partie: 1789–1864. De la Révolution française à la fondation de la Première Internationale* (Paris: Les Éditions ouvrières, 1865) 3 volumes, vol. II, pp. 309–311.
24. See *Surveiller et Punir*, pp. 104–105; *Discipline and Punish*, pp. 102–103.
25. In the manuscript Foucault notes: “its critical reversal (Saint-Simon or Voltaire) only apparently removes it from this primary function” (25th fol.). In his *Mémoires*, Louis de Rouvroy, duc de Saint-Simon (1675–1755), distances himself from the adulation of Louis XIV practiced by the official history of his time, and, in a series of portraits and accounts of historical episodes, describes something like an underside of the monarchy; see M. Stefanovska, *Saint-Simon, un historien dans les marges* (Paris: Honoré Champion, 1998) p. 29. In the “Considérations préliminaires” of his work, Saint-Simon notes: “The account of events must discover their origins, causes, and consequences, and the connections between them, which can be done only through the exposition of the actions of the characters who took part in these things ..., what involved them in the part they have played in the facts one recounts, and the relationship of union or opposition that existed between them.” Louis XIV nevertheless always occupies a symbolically central position in the exposition of the facts. On the importance of ceremony in Saint-Simonian history, see M. Stefanovska, pp. 59–65.

Claude Dupinde Chenonceaux (1686–1769), financier and tax farmer-general, was a precursor of physiocratic thought. In *économiques* (Paris: Marcel Rivière et Compagnie, 1913 [1745]), Claude Dupin set out the economic organization of France and advanced various means of improving it. The third volume of the work puts forward a history of taxation, in which the author describes the evolution of royal taxation policies. Claude Dupin is, however, better known for his opposition, in two successive works, to *L’Esprit des lois* (*Observations sur un ouvrage intitulé “L’Esprit des lois”* was prohibited by the censor) and to Montesquieu’s questioning of the system of the *Ferme générale*. From 1745 to 1751, Jean-Jacques Rousseau was the private secretary of Claude Dupin’s wife, Louise-Marie-Madeleine Fontaine.

As for Voltaire, he is widely considered to be one of the fathers of modern historiography. He devoted several works to history and the philosophy of history, including the *Nouvelles Considérations sur l’histoire* (1744) and *Le Siècle de Louis XIV* (1751), in which he writes: “It is not just the life of Louis XIV that we aspire to write; we set ourselves a larger object. We

- wish to depict for posterity, not the actions of a single man, but the spirit of men in the most enlightened century there has ever been” (“Introduction” to *Siècle de Louis XIV*, in Voltaire, *Œuvres avec préface, avertissements, notes, etc.*, par M. Beuchot, Paris: Lefèvre, 1830, vol. 19, p. 237). In the *Nouvelles Considérations sur l’histoire*, Voltaire contrasts “the history of men,” which he hopes and prays for, with “the history of kings and courts” (*Œuvres historiques*, Paris: Gallimard, 1987 [1744], pp. 47–48).
26. On this theme Foucault gives a lecture entitled “Cérémonie, théâtre et politique au XVII^e siècle” at the University of Minnesota, Minneapolis, in April 1972, as a contribution to the Fourth Annual Conference on 17th-Century French Literature, summarized in English by Stephen Davidson in Armand Renaud, ed., *Proceedings of the Fourth Annual Conference of XVIIIth-Century French Literature, with programs and brief account of the first, second, third conference* (Minneapolis, MN: 1972), pp. 22–23.
 27. See E. Durkheim, *Le Suicide. Étude de sociologie* (Paris: Felix Alcan, 1897); English translation by John A. Spalding and George Simpson, *Suicide. A Study in Sociology* (Glencoe, IL: The Free Press, 1952). Regarding the declassification produced for certain individuals by economic disasters, Durkheim writes notably: “All the advantages of social influence are lost so far as they are concerned; their moral education has to be recommenced. But society cannot adjust them instantaneously and teach to practice the increased self-repression to which they are unaccustomed ... The state of de-regulation or anomie is thus further heightened by passions being less disciplined, precisely when they need more disciplining” (pp. 252–253). However, in Durkheim, the notion of discipline is necessarily founded in justice, and cannot confine itself to force or habit: “But ... this discipline can be useful only if considered just by the people subject to it. When it is maintained only by custom and force, peace and harmony are illusory ...; appetites superficially restrained are ready to revolt” (*ibid.*, p. 251).
 28. This theme is taken up again in *Les Anormaux; Abnormal*. In his manuscript, Foucault adds to the abnormal, the “deviant” and the “sick” (26th fol.).
 29. This critique of the human sciences, the first formulations of which are found in the “Préface” to the *Anthropologie* of Kant, in *Folie et Déràison. Histoire de la folie; History of Madness*, and in *Les Mots et les Choses; The Order of Things*, will be developed subsequently. See: “La vérité et les formes juridiques,” pp. 622–623/pp. 1490–1491; “Truth and Juridical Forms,” p. 87; *Le Pouvoir psychiatrique*, lecture of 21 November 1973, pp. 58–60; *Psychiatric Power*, pp. 56–58; *Surveiller et Punir*, pp. 28–29 and p. 315; *Discipline and Punish*, pp. 23 and p. 308.
 30. On the reference to the Assyrian Empire, locus of a mythical discourse connected to the exercise of power, see, *Leçons sur la volonté de savoir*, lecture of 10 February 1971, pp. 106–107; *Lectures on the Will to Know*, pp. 111–112.

TRUTH AND JURIDICAL FORMS*

I

What I would like to tell you in these lectures are some things that may be inexact, untrue, or erroneous, which I will present as working hypotheses, with a view to a future work. I beg your indulgence, and more than that, your malice. Indeed, I would be very pleased if at the end of each lecture you would voice some criticisms and objections so that, insofar as possible and assuming my mind is not yet too rigid, I might gradually adapt to your questions and thus at the end of these five lectures we might have done some work together or possibly made some progress.

Today, under the title "Truth and Juridical Forms," I will offer some methodological reflections to introduce a problem that may appear somewhat enigmatic to you. I will try to present what constitutes the point of convergence of three or four existing, already-explored, already-inventoried series of inquiries, which I will compare and combine in a kind of investigation. I won't say it is original, but it is at least a new departure.

The first inquiry is historical: How have domains of knowledge been formed on the basis of social practices? Let me explain the point at issue. There is a tendency that we may call, a bit ironically, "academic Marxism," which consists of trying to determine the way in which economic conditions of existence may be reflected and expressed in the consciousness of men. It seems to me that this form of analysis, traditional in university Marxism in France, ex-

hibits a very serious defect—basically, that of assuming that the human subject, the subject of knowledge, and forms of knowledge themselves are somehow given beforehand and definitively, and that economic, social, and political conditions of existence are merely laid or imprinted on this definitely given subject.

My aim will be to show you how social practices may engender domains of knowledge that not only bring new objects, new concepts, and new techniques to light, but also give rise to totally new forms of subjects and subjects of knowledge. The subject of knowledge itself has a history; the relation of the subject to the object; or, more clearly, truth itself has a history.

Thus, I would especially like to show how a certain knowledge of man was formed in the nineteenth century, a knowledge of individuality, of the normal or abnormal, conforming or nonconforming individual, a knowledge that actually originated in social practices of control and supervision [*surveillance*]. And how, in a certain way, this knowledge was not imposed on, proposed to, or imprinted on an existing human subject of knowledge; rather, it engendered an utterly new type of subject of knowledge. The history of knowledge domains connected with social practices—excluding the primacy of a definitively given subject of knowledge—is a first line of research I suggest to you.

The second line of research is a methodological one, which might be called “discourse analysis.” Here again there is, it seems to me, in a tradition that is recent but already accepted in European universities, a tendency to treat discourse as a set of linguistic facts linked together by syntactic rules of construction.

A few years ago, it was original and important to say and to show that what was done with language—poetry, literature, philosophy, discourse in general—obeyed a certain number of internal laws or regularities: the laws and regularities of language. The linguistic character of language facts was an important discovery for a certain period.

Then, it seems, the moment came to consider these facts of discourse no longer simply in their linguistic dimension, but in a sense—and here I’m taking my cue from studies done by the Anglo-Americans—as games, strategic games of action and reaction, question and answer, domination and evasion, as well as struggle. On one level, discourse is a regular set of linguistic facts,

while on another level it is an ordered set of polemical and strategic facts. This analysis of discourse as a strategic and polemical game is, in my judgment, a second line of research to pursue.

