

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*—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 counter-natural.

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'." 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 misconception [*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. D

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. IDEOLOGY

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 originary 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.¹³

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 crossroads—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 *sumbol*.

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 *basileusanax*, 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, *eurēka*, 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 devalored 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 devalored, 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.^{PASTOR} 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

winning the victory for truth or, what is more, by means of truth. Here we have the problem of Greek rhetoric. Third, there was the development of a new type of knowledge—knowledge gained through witnessing, through recollection, through inquiry. A knowledge by inquiry which historians such as Herodotus, a short time before Sophocles, naturalists, botanists, geographers, Greek travelers, would develop and Aristotle would totalize and make encyclopedic.

In Greece there was, then, a sort of great revolution which, through a series of political struggles and contestations, resulted in the elaboration of a specific form of judicial, juridical discovery of truth. The latter constituted the mold, the model on the basis of which a series of other knowledges—philosophical, rhetorical, and empirical—were able to develop and to characterize Greek thought.

Quite curiously, the history of the birth of the inquiry remained forgotten and was lost, having been taken up again, in other forms, several centuries later, in the Middle Ages.

In the European Middle Ages, one sees a kind of second birth of the inquiry which was slower and more obscure than the first, but had much more success. The Greek method of inquiry had remained stationary, had not achieved the founding of a rational knowledge capable of indefinite development. By contrast, the inquiry that arose in the Middle Ages would acquire extraordinary dimensions. Its destiny would be practically coextensive with the particular destiny of so-called "European" or "Western" culture.

The old law that settled disputes between individuals in Germanic societies, at the time when these came into contact with the Roman Empire, was in a sense very close in some of its forms to archaic Greek law. It was a law in which the system of inquiry did not exist; disputes between individuals were settled by the testing game.

Ancient Germanic law during the period when Tacitus began to analyze that odd civilization extending to the gates of the Empire can be characterized, schematically, in the following way.

In the first place, there was no public legal action; that is, there was no one—representing society, the group, authority, or the holder of power—charged with bringing accusations against individuals. For a penal type of trial to take place, there had to be a

wrong, or at least someone claiming he had suffered a wrong or presenting himself as a victim, and this self-declared victim had to name his adversary. The victim could be the person directly offended or someone who belonged to his family and was handling the relative's suit. What characterized a penal action was always a kind of duel, an opposition between individuals, families, or groups; there was no intervention by any representative of authority. It was a matter of a complaint made by one individual to another, involving only these two parties, the defendant and the accuser. We only know of two rather curious cases in which there was a sort of public action—treason and homosexuality. The community then intervened, considering itself as being injured, and collectively demanded reparation from the individual. Consequently, the first condition for a penal action in the old Germanic law was the existence of two personages, never three.

The second condition was that, once the penal action was introduced—once any individual declared himself to be a victim and called for reparation from the other party—the judicial settlement would ensue as a kind of continuation of the clash between the individuals. A kind of private, individual war developed, and the penal procedure was merely the ritualization of that conflict between individuals. Germanic law did not assume an opposition between war and justice, or an identity between justice and peace; on the contrary, it assumed that law was a special, regulated way of conducting war between individuals and controlling acts of revenge. Law was thus a regulated way of making war. For example, when someone was killed, one of his close relatives could make use of the judicial practice of revenge, which meant not renouncing the possibility of killing someone, normally the murderer. Entering the domain of law meant killing the killer, but killing him according to certain rules, certain forms. If the killer had committed the crime in such-and-such manner, it would be necessary to kill him by cutting him to pieces or by cutting his head off and placing it on a stake at the entrance to his house. These acts would ritualize the gesture of revenge and characterize it as judicial revenge. Law, then, was the ritual form of war.

The third condition was that, while it was true that there was no opposition between law and war, it was nonetheless possible to reach an agreement—that is, to break off those regulated hostilities.