Lastly, the third line of research that I proposed—and where it meets the first two, it defines the point of convergence where I will place myself—is a reworking of the theory of the subject. That theory has been profoundly modified and renewed, over the last several years, by a certain number of theories—or, even more seriously, by a certain number of practices, among which psychoanalysis is of course in the forefront. Psychoanalysis has undoubtedly been the practice and the theory that has reevaluated in the most fundamental way the somewhat sacred priority conferred on the subject, which has become established in Western thought since Descartes.

Two or three centuries ago, Western philosophy postulated, explicitly or implicitly, the subject as the foundation, as the central core of all knowledge, as that in which and on the basis of which freedom revealed itself and truth could blossom. Now, it seems to me that psychoanalysis has insistently called into question this absolute position of the subject. But while psychoanalysis has done this, elsewhere—in the field of what we may call the “theory of knowledge,” or in that of epistemology, or in that of the history of the sciences, or again in that of the history of ideas—it seems to me that the theory of the subject has remained very philosophical, very Cartesian and Kantian; for, at the level of generalities where I situate myself, I don’t differentiate between the Cartesian and Kantian conceptions.

Currently, when one does history—the history of ideas, of knowledge, or simply history—one sticks to this subject of knowledge, to this subject of representation as the point of origin from which knowledge is possible and truth appears. It would be interesting to try to see how a subject came to be constituted that is not definitively given, that is not the thing on the basis of which truth happens to history—rather, a subject that constitutes itself within history and is constantly established and reestablished by history. It is toward that radical critique of the human subject by history that we should direct our efforts.

A certain university or academic tradition of Marxism has not yet given up the traditional philosophical conception of the subject. In

my view, what we should do is show the historical construction of a subject through a discourse understood as consisting of a set of strategies which are part of social practices.

That is the theoretical background of the problems I would like to raise.

Among the social practices whose historical analysis enables one to locate the emergence of new forms of subjectivity, it seemed to me that the most important ones are juridical practices.

The hypothesis I would like to put forward is that there are two histories of truth. The first is a kind of internal history of truth, the history of a truth that rectifies itself in terms of its own principles of regulation: it's the history of truth as it is constructed in or on the basis of the history of the sciences. On the other hand, it seems to me that there are in society (or at least in our societies) other places where truth is formed, where a certain number of games are defined—games through which one sees certain forms of subjectivity, certain object domains, certain types of knowledge come into being—and that, consequently, one can on that basis construct an external, exterior history of truth.

Judicial practices, the manner in which wrongs and responsibilities are settled between men, the mode by which, in the history of the West, society conceived and defined the way men could be judged in terms of wrongs committed, the way in which compensation for some actions and punishment for others were imposed on specific individuals—all these rules or, if you will, all these practices that were indeed governed by rules but also constantly modified through the course of history, seem to me to be one of the forms by which our society defined types of subjectivity, forms of knowledge, and, consequently, relations between man and truth which deserve to be studied.

There you have a general view of the theme I intend to develop: juridical forms and their evolution in the field of penal law as the generative locus for a given number of forms of truth. I will try to show you how certain forms of truth can be defined in terms of penal practice. For what is called the *inquiry*—the inquiry as practiced by philosophers of the fifteenth to the eighteenth century, and also by scientists, whether they were geographers, botanists, zoologists, or economists—is a rather characteristic form of truth in our societies.

Now where does one find the origin of the inquiry? One finds it in political and administrative practice, which I'm going to talk about; one also finds it in judicial practice. The inquiry made its appearance as a form of search for truth within the judicial order in the middle of the medieval era. It was in order to know exactly who did what, under what conditions, and at what moment, that the West devised complex techniques of inquiry which later were to be used in the scientific realm and in the realm of philosophical reflection.

In the same way, other forms of analysis were invented in the nineteenth century, from the starting point of juridical, judicial, and penal problems—rather curious and particular forms of analysis that I shall call *examination*, in contradistinction to the inquiry. Such forms of analysis gave rise to sociology, psychology, psychopathology, criminology, and psychoanalysis. I will try to show you how, when one looks for the origin of these forms of analysis, one sees that they arose in direct conjunction with the formation of a certain number of political and social controls, during the forming of capitalist society in the late nineteenth century.

Here, then, is a broad sketch of the topic of this series of lectures. In the next one, I will talk about the birth of the inquiry in Greek thought, in something that is neither completely a myth nor entirely a tragedy—the story of Oedipus. I will speak of the Oedipus story not as a point of origin, as the moment of formulation of man's desire or forms of desire, but, on the contrary, as a rather curious episode in the history of knowledge and as a point of emergence of the inquiry. In the next lecture I will deal with the relation of conflict, the opposition that arose in the Middle Ages between the system of the *test* and the system of the inquiry. Finally, in the last two lectures, I will talk about the birth of what I shall call the examination or the sciences of examination, which are connected with the formation and stabilization of capitalist society.

For the moment I would like to pick up again, in a different way, the methodological reflections I spoke of earlier. It would have been possible, and perhaps more honest, to cite only one name, that of Nietzsche, because what I say here won't mean anything if it isn't connected to Nietzsche's work, which seems to me to be the best, the most effective, the most pertinent of the models that one can draw upon. In Nietzsche, one finds a type of discourse that

undertakes a historical analysis of the formation of the subject itself, a historical analysis of the birth of a certain type of knowledge [*savoir*]¹—without ever granting the preexistence of a subject of knowledge [*connaissance*]. What I propose to do now is to retrace in his work the outlines that can serve as a model for us in our analyses.

I will take as our starting point a text by Nietzsche, dated 1873, which was published only after his death. The text says: “In some remote corner of the universe, bathed in the fires of innumerable solar systems, there once was a planet where clever animals invented knowledge. That was the grandest and most mendacious minute of ‘universal history.’”¹

In this extremely rich and difficult text, I will leave aside several things, including—and above all—the famous phrase “that was the most mendacious minute.” Firstly and gladly, I will consider the insolent and cavalier manner in which Nietzsche says that knowledge was invented on a star at a particular moment. I speak of insolence in this text of Nietzsche’s because we have to remember that in 1873, one is if not in the middle of Kantianism then at least in the middle of neo-Kantianism; the idea that time and space are not forms of knowledge, but more like primitive rocks onto which knowledge attaches itself, is absolutely unthinkable for the period.

That’s where I would like to focus my attention, dwelling first on the term “invention” itself. Nietzsche states that at a particular point in time and a particular place in the universe, intelligent animals invented knowledge. The word he employs, “invention”—the German term is *Erfindung*—recurs often in these texts, and always with a polemical meaning and intention. When he speaks of invention, Nietzsche always has an opposite word in mind, the word “origin” [*Ursprung*]. When he says “invention,” it’s in order not to say “origin”; when he says *Erfindung*, it’s in order not to say *Ursprung*.

We have a number of proofs of this, and I will present two or three of them. For example, in a passage that comes, I believe, from *The Gay Science* where he speaks of Schopenhauer, criticizing his analysis of religion, Nietzsche says that Schopenhauer made the mistake of looking for the origin—*Ursprung*—of religion in a metaphysical sentiment present in all men and containing the latent core, the true and essential model of all religion. Nietzsche says this is a completely false history of religion, because to suppose that

religion originates in a metaphysical sentiment signifies, purely and simply, that religion was already given, at least in an implicit state, enveloped in that metaphysical sentiment. But history is not that, says Nietzsche, that is not the way history was made—things didn't happen like that. Religion has no origin, it has no *Ursprung*, it was invented, there was an *Erfindung* of religion. At a particular moment in the past, something happened that made religion appear. Religion was made; it did not exist before. Between the great continuity of the *Ursprung* described by Schopenhauer and the great break that characterizes Nietzsche's *Erfindung*, there is a fundamental opposition.

Speaking of poetry, still in *The Gay Science*, Nietzsche declares that there are those who look for the origin, the *Ursprung*, of poetry, when in fact there is no *Ursprung* of poetry, there is only an invention of poetry.² Somebody had the rather curious idea of using a certain number of rhythmic or musical properties of language to speak, to impose his words, to establish by means of those words a certain relation of power over others. Poetry, too, was invented or made.

There is also the famous passage at the end of the first discourse of *The Genealogy of Morals* where Nietzsche refers to a sort of great factory in which the ideal is produced.³ The ideal has no origin: it too was invented, manufactured, produced by a series of mechanisms, of little mechanisms.

For Nietzsche, invention, *Erfindung*, is on the one hand a break, on the other something with a small beginning, one that is low, mean, unavowable. This is the crucial point of the *Erfindung*. It was by obscure power relations that poetry was invented. It was also by pure and obscure power relations that religion was invented. We see the meanness, then, of all these small beginnings as compared with the solemnity of their origin as conceived by philosophers. The historian should not be afraid of the meanness of things, for it was out of the sequence of mean and little things that, finally, great things were formed. Good historical method requires us to counterpose the meticulous and unavowable meanness of these fabrications and inventions, to the solemnity of origins.

Knowledge was invented, then. To say that it was invented is to say that it has no origin. More precisely, it is to say, however paradoxical this may be, that knowledge is absolutely not inscribed in

human nature. Knowledge doesn't constitute man's oldest instinct; and, conversely, in human behavior, the human appetite, the human instinct, there is no such thing as the seed of knowledge. As a matter of fact, Nietzsche says, knowledge does have a connection with the instincts, but it cannot be present in them, and cannot even be one instinct among the others. Knowledge is simply the outcome of the interplay, the encounter, the junction, the struggle, and the compromise between the instincts. Something is produced because the instincts meet, fight one another, and at the end of their battles finally reach a compromise. That something is knowledge.

Consequently, for Nietzsche knowledge is not of the same nature as the instincts, it is not like a refinement of the instincts. Knowledge does indeed have instincts as its foundation, basis, and starting point, but its basis is the instincts in their confrontation, of which knowledge is only the surface outcome. Knowledge is like a luminescence, a spreading light, but one that is produced by mechanisms or realities that are of completely different natures. Knowledge is a result of the instincts; it is like a stroke of luck, or like the outcome of a protracted compromise. It is also, Nietzsche says, like "a spark between two swords," but not a thing made of their metal.

Knowledge—a surface effect, something prefigured in human nature—plays its game in the presence of the instincts, above them, among them; it curbs them, it expresses a certain state of tension or appeasement between the instincts. But knowledge cannot be deduced analytically, according to a kind of natural derivation. It cannot be deduced in a necessary way from the instincts themselves. Knowledge doesn't really form part of human nature. Conflict, combat, the outcome of the combat, and, consequently, risk and chance are what gives rise to knowledge. Knowledge is not instinctive, it is counterinstinctive; just as it is not natural, but counternatural.

That is the first meaning that can be given to the idea that knowledge is an invention and has no origin. But the other sense that could be given to Nietzsche's assertion is that knowledge, beyond merely *not* being bound up with human nature, *not* being derived from human nature, isn't even closely connected to the world to be known. According to Nietzsche, there is no resemblance, no prior affinity between knowledge and the things that need to be known.

In more strictly Kantian terms, one should say the conditions of experience and the conditions of the object of experience are completely heterogeneous.

That is the great break with the prior tradition of Western philosophy, for Kant himself had been the first to say explicitly that the conditions of experience and those of the object of experience were identical. Nietzsche thinks, on the contrary, that between knowledge and the world to be known there is as much difference as between knowledge and human nature. So one has a human nature, a world, and something called knowledge between the two, without any affinity, resemblance, or even natural tie between them.

Nietzsche says repeatedly that knowledge has no affinity with the world to be known. I will cite just one passage from *The Gay Science*, aphorism 109: "The total character of the world is chaos for all eternity—in the sense not of a lack of necessity but of a lack of order, arrangement, form, beauty, wisdom."⁴ The world absolutely does not seek to imitate man; it knows no law. Let us guard against saying that there are laws in nature. Knowledge must struggle against a world without order, without connectedness, without form, without beauty, without wisdom, without harmony, and without law. That is the world that knowledge deals with. There is nothing in knowledge that enables it, by any right whatever, to know this world. It is not natural for nature to be known. Thus, between the instincts and knowledge, one finds not a continuity but, rather, a relation of struggle, domination, servitude, settlement. In the same way, there can be no relation of natural continuity between knowledge and the things that knowledge must know. There can only be a relation of violence, domination, power, and force, a relation of violation. Knowledge can only be a violation of the things to be known, and not a perception, a recognition, an identification of or with those things.

It seems to me that in this analysis by Nietzsche there is a very important double break with the tradition of Western philosophy, something we should learn from. The first break is between knowledge and things. What is it, really, in Western philosophy that certifies that things to be known and knowledge itself are in a relation of continuity? What assurance is there that knowledge has the ability to truly know the things of the world instead of being indefinite

error, illusion, and arbitrariness? What in Western philosophy guarantees that, if not God? Of course, from Descartes, to go back no further than that, and still even in Kant, God is the principle that ensures a harmony between knowledge and the things to be known. To demonstrate that knowledge was really based in the things of the world, Descartes had to affirm the existence of God.

If there is no relation between knowledge and the things to be known, if the relation between knowledge and known things is arbitrary, if it is a relation of power and violence, the existence of God at the center of the system of knowledge is no longer indispensable. As a matter of fact, in the same passage from *The Gay Science* where he speaks of the absence of order, connectedness, form, and beauty in the world, Nietzsche asks, "When will all these shadows of God cease to darken our minds? When will we complete our de-deification of nature?"⁵

Second, I would say that if it is true that between knowledge and the instincts—all that constitutes, that makes up the human animal—there is only discontinuity, relations of domination and servitude, power relations, then it's not God that disappears but the subject in its unity and its sovereignty.

When we retrace the philosophical tradition starting from Descartes, to go no further back than that, we see that the unity of the subject was ensured by the unbroken continuity running from desire to knowledge [*connaissance*], from the instincts to knowledge [*savoir*], from the body to truth. All of that ensured the subject's existence. If, on the one hand, it is true that there are mechanisms of instinct, the play of desire, the affrontment between the mechanisms of the body and the will, and on the other hand, at a completely different level of nature, there is knowledge, then we don't need the postulate of the unity of the human subject. We can grant the existence of subjects, or we can grant that the subject doesn't exist. In this respect, then, the text by Nietzsche I have cited seems to present a break with the oldest and most firmly established tradition of Western philosophy.

Now, when Nietzsche says that knowledge is the result of the instincts, but that it is not an instinct and is not directly derived from the instincts, what does he mean exactly? And how does he conceive of that curious mechanism by which the instincts, without having any natural relation with knowledge, can, merely by their

activity, produce, invent a knowledge that has nothing to do with them? That is the second series of problems I would like to address.

There is a passage in *The Gay Science*, aphorism 333, which can be considered one of the closest analyses Nietzsche conducted of that manufacture, of that invention of knowledge. In this long text titled "The Meaning of Knowing," Nietzsche takes up a text by Spinoza in which the latter sets *intelligere*, to understand, against *ridere* [to laugh], *lugere* [to lament], and *detestari* [to detest].⁶ Spinoza said that if we wish to understand things, if we really wish to understand them in their nature, their essence, and hence their truth, we must take care not to laugh at them, lament them, or detest them. Only when those passions are calmed can we finally understand. Nietzsche says that not only is this not true, but it is exactly the opposite that occurs. *Intelligere*, to understand, is nothing more than a certain game, or more exactly, the outcome of a certain game, of a certain compromise or settlement between *ridere*, *lugere*, and *detestari*. Nietzsche says that we understand only because behind all that there is the interplay and struggle of those three instincts, of those three mechanisms, or those three passions that are expressed by laughter, lament, and detestation.

Several points need to be considered here. First, we should note that these three passions, or these three drives—laughing, lamenting, detesting—are all ways not of getting close to the object or identifying with it but, on the contrary, of keeping the object at a distance, differentiating oneself from it or marking one's separation from it, protecting oneself from it through laughter, devalorizing it through complaint, removing it and possibly destroying it through hatred. Consequently, all these drives, which are at the root of knowledge and which produce it, have in common a distancing of the object, a will to remove oneself from it and to remove it at the same time—a will, finally, to destroy it. Behind knowledge there is a will, no doubt obscure, not to bring the object near to oneself or identify with it but, on the contrary, to get away from it and destroy it—a radical malice of knowledge.

We thus arrive at a second important idea: These drives—laughing, lamenting, detesting—can all be categorized as bad relations. Behind knowledge, at the root of knowledge, Nietzsche does not posit a kind of affection, drive, or passion that makes us love the object to be known; rather, there are drives that would place us in

a position of hatred, contempt, or fear before things that are threatening and presumptuous.

If these three drives—laughing, lamenting, hating—manage to produce knowledge, this is not, according to Nietzsche, because they have subsided, as in Spinoza, or made peace, or because they have attained a unity. On the contrary, it's because they have tried, as Nietzsche says, to harm one another, it's because they're in a state of war—in a momentary stabilization of this state of war, they reach a kind of state, a kind of hiatus, in which knowledge will finally appear as the “spark between two swords.”

So in knowledge there is not a congruence with the object, a relation of assimilation, but, rather, a relation of distance and domination; there is not something like happiness and love but hatred and hostility; there is not a unification but a precarious system of power. The great themes traditionally present in Western philosophy are thoroughly called into question in the Nietzsche text I've cited.