□
WAR
= LAW

Ancient Germanic law always offered the possibility, throughout that long series of reciprocal and ritual acts of revenge, to arrive at an understanding, a compromise. The series of vengeful actions could be broken with a pact. In that event, the two adversaries would appeal to an arbiter who, in harmony with them and with their mutual consent, would set a sum of money that would constitute the compensation—not compensation for a transgression [*faute*], for there was no transgression but only a wrong [*tort*] and a vengeance. In this procedure of Germanic law, one of the two adversaries would buy back the right to have peace, to escape the possible revenge of his adversary. He would redeem his own life, and not the blood that he had spilled, by thus bringing an end to the war. The cessation of the ritual war was the third act or the final act of the judicial drama in ancient Germanic law.

The system that regulated conflicts and disputes in the Germanic societies of that era was therefore entirely governed by struggle and compromise, involving a test of strength that could end with an economic settlement. It depended on a procedure that did not allow for the intervention of a third individual who would stand between the two others as a neutral party seeking the truth, trying to determine which of the two had told the truth. A procedure of inquiry, a search for the truth, never intervened in this type of system. This was how the old Germanic law was constituted, before the invasion of the Roman Empire.

I won't linger over the long series of vicissitudes that brought this Germanic law into rivalry, competition, and at times collusion with Roman law. Between the fifth and sixth centuries of our age, there was a series of penetrations and conflicts between those two systems of law. Every time a state would begin to take form on the ruins of the Roman Empire, every time a state structure began to emerge, Roman law, the old law of the state, would then be reinvigorated. Thus, in the Merovingian reigns, and above all during the epoch of the Carolingian Empire, Roman law overshadowed Germanic law in a certain way. Moreover, every time there was a disintegration of those embryonic forms, those first lineaments of a state, the old Germanic law would reappear. When the Carolingian Empire collapsed in the tenth century, Germanic law triumphed, and Roman law fell into oblivion for several centuries, slowly reappearing only at the end of the twelfth century and in the

course of the thirteenth century. Hence feudal law was essentially of the Germanic type. It doesn't present any of the elements of the inquiry procedures, the truth-establishment procedures of Greek societies or the Roman Empire.

In feudal law, disputes between two individuals were settled by the system of the test. When an individual came forward with a claim, a contestation, accusing another of having killed or robbed, the dispute between the two would be resolved through a series of tests accepted by both individuals and by which both were bound. This system was a way of proving not the truth, but the strength, the weight, the importance of the one who spoke.

First of all there were social tests, tests of an individual's social importance. In the old law of eleventh-century Burgundy, when a person was accused of murder, he could completely establish his innocence by gathering about him twelve witnesses who swore that he had not committed the murder. The oath was not based, for example, on the fact that they had seen the alleged victim alive, or on an alibi for the alleged murderer. To take an oath, to testify that an individual had not killed, one had to be a relative of the accused. One had to have social relations of kinship with him, which would vouch not for his innocence but for his social importance. This showed the solidarity that a particular individual could obtain, his weight, his influence, the importance of the group to which he belonged and of the persons ready to support him in a battle or a conflict. The proof of his innocence, the proof that he had not committed the act in question was by no means what the evidence of witnesses delivered.

Second, there were tests of a verbal type. When an individual was accused of something—robbery or murder—he had to reply to that accusation with a certain number of formulas, affirming that he had not committed any murder or robbery. By uttering these formulas, he could fail or succeed. In certain cases, a person would utter the formula and lose—not for having told a falsehood, or because it was proved that he had lied, but, rather, for not having uttered the formula in the correct way. A grammatical error, a word alteration would invalidate the formula, regardless of the truth of what one asserted. That only a verbal game was involved at the level of the test is confirmed by the fact that in the case of a minor, a woman, or a priest, the accused could be replaced by another

person. This other person, who later in the history of law would become the attorney, would utter the formulas in place of the accused. If he made a mistake in uttering them, the person on whose behalf he spoke would lose the case.

Third, there were the old magico-religious tests of the oath. The accused would be asked to take an oath and if he declined or hesitated he would lose the case.