Western philosophy—and this time it isn't necessary to limit the reference to Descartes, one can go back to Plato—has always characterized knowledge by logocentrism, by resemblance, by congruence, by bliss, by unity. All these great themes are now called into question. One understands, then, why Nietzsche mentions Spinoza, because of all the Western philosophers Spinoza carried this conception of knowledge as congruence, bliss, and unity the farthest. At the center, at the root of knowledge, Nietzsche places something like hatred, struggle, power relations.

So one can see why Nietzsche declares that it is the philosopher who is the most likely to be wrong about the nature of knowledge, since he always thinks of it in the form of congruence, love, unity, and pacification. Thus, if we seek to ascertain what knowledge is, we must not look to the form of life, of existence, of asceticism that characterize the philosopher. If we truly wish to know knowledge, to know what it is, to apprehend it at its root, in its manufacture, we must look not to philosophers but to politicians—we need to understand what the relations of struggle and power are. One can understand what knowledge consists of only by examining these relations of struggle and power, the manner in which things and men hate one another, fight one another, and try to dominate one another, to exercise power relations over one another.

So one can understand how this type of analysis can give us an

effective introduction to a political history of knowledge, the facts of knowledge and the subject of knowledge.

At this point I would like to reply to a possible objection: "All that is very fine, but it isn't in Nietzsche. Your own ravings, your obsession with finding power relations everywhere, with bringing this political dimension even into the history of knowledge or into the history of truth has made you believe that Nietzsche said that."

I will say two things in reply. First, I chose this passage from Nietzsche in terms of my own interests, not with the purpose of showing that this was *the* Nietzschean conception of knowledge—for there are innumerable passages in Nietzsche on the subject that are rather contradictory—but only to show that there are in Nietzsche a certain number of elements that afford us a model for a historical analysis of what I would call the politics of truth. It's a model that one does find in Nietzsche, and I even think that in his work it constitutes one of the most important models for understanding some of the seemingly contradictory elements of his conception of knowledge.

Indeed, if one grants that this is what Nietzsche means by the discovery of knowledge, if all these relations are behind knowledge, which, in a certain sense, is only their outcome, then it becomes possible to understand certain difficult passages in Nietzsche.

First, there are those places where Nietzsche asserts that there is no knowledge in itself. Once again, we need to think of Kant, we need to compare the two philosophers and note all their differences. What the Kantian critique questioned was the possibility of a knowledge of the in-itself, a knowledge of a truth or a reality in itself. In *On the Genealogy of Morals*, Nietzsche says: "Henceforth, dear philosophers, let us be on guard against . . . the snares of such contradictory concepts as 'pure reason', 'absolute spirit', 'knowledge in itself'."⁷ Or again, in *The Will to Power*, Nietzsche states that there is no being in itself, just as there cannot be any knowledge in itself.⁸ And when he says this, he has in mind something completely different from what Kant understood by knowledge in itself. Nietzsche means that there is not a nature of knowledge, an essence of knowledge, of the universal conditions of knowledge; rather, that knowledge is always the historical and circumstantial result of conditions outside the domain of knowledge. In reality, knowledge is an event that falls under the category of activity.

Knowledge is not a faculty or a universal structure. Even when it uses a certain number of elements that may pass for universals, knowledge will only belong to the order of results, events, effects.

The series of texts in which Nietzsche asserts that knowledge has a perspectival character can also be understood in this way. When he says that knowledge is always a perspective, he doesn't mean (in what would be a blend of Kantianism and empiricism) that, in man, knowledge is bounded by a certain number of conditions, of limits derived from human nature, the human body, or the structure of knowledge itself. When Nietzsche speaks of the perspectival character of knowledge, he is pointing to the fact that there is knowledge only in the form of a certain number of actions that are different from one another and multifarious in their essence—actions by which the human being violently takes hold of a certain number of things, reacts to a certain number of situations, and subjects them to relations of force. This means that knowledge is always a certain strategic relation in which man is placed. This strategic relation is what will define the effect of knowledge; that's why it would be completely contradictory to imagine a knowledge that was not by nature partial, oblique, and perspectival. The perspectival character of knowledge derives not from human nature but always from the polemical and strategic character of knowledge. One can speak of the perspectival character of knowledge because there is a battle, and knowledge is the result of this battle.

It is for that reason that in Nietzsche we find the constantly recurring idea that knowledge is at the same time the most generalizing and the most particular of things. Knowledge simplifies, passes over differences, lumps things together, without any justification in regard to truth. It follows that knowledge is always a misconstruction [*méconnaissance*]. Moreover, it is always something that is aimed, maliciously, insidiously, and aggressively, at individuals, things, situations. There is knowledge only insofar as something like a single combat, a tête-à-tête, a duel is set up, contrived, between man and what he knows. There is always something in knowledge that is analogous to the duel and accounts for the fact that it is always singular. That is the contradictory character of knowledge, as it is defined in the Nietzsche texts that seem to contradict one another—generalizing and always singular.

So that is how, through Nietzsche's text, one can restore, not a general theory of knowledge but a model that enables us to tackle the object of these lectures: the problem of the formation of a certain number of domains of knowledge on the basis of the relations of force and the political relations in society.

Now I'll go back to my starting point. In a certain academic conception of Marxism or a certain conception of Marxism that was imposed on the university, there is always the underlying idea that relations of force, economic conditions, and social relations are given to individuals beforehand but at the same time are imposed on a subject of knowledge that remains identical, except in relation to ideologies construed as errors.

We thus arrive at the very important and at the same time cumbersome notion of ideology. In traditional Marxist analyses, ideology is a sort of negative element through which the fact is conveyed that the subject's relation to truth, or simply the knowledge relation, is clouded, obscured, violated by conditions of existence, social relations, or the political forms imposed on the subject of knowledge from the outside. Ideology is the mark, the stigma of these political or economic conditions of existence on a subject of knowledge who rightfully should be open to truth.

What I intend to show in these lectures is how, in actual fact, the political and economic conditions of existence are not a veil or an obstacle for the subject of knowledge but the means by which subjects of knowledge are formed, and hence are truth relations. There cannot be particular types of subjects of knowledge, orders of truth, or domains of knowledge except on the basis of political conditions that are the very ground on which the subject, the domains of knowledge, and the relations with truth are formed. Only by shedding these grand themes of the subject of knowledge—imputed to be at once ordinary and absolute—and perhaps by using the Nietzschean model, will we be able to do a history of truth.

I will present some sketches of that history starting from judicial practices that gave rise to models of truth which still circulate in our society, are still imposed on it, and operate not only in the political domain and in the domain of everyday behavior, but even in the realm of science. Even in science one finds models of truth whose formation derives from political structures that are not im-

posed on the subject of knowledge from the outside but, rather, are themselves constitutive of the subject of knowledge.

II

Today I would like to speak to you about the story of Oedipus, a subject that has lost much of its appeal over the past year. Since Freud, the Oedipus story has been regarded as the oldest fable of our desire and our unconscious. However, since last year's publication of the book by Gilles Deleuze and Félix Guattari, *Anti-Oedipus*, the reference to Oedipus plays an entirely different role.⁹

Deleuze and Guattari try to show that the Oedipal father-mother-son triangle does not reveal an atemporal truth or a deeply historical truth of our desire. They try to show that this famous Oedipal triangle constitutes, for the analysts who manipulate it within the treatment, a certain way of containing desire, of making sure that it is not invested in and does not spread into the world around us, into the historical world, that desire stays in the family and unfolds like a little, almost bourgeois drama between the father, the mother, and the son.

In this conception, then, Oedipus is not a truth of nature, but an instrument of limitation and constraint that psychoanalysts, starting with Freud, use to contain desire and insert it within a family structure defined by our society at a particular moment. In other words, Oedipus, according to Deleuze and Guattari, is not the secret content of our unconscious, but the form of constraint which psychoanalysis, through the cure, tries to impose on our desire and our unconscious. Oedipus is an instrument of power, a certain manner by which medical and psychoanalytic power is brought to bear on desire and the unconscious.

I admit that a problem such as this is very appealing to me, and that I am also tempted to look behind what is claimed to be the Oedipus story for something unrelated to the indeterminate, endlessly repeated story of our desire and our unconscious, but related to the history of a power, a political power.

I'll digress long enough to point out that everything that I'm trying to say, everything that Deleuze and Guattari have shown with much more depth in *Anti-Oedipus*, is part of a group of studies that, contrary to what the newspapers say, are not concerned with what

is traditionally called "structure." Neither Deleuze, nor Jean-François Lyotard, nor Guattari, nor I ever do structural analyses; we are absolutely not "structuralists." If I were asked what I do and what others do better, I would say that we don't study structures; indulging in wordplay, I would say that we study dynasties. Playing on the Greek words *dunamis dunasteia*, I would say that we try to bring to light what has remained until now the most hidden, the most occulted, the most deeply invested experience in the history of our culture—power relations. Curiously, the economic structures of our society are better known, more thoroughly inventoried, more clearly defined than the structures of political power. In this series of lectures I would like to show how the political relations have been established and deeply implanted in our culture, giving rise to a series of phenomena that can be explained only if they are related not to economic structures, to the economic relations of production, but to the power relations that permeate the whole fabric of our existence.

I want to show how the tragedy of Oedipus, the one we can read in Sophocles¹⁰—I'll leave aside the problem of the mythical background to which it is linked—is representative and in a sense the founding instance of a definite type of relation between power and knowledge [*savoir*], between political power and knowledge [*connaissance*], from which our civilization is not yet emancipated. It seems to me that there really is an Oedipus complex in our civilization. But it does not involve our unconscious and our desire, nor the relations between desire and the unconscious. If there is an Oedipus complex, it operates not at the individual level but at the collective level; not in connection with desire and the unconscious but in connection with power and knowledge. That is the "complex" I want to analyze.

The first evidence we have of the search for truth in Greek judicial procedure dates back to the *Iliad*. It appears in the story of the dispute between Antilochus and Menelaus during the games organized to mark the death of Patroclus.¹¹ Among these games there is a chariot race that is run, as usual, in an out-and-back circuit, going around a post that has to be passed as closely as possible. The games' organizers have placed a man there to make sure the rules of the race are followed; Homer, without naming him personally, says this man is a witness, *histor*, one who is there to see.

The race unfolds and the men in the lead at the turn are Antilochus and Menelaus. An infringement occurs and, when Antilochus arrives first, Menelaus lodges a protest and says to the judge, or to the jury who must award the prize, that Antilochus committed a foul. Protest, dispute—how is the truth to be established? Curiously, in this text by Homer the parties involved do not call upon the person who saw, the famous witness who was near the turning post and who should attest to what happened. He's not called to testify, not asked a single question. There is only a dispute between the adversaries Menelaus and Antilochus. It develops in the following way: After Menelaus' accusation "You committed a foul," and Antilochus' defense "I didn't commit any foul," Menelaus delivers a challenge: "Come, lay your right hand on your horse's forehead, grasp your whip with your left hand and swear by Zeus that you didn't commit any foul." At that moment, Antilochus, faced with this challenge, which is a test, declines to swear an oath and thereby acknowledges that he committed the foul.¹²

This is a peculiar way to produce truth, to establish juridical truth—not through the testimony of a witness but through a sort of testing game, a challenge hurled by one adversary at another. If by chance he had accepted the risk, if he had actually sworn, the responsibility for what would happen, the final uncovering of the truth would immediately devolve upon the gods. And it would be Zeus who, by punishing the one who uttered the false oath if that were the case, would have manifested the truth with his thunderbolt.

Here we have the old and very archaic practice of the test of truth, where the latter is established judicially not by an investigation, a witness, an inquiry, or an inquisition but, rather, by a testing game. The test is a feature of archaic Greek society. We will meet it again in the early Middle Ages.

It is evident that when Oedipus and the whole city of Thebes are seeking the truth this is not the model they use. Centuries have gone by. It is interesting, however, to note that we do encounter in Sophocles' tragedy one or two remnants of the practice of establishing the truth by means of the test. First, in the scene between Creon and Oedipus—when Oedipus criticizes his brother-in-law for having distorted the Delphic oracle's response, telling him, "You invented all that simply to take my power, to replace me." Creon

replies, without trying to establish the truth through witnesses, "Well then, let's swear an oath. And I will swear that I didn't plot against you in any way." This is said in the presence of Jocasta, who accepts the game, who is the game's referee as it were. Creon replies to Oedipus according the old formula of the dispute between warriors.¹⁵

We could say that we find this system of challenge and test throughout the entire play. When he learns that the plague afflicting Thebes is due to the curse of the gods in response to corruption and murder, Oedipus vows to banish the person who committed the crime, not knowing of course that he himself committed it. He is thus implicated by his own oath, in the same way that during rivalries between archaic warriors the adversaries included themselves in their oaths of promise and malediction. These remnants of the old tradition reappear at times over the entire length of the play. In reality, though, the whole Oedipus tragedy is based on a completely different mechanism. It is this mechanism for establishing the truth I would like to focus on.

It seems to me that initially this truth mechanism follows a rule, a kind of pure form, that we might call the "rule of halves." The discovery of the truth proceeds in *Oedipus* by the fitting together and interlocking of halves. Oedipus sends a person to consult the god of Delphi, Apollo the King. Examined in detail, Apollo's answer is given in two parts. Apollo begins by saying, "The land has been defiled." In a sense, a half is missing from this reply: there is a defilement, but who did the defiling and what was defiled? So a second question must be posed, and Oedipus forces Creon to give a second reply, by asking what caused the defilement. The second half appears: What caused the defilement was a murder. But whoever says murder is saying two things, who murdered and who was murdered. Apollo is asked, "Who was murdered?" The answer is Laius, the former king. He is then asked, "Who killed him?" At this moment King Apollo refuses to answer, and, as Oedipus says, the gods cannot be compelled to disclose the truth. So there remains a missing half. The murder-half corresponded to the defilement; this was the first half: the one who was murdered. But the second half, the name of the killer, is lacking.

To learn the name of the killer, it will be necessary to appeal to something, to someone, since the will of the gods cannot be forced.

That other, Apollo's double, his human double, his mortal shadow, is the prophet Tiresias, who, like Apollo, is someone divine, *theios mantis*, the divine diviner. He is very close to Apollo—he's also called king, *anax*—but he is mortal, whereas Apollo is immortal; and above all he is blind, he's immersed in darkness, whereas Apollo is the Sun god. He's the dark half of the divine truth, the double the light god projects as a shadow on the surface of earth. It is this half that will be interrogated. And Tiresias replies to Oedipus by saying, "You're the one who killed Laius."

Consequently, we can say that as early as the second scene of *Oedipus* everything has been said and enacted. We have the truth, since Oedipus is clearly identified by the combination of the replies of Apollo, on the one hand, and the reply of Tiresias, on the other. The set of halves is complete: defilement, murder; the murder victim, the murderer. It's all there, but in the quite peculiar form of prophecy, prediction, prescription. The prophet Tiresias does not exactly say to Oedipus, "You're the killer." He says: "You promised to banish the killer; I command you to fulfill your vow and expel yourself." In the same way, Apollo had not exactly said: "There is corruption and that is why the city is immersed in plague." Apollo said: "If you want the plague to end you must cleanse yourself of the corruption." All this was said in the form of the future, of prescription, of prediction; nothing refers to the actuality of the present, there is no pointing of the finger.

We have the whole truth, but in the prescriptive and prophetic form characteristic of both the oracle and the prophet. Though this truth is in a sense complete, total—everything has been said—it lacks something which is in the dimension of the present, of actuality, the naming of someone. Missing is the evidence of what really came to pass. Curiously, this old story is formulated by the prophet and by the god entirely in the form of the future. Now we need the present and the evidence of the past—the present evidence of what actually happened.

This sequel, past and present, of this prescription and forecast is given by the rest of the play. This too is given through a strange game of halves. First, it is necessary to establish who killed Laius. That is achieved in the course of the play by the coupling of two statements. The first is given spontaneously and inadvertently by Jocasta, when she says: "Listen now, it wasn't you, Oedipus, who

killed Laius, contrary to what the prophet says. The best proof of this is that Laius was killed by several men at a place where three roads come together." This statement will be answered by the anxiety, the near-certainty already, of Oedipus: "Kill a man at a cross-roads—that's exactly what I did; I remember that when I got to Thebes I killed someone at a place where three roads meet." Thus, through the joining of these two complementary halves, Jocasta's recollection and Oedipus' recollection, we have that almost complete truth, the truth about the murder of Laius. Almost complete, because a small piece is still missing—whether he was killed by one man or by several is a matter that the play actually leaves unresolved.

But that is just the half involving the story of Oedipus, for Oedipus is not just the person who killed King Laius, but also the one who killed his own father then married his own mother. This second half of the story is still lacking after the joining of Jocasta's and Oedipus' statements. What is lacking is precisely what gives them a kind of hope, for the god prophesied that Laius would be killed not by just anyone but by his son. Consequently, so long as it has not been proven that Oedipus is the son of Laius, the prophecy will not have come true. This second half is necessary in order for the whole prediction to be established, in the last part of the play, by the coupling of two different evidential statements. The first will be that of the slave who comes from Corinth to announce to Oedipus that Polybus is dead. Oedipus does not shed any tears over his father's death, but rejoices, saying: "So! But at least I didn't kill him, contrary to what the prophecy said." And the slave answers: "Polybus was not your father."

We thus have a new element: Oedipus is not the son of Polybus. It is then that the last slave comes into the play, the one who had fled after the calamity, who had buried himself in the depths of Cithaeron, who had hidden the truth in his hut, the shepherd who is summoned to be questioned about what had happened and who says: "It's true. Long ago I gave this messenger a child who came from Jocasta's palace and who was said to be her son."

We see that the final certainty is still lacking, for Jocasta is not present to attest that it was she who gave the child to the slave. But, except for that little difficulty, the cycle is now complete. We know that Oedipus was Laius' and Jocasta's son, that he was given

to Polybus, that it was he who, thinking he was the son of Polybus and returning to Thebes—which he didn't know was his native land—to escape the prophecy, killed King Laius, his real father, at a place where three roads crossed. The cycle is closed. It was closed by a series of nested halves that fit together. As if this whole long and complex story of the child who is at once exiled and in flight from a prophecy, exiled because of the prophecy, had been broken in two, and then each fragment again broken in two, and all these fragments parceled out among different hands. It took this meeting of the god and his prophet, of Jocasta and Oedipus, of the slave from Corinth and the slave from Cithaeron for all these halves and these halves of halves to match up, align themselves, and fit together to form the whole pattern of the story.

This figure of the broken and rejoined parts, which is truly impressive in Sophocles' *Oedipus*, is not just rhetorical—it is also religious and political. It is the famous technique of the *sumbolon*, the Greek symbol. It is an instrument of power and its exercise whereby a person who holds some secret or power breaks some ceramic object in half, keeping one part and entrusting the other to an individual who is to carry the message or certify its authenticity. By fitting these two parts together it is possible to verify the authenticity of the message, that is, the continuity of the power exercised. Power manifests itself, completes its cycle, maintains its unity by means of this little game of separate fragments of the same whole, a unique object whose overall configuration is the manifest form of power. The Oedipus story is the fragmentation of that token, the possession of which, complete and reunified, authenticates the holding of power and the orders given by it. The messengers whom it sends and who must return will authenticate their connection to power by the fact that each of them has a fragment of the token and can fit it to the other fragments. This is the juridical, political, and religious technique of what the Greeks call *sumbolon*, the symbol.

The story of Oedipus, as it is enacted in Sophocles' tragedy, conforms to this *sumbolon*, which is not a rhetorical form but a religious, political, quasi-magical form of the exercise of power.

If we now look not at the form of this mechanism, the game of halves which break apart and eventually fit back together, but at the effect produced by these mutual alignments, we see a number

of things. First, there is a sort of displacement as the halves are brought together. The first set of halves which fit together is that of Apollo the king and Tiresias the prophet—the level of prophecies or of the gods. The next series of complementary halves is formed by Oedipus and Jocasta. Their two statements occur in the middle of the play; this is the level of the royalty, the rulers. Finally, the last pair of statements that intervene, the last half that completes the story, is supplied not by the gods or the royalty but by the servants and the slaves. The most humble slave of Polybus and, decisively, the most hidden herdsman of the forest of Cithaera pronounce the final truth and provide the final piece of evidence.

We thus have a curious result. What had been said in terms of prophecy at the beginning of the play will be said again in the form of statements by two shepherds. And just as the play moves from the gods to the slaves, the mechanisms of truth-telling and the form in which truth is told change as well. When the god and the seer speak, truth is expressed in the form of prescription and prophecy, through the eternal and omnipotent gaze of the sun god and the gaze of the soothsayer who, though blind, sees past, present, and future. It is this sort of magico-religious gaze that, at the beginning of the play, illuminates a truth that Oedipus and the Chorus don't want to accept. At the humblest level there is again a gaze—for, if the two slaves can testify, it's because they have seen. The first saw Jocasta place a child in his hands to be taken into the forest and abandoned; the second saw his fellow slave hand this child over to him and recalls having carried the child to Polybus' palace. It's still a matter of the gaze—no longer the great eternal, illuminating, dazzling, flashing gaze of the god and his prophet, but that of those persons who saw and remember having seen with their own human eyes. It is the gaze of the witness. It is the gaze that Homer made no reference to when he spoke of the conflict and formal dispute between Antilochus and Menelaus.

So we can say that the entire *Oedipus* play is a way of shifting the enunciation of the truth from a prophetic and prescriptive type of discourse to a retrospective one that is no longer characterized by prophecy but, rather, by evidence. This was also a way of shifting the luminescence or, rather, the light of the truth of the prophetic and divine luminescence to the more empirical and everyday gaze of the shepherds. There is a correspondence between the shep-

herds and the gods. They say the same thing, they see the same thing, but not with same language or with the same eyes. All through the tragedy, we see that same truth presented and formulated in two different ways, with different words in a different discourse, with another gaze. But these gazes communicate with one another. The shepherds correspond exactly to the gods, and it can even be said that the shepherds symbolize them—what the shepherds say is essentially what the gods have already said, but in a different way.

Here we have one of the basic features of the Oedipus tragedy: the communication between the shepherds and the gods, between the recollection of men and the divine prophecies. This correspondence defines the tragedy and establishes a symbolic world in which the memory and the discourse of men are like an empirical margin around the great prophecy of the gods.

This is one of the points on which we should dwell in order to understand this mechanism of the progress of truth in *Oedipus*. On one side there are the gods, on the other, the shepherds; between the two there is the level of the royalty, or more exactly, the level of Oedipus. What is his level of knowledge? What does his gaze signify?

On that subject, certain things need correcting. When the play is analyzed, it's often said that Oedipus is the one who didn't know anything, who was blind, whose eyes were clouded and whose memory was blocked, because he never mentioned and appeared to have forgotten his own actions in killing the king at the triple crossroad. Oedipus, the man of forgetfulness, the man of non-knowledge, the man of the unconscious for Freud. We're aware of all the wordplay that has been made with the name Oedipus.¹⁴ But let's not forget that this wordplay is multifarious, or that the Greeks themselves had already noted that in *Oidipous* we have the word *oida* which means both "to have seen" and "to know." I would like to show that Oedipus, in this mechanism of the *symbolon*—of communicating halves, of the interplay of responses between the shepherds and the gods—is not the one who didn't know but, rather, the one who knew too much. He is the one who joined his knowledge and his power in a certain reprehensible way, and whom the *Oedipus* story was meant to expel finally from history.

The very title of Sophocles' tragedy is interesting. *Oedipus* is *Oedipus the King*, *Oidipous turannos*. It's difficult to translate the word

turannos—the translation doesn't capture the exact signification of the word. Oedipus is the man of power, the man who exercises a certain power. And it is characteristic that the title of Sophocles' play is not *Oedipus the Incestuous*, or *Oedipus, the Killer of His Father*, but *Oedipus the King*. What does the kingship of Oedipus mean?

We may note the importance of the thematic of power throughout the play. What is always in question, essentially, is the power of Oedipus, and that is why he feels threatened.

In the entire tragedy, Oedipus will never say that he is innocent, that he may have done something but it was not of his own accord, that when he killed that man he didn't know it was Laius. That defense at the level of innocence and unconsciousness is never ventured by Sophocles' protagonist in *Oedipus the King*.

It's only in *Oedipus at Colonus* that we will see a blind and wretched Oedipus wailing throughout the play, saying: "I couldn't help it, the gods caught me in a trap that I didn't know about."¹⁵ In *Oedipus the King*, he does not at all defend himself in terms of his innocence. His only problem is power—can he stay in power? It is this power that is at stake from the beginning of the play to the end.

In the first scene, the inhabitants appeal to Oedipus for help against the plague insofar as he is the supreme ruler. "You have the power, you must cure us of the plague." And he answers by saying: "Curing you of the plague would be to my great benefit, for this plague that assails you, also assails me in my sovereignty and my royalty." Oedipus will look for the solution to the problem as one interested in preserving his own kingship. And when he begins to feel threatened by the responses that spring up around him, when the oracle points to him and the prophet says more clearly that he is the culprit, Oedipus, not answering in terms of innocence, says to Tiresias: "You want my power. You have hatched a plot against me to deprive me of my power."¹⁶ He is not afraid of the idea that he may have killed the father or the king. What frightens him is the thought of losing his own power.

During the great dispute with Creon, he says to him: "You have brought an oracle from Delphi, but you have falsified that oracle, because, son of Laius, you claim a power that was given to me."¹⁷ Here again, Oedipus feels threatened by Creon at the level of power and not at the level of his innocence and his culpability. What's at issue in all these confrontations of the play's beginning is power.

And when, at the end of the play, the truth will be uncovered, when the slave from Corinth says to Oedipus, "Don't worry, you're not the son of Polybus,"¹⁸ Oedipus will not consider that, not being Polybus' son, he could be the son of someone else and possibly of Laius. He says: "You say that to make me ashamed, to make the people think that I'm the son of a slave; but even if I'm the son of a slave that will not prevent me from exercising power; I am a king like any other."¹⁹ Once more, it's a question of power. It's as the chief officer of the law, as the sovereign that Oedipus will then summon the last witness, the slave from Cithaeron. It's as the sovereign that, threatening the latter with torture, he will extract the truth from him. And when the truth is extracted, when it is known who Oedipus was and what he did—killing of the father, incest with the mother—what do the people of Thebes say? "We were calling you our king." This means that the people of Thebes, while acknowledging Oedipus as the man who was their king, by using the imperfect—"were calling"—now declare him to be stripped of the kingship.

What is in question is Oedipus' fall from power. The proof is that when Oedipus surrenders power to Creon, the last lines of the play are still about power. The final words addressed to Oedipus, before he is taken inside the palace, are pronounced by the new king, Creon: "Don't try to be the master anymore."²⁰ The word used is *kratein*, which means that Oedipus must no longer command. Creon adds *akratēsas*, a word that means "after having reached the zenith of power" but is also a play on words where the α has a privative meaning "no longer possessing power"; *akratēsas* signifies at the same time "you who rose to the top and who no longer have the power."

After that, the people speak, hailing Oedipus for the last time, "You who were *kratistos*," that is, "You who were at the zenith of power." Now, the Thebans' first greeting to Oedipus was "*o kratunōn Oidipous*," meaning "Oedipus, the all-powerful!" The entire tragedy has unfolded between these two greetings. It's the tragedy of political power and power-holding. But what is this power that Oedipus had? What characterizes it? Its characteristics are present in Greek thought, Greek history, and Greek philosophy of that period. Oedipus is called *basileus anax*, the first among men, the one who has the *krateia*, the one who holds the power, and he is even

called *turannos*. "Tyrant" shouldn't be understood here in its strict sense, given that Polybus, Laius, and all the others were also called *turannos*.

A certain number of characteristics of this power appear in the tragedy of Oedipus. Oedipus has the power; but he has obtained it through a series of episodes, adventures that have made him, at the start, the most wretched of men—outcast child, lost soul, vagabond—and then the most powerful of men. He's known an erratic destiny. He's experienced misery and glory. He's been to the highest point, when he was believed to be the son of Polybus, and to the lowest point, when he became an individual wandering from city to city. Later, he again reaches the top. "The years that have grown along with me," he says, "have sometimes lowered me, sometimes lifted me up."

This alternation of destiny is a characteristic trait of two types of figure: the legendary figure of the epic hero who has lost his citizenship and his country but who regains his glory after a certain number of trials; and the historical figure of the Greek tyrant from the end of the sixth to the beginning of the fifth century. The tyrant being the one who, after having several adventures and having reached the apex of power, was always under the threat of losing it. As described in the Greek texts of that period, the changeableness of fate is characteristic of the figure of the tyrant.

Oedipus is the one who, after having experienced misery, experienced glory; the one who became a king after being a hero. But he becomes the king because he has healed the city by killing the divine Singer, the Bitch who was devouring those who could not solve her riddles. He had healed the city, had enabled it to raise itself up, as he says, to breathe again when it had lost its breath. To designate this healing of the city, Oedipus employs the expression *orthōsan*, "to raise up," *anorthōsan polin*; "to raise up the city." We find this same expression in Solon. Solon, who was not exactly a tyrant but, rather, the Lawgiver, prided himself on having raised up the Athenian city-state at the end of the sixth century. This is also a characteristic of all the tyrants who rose to power in Greece during the seventh and sixth centuries. Not only did they experience ups and downs but they also had the role of lifting the cities up by means of a just economic distribution—like Cypselus at Corinth, or through just laws, like Solon at Athens. So these are two

basic characteristics of the Greek tyrant as they are presented in the texts of the time of Sophocles or even ones prior to that.

We also find in *Oedipus* a series of negative characteristics of tyranny. Oedipus is reproached with several things in his exchanges with Tiresias and Creon and even with the people. Creon, for example, tells him, "You're wrong; you identify with this city where you were not born, you imagine that you belong to this city and that it belongs to you; I belong to this city as well, it's not yours alone."²¹ Now, if we look at the stories of Herodotus, for example, telling about the old Greek tyrants, in particular about Cypselus of Corinth, we'll see that they're about someone who thought he owned the city.²² Cypselus said that Zeus had given the city to him and he had given it in turn to the citizens. One finds exactly the same thing in the tragedy of Sophocles.

In the same way, Oedipus is the one who attaches no importance to the laws and who replaces them with his whims and his orders. He says this in so many words. When Creon reproaches him for wanting to banish him, saying that this decision was not just, Oedipus answers, "No matter if it's just or not, it will have to be obeyed all the same."²³ His wish will be the law of the city. It's for this reason that, when his fall begins, the Chorus of the people will reproach Oedipus with having shown contempt for *dikē*, for justice. So in Oedipus we have no trouble recognizing a figure that is clearly defined, highlighted, catalogued, characterized by Greek thought of the fifth century—the tyrant.

This tyrant figure is characterized not only by power but also by a certain type of knowledge. The Greek tyrant was not just the person who took power: he was the person who took power because he possessed or emphasized the fact of possessing a certain knowledge that was superior in its efficacy to that of others. That is precisely the case with Oedipus. Oedipus is the person who succeeded in solving by means of his thought, his knowledge, the famous riddle of the Sphinx. And just as Solon was in fact able to give Athens just laws and restore the city to health because he was *sophos*, wise, so Oedipus was also able to solve the riddle of the Sphinx because he was *sophos*.

What is this knowledge Oedipus possesses? What are its characteristics? Oedipus' knowledge is characterized the whole length of the play. Oedipus says repeatedly that he has defeated the others,

he has solved the riddle of the Sphinx, has cured the city by means of what he calls *gnōmē*, his knowledge or his *tekhne*. Other times, he describes himself as the one who has found, *ēurēka*, to indicate his mode of knowledge. This is the word that Oedipus uses most often to designate what he did in the past and is trying to do now. Oedipus solved the riddle of the Sphinx because he "found." If he is to save Thebes again, he will again have to find, *euriskein*. What does *euriskein* signify? That "finding" activity is characterized initially in the play as a thing done by oneself. Oedipus stresses that constantly: "When I solved the riddle of the Sphinx, I didn't call upon anyone," he says to the people and to the prophet. He tells the people: "You wouldn't have been able to help me in any way to solve the riddle of the Sphinx. You couldn't do anything against the divine Singer." And he says to Tiresias: "What kind of a prophet are you anyway? You weren't even able to rescue Thebes from the Sphinx. When everyone was plunged into terror, I delivered Thebes all by myself; I didn't learn anything from anyone, I didn't use any messenger, I came in person." Finding is something done by oneself. Finding is also what one does when one opens one's eyes. And Oedipus is the one who says repeatedly: "I asked questions, and since no one was able to inform me, I opened my eyes and ears, and I saw." The verb *oida*, which means at the same time "to know" and "to see," is frequently employed by Oedipus. *Oidipous* is the one who is capable of that activity of knowing and seeing. He is the man of seeing, the man of the gaze, and he will be that to the end.

If Oedipus falls into a trap, it's precisely because, in his determination to know, he has forced the testimony and the recollection of the persons who saw: he pressed the search until the slave who had witnessed everything and who knew the truth, was ferreted out of the depths of Cithaeron. Oedipus' knowledge is the kind that comes from experience. It is also that solitary knowledge, that first-hand acquaintance, of the man who, all by himself, without relying on what is said, wishes to see with his own eyes. It is the autocratic knowledge of the tyrant who can govern the city through his own abilities. The metaphor of that which governs, that which commands, is frequently employed by Oedipus to indicate what he does. Oedipus is the captain, the one who at the prow of the ship opens his eyes to see. And precisely because he opens his eyes to what is happening, he finds the accident, the unexpected, fortune, *tukhē*.

Because he was that man of the autocratic gaze, open to things, Oedipus fell into the trap.

What I would like to show is that in Sophocles' play Oedipus basically represents a certain type of what I would call knowledge-and-power, power-and-knowledge. It's because he exercises a certain tyrannical and solitary power, aloof from both the oracle of the gods—which he doesn't want to hear—and what the people say and want, that, in his craving to govern by discovering for himself, he finds, in the last instance, the evidence of those who have seen.

We thus see how the game of halves could function, and how, at the end of the play, Oedipus is a superfluous figure. He is superfluous in that this tyrannical power, this knowledge of one who wants to see with his own eyes without listening either to the gods or to men enables an exact match-up of what the gods had said and what the people knew. Without meaning to, Oedipus succeeds in establishing the junction between the prophecy of the gods and the memory of men. Oedipal knowledge, the excess of power and the excess of knowledge were such that he became unnecessary: the circle closed on him or, rather, the two fragments of the tessera were fit together—and Oedipus, in his solitary power, became unnecessary. Once the two fragments were conjoined, the image of Oedipus became monstrous. With his tyrannical power, Oedipus could do too much; with his solitary knowledge, he knew too much. In that state of excess, he was also his mother's husband and his sons' brother. Oedipus is the man of excess, the man who has too much of everything—in his power, his knowledge, his family, his sexuality. Oedipus, the double man, was excessive with regard to the symbolic transparency of what the shepherds knew and what the gods had said.

The tragedy of Oedipus is rather close, then, to what will be, a few years later, Platonic philosophy. It should be said that for Plato the knowledge of slaves, the empirical recollection of what has been seen, will be devalORIZED in favor of a deeper, essential memory that is the recollection of what was seen in intelligible heaven. But the important thing is what will be fundamentally devalORIZED, discredited, both in Sophocles' tragedy and in Plato's *Republic*: the theme or, rather, the figure, form, of a political knowledge both privileged and exclusive. What is targeted by Sophocles' tragedy and Plato's philosophy, when they are placed in a historical dimen-

sion, what is aimed at behind Oedipus *sophos*—Oedipus the wise man, the knowing tyrant, the man of *tekhnē*, of *gnōmē*—is the famous sophist, the professional of political power and knowledge, who actually existed in the Athenian society of Sophocles' era. But, behind him, the real object of Plato and Sophocles is another category of figure, of which the sophist was in a sense the little representative, the continuation, and the historical end—the figure of the tyrant. In the seventh and sixth centuries, the tyrant was the man of power and knowledge, the one who ruled both by the power he exercised and by the knowledge he possessed. Ultimately, what was aimed at behind all these figures, without it being present in Plato's text or in that of Sophocles, was the great historical personage that actually existed, though he had been absorbed into a legendary context—the famous Assyrian king.

In European societies of the Mediterranean East, at the end of the second millennium and the beginning of the first, political power always implied the possession of a certain type of knowledge. By the fact of holding power, the king and those around him held a knowledge that could not and must not be communicated to the other social groups. Knowledge and power were exactly reciprocal, correlative, superimposed. There couldn't be any knowledge without power; and there couldn't be any political power without the possession of a certain special knowledge.

This is the form of power-knowledge that Georges Dumézil, in his studies concerning the three functions, has isolated, showing that the first function was that of a magical and religious political power.²⁴ Knowledge of the gods, knowledge of the action that can be brought to bear on us by the gods—that whole magico-religious knowledge is present in the political function.

What occurred at the origin of Greek society, at the origin of the Greek age of the fifth century, at the origin of our civilization, was the dismantling of that great unity of a political power that was, at the same time, a knowledge—the dismantling of that unity of a magico-religious power which existed in the great Assyrian empires; which the Greek tyrants, impregnated with Oriental civilization, tried to restore for their own purposes; and which the sophists of the sixth and fifth centuries still used as they could, in the form of lessons paid for in cash. We witness that long decomposition during the five or six centuries of archaic Greece. And

when classical Greece appeared—Sophocles represents its starting date, its sunrise—what had to disappear for this society to exist was the union of power and knowledge. From this time onward, the man of power would be the man of ignorance. In the end, what befell Oedipus was that, knowing too much, he didn't know anything. From then on, Oedipus would function as the man of power, the blind ruler who didn't know, and who didn't know because he could do too much.

So, whereas power was taxed with ignorance, inattention, obliviousness, obscurity, there would be, on one side, the seer and the philosopher in communication with the truth, the eternal truths of the gods or of the mind, and, on the other, the people, holding none of the power, who bore the memory or could still give evidence of the truth. Thus, beyond a power that had become monumentally blind like Oedipus, there were the shepherds who remembered and the prophets who spoke the truth.

The West would be dominated by the great myth according to which truth never belongs to political power: political power is blind—the real knowledge is that which one possesses when one is in contact with the gods or when one remembers things, when one looks at the great eternal Sun or one opens one's eyes to what came to pass. With Plato there began a great Western myth: that there is an antinomy between knowledge and power. If there is knowledge, it must renounce power. Where knowledge and science are found in their pure truth, there can no longer be any political power.

This great myth needs to be dispelled. It is this myth which Nietzsche began to demolish by showing, in the numerous texts already cited, that, behind all knowledge [*savoir*], behind all attainment of knowledge [*connaissance*], what is involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it.

III

In the preceding lecture I referred to two forms or types of judicial settlement, litigation, contest, or dispute that were present in Greek civilization. The first, rather archaic form is found in Homer. Two warriors came face to face to determine who was wrong and who

was right, who had violated the other's rights. The task of resolving that question comes down to a rule-governed dispute, the challenge between the two warriors. One would challenge the other, "Can you swear before the gods that you didn't do what I am accusing you of?" In a procedure like this there was no judge, judgment, inquiry, or testimony to determine who spoke the truth. The responsibility for deciding—not who spoke the truth, but who was right—was entrusted to the fight, the challenge, the risk that each one would run.

The second form is the one that unfolds throughout *Oedipus the King*. To solve a problem that, in a sense, is also a problem of contestation, a criminal issue—who killed King Laius?—there appears a new figure, absent from the old Homeric procedure, the shepherd. Though a man of no importance, a slave holed up in his hut, the shepherd saw what he saw, and because he possesses that little fragment of a recollection, because in his discourse he bears the evidence of what he saw, he can challenge and overthrow the pride of the king or the presumptuousness of the tyrant. The witness, the humble witness, solely by the action of the truth he saw and he utters, can single-handedly defeat the most powerful of men. *Oedipus the King* is a kind of compendium of the history of Greek law. Several of Sophocles' plays, such as *Antigone* and *Electra*, are a kind of theatrical ritualization of the history of law. This dramatization of the history of Greek law offers us a summary of one of the great conquests of Athenian democracy: the story of the process through which the people took possession of the right to judge, of the right to tell the truth, to set the truth against their own masters, to judge those who governed them.

That great conquest of Greek democracy, that right to bear witness, to oppose truth to power, was established in a long process born and instituted in a definitive way in Athens throughout the fifth century. That right to set a powerless truth against a truthless power gave rise to a series of major cultural forms that were characteristic of Greek society.

First, there was the elaboration of what we may call the rational forms of proof and demonstration: how to produce truth, under what conditions, what forms to observe, what rules to apply. Those forms are philosophy, rational systems, scientific systems. Second, and in relation to the previous forms, an art of persuading developed, an art of convincing people of the truth of what is said, of

Michel Foucault

DISCIPLINE AND PUNISH

The Birth of the Prison

Translated from the French
by Alan Sheridan



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

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

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

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

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

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

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

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

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

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

Perhaps, too, we should abandon a whole tradition that allows us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, its demands and its interests. Perhaps we should abandon the belief that power makes mad and that, by the same token, the renunciation of power is one of the conditions of knowledge. We should admit rather that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. These 'power-knowledge relations' are to be analysed, therefore, not on the basis of a subject of knowledge who is or is not free in relation to the power system, but, on the contrary, the subject who

knows, the objects to be known and the modalities of knowledge must be regarded as so many effects of these fundamental implications of power-knowledge and their historical transformations. In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge.

To analyse the political investment of the body and the micro-physics of power presupposes, therefore, that one abandons – where power is concerned – the violence-ideology opposition, the metaphor of property, the model of the contract or of conquest; that – where knowledge is concerned – one abandons the opposition between what is ‘interested’ and what is ‘disinterested’, the model of knowledge and the primacy of the subject. Borrowing a word from Petty and his contemporaries, but giving it a different meaning from the one current in the seventeenth century, one might imagine a political ‘anatomy’. This would not be the study of a state in terms of a ‘body’ (with its elements, its resources and its forces), nor would it be the study of the body and its surroundings in terms of a small state. One would be concerned with the ‘body politic’, as a set of material elements and techniques that serve as weapons, relays, communication routes and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge.

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

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

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

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

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

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

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