Finally, there were the famous corporal, physical tests called ordeals, which consisted in subjecting a person to a sort of game, a struggle with his own body, to find out whether he would pass or fail. For example, in the time of the Carolingian Empire, there was a famous test imposed on individuals accused of murder, in certain areas of northern France. The accused was required to walk on coals and two days later if he still had scars he would lose the case. There were yet other tests such as the ordeal by water, which consisted in tying a person's right hand to his left foot and throwing him into the water. If he didn't drown he would lose the case, because the water didn't accept him as it should; and if he drowned he had won the case, seeing that the water had not rejected him. All these confrontations of the individual or his body with the natural elements were a symbolic transposition of the struggle of individuals among themselves, the semantics of which would need to be studied. Basically, it was always a matter of combat, of deciding who was the stronger. In old Germanic law, the trial was nothing more than the regulated, ritualized continuation of war.

I could have offered more convincing examples, such as the fights between two opponents during a trial, physical fights, the famous judgments of God. When two individuals clashed over property ownership, or because of a killing, it was always possible, if they agreed, for them to fight, so long as they obeyed certain rules—length of the fight, type of weapons—in front of an audience present only to ensure that what occurred was consistent with the rules. The winner of the combat would win the case, without being given the possibility of telling the truth, or rather, without being asked to prove the truth of his claim.

In the system of the feudal judicial test, it was a matter not of truth-seeking but of a kind of game with a binary structure. The individual accepted the test or declined it. If he declined, if he didn't want to try the test, he would lose the case in advance. If the test

took place he would win or be defeated: there was no other possibility. The binary form is the first characteristic of the test.

The second characteristic is that the test always ended with a victory or a defeat. There was always someone who won and someone who lost, the stronger and the weaker, a favorable outcome or an unfavorable outcome. There was never anything like a judgment [sentence] of the sort that would come into practice at the end of the twelfth century and beginning of the thirteenth. Judgment consisted in a declaration by a third party that, a certain person having told the truth is judged to be right, another having told a lie is judged to be wrong. Consequently, judgment did not exist in feudal law; the separation of truth and untruth between individuals played no role in it—there existed only victory or defeat.

The third characteristic is that this test was, in a certain way, automatic. The presence of a third party was not necessary in order to distinguish the two adversaries. It was the balance of forces, luck, vigor, physical resistance, and mental agility that would distinguish the individuals, according to a mechanism that developed automatically. Authority intervened only as a witness to the regularity of the procedure. When the judicial tests took place, someone was there who bore the name of judge—the political sovereign or someone appointed with the mutual consent of the two adversaries—simply to verify that the fight went by the rules. The judge attested not to the truth but to the regularity of the procedure.

The fourth characteristic is that in this mechanism the test did not serve to name, to identify the one who had told the truth; rather, it established that the stronger individual was, at the same time, the one who was right. The judicial test was a way of ritualizing war or of transposing it symbolically. It was a way of giving it a certain number of secondary, theatrical forms, so that the stronger would be designated thereby as the one who was right. The test was a mechanical executor [opérateur] of the law, a commutator of force into law, a sort of gearing that enabled the shift from force to law. It didn't have an apophantic function, it didn't have the function of designating or manifesting or discovering the truth. It was a legal device, and not a truth device or an apophantic device. That is how the test operated in old feudal law.

This system of judicial practices disappeared at the end of the twelfth century and in the course of the thirteenth. During the en-

tire second half of the Middle Ages, one would witness the transformation of those old practices and the invention of new forms of judicial practice and procedure—forms that were absolutely essential for the history of Europe and for the history of the whole world, inasmuch as Europe violently imposed its dominion on the entire surface of the earth. What was invented in this reformulation of law was something that involved not so much the contents of knowledge as its forms and conditions of possibility. What was invented in law during this period was a particular way of knowing, a condition of possibility of knowledge whose destiny was to be crucial in the Western world. That mode of knowledge was the inquiry, which appeared for the first time in Greece and which, after the fall of the Roman Empire, remained hidden for several centuries. However, the inquiry that reappeared in the twelfth and thirteenth centuries was of a somewhat different type than the one we saw exemplified in *Oedipus*.

Why did the old judicial form, some of whose basic features I have presented to you, disappear during that era? We may say, schematically, that one of the fundamental traits of Western feudal society was that a relatively small segment of the circulation of goods was carried out by commerce. It was handled through mechanisms of inheritance or testamentary transmission, and above all through warlike, military, extrajudicial, or judicial contestation. One of the most important means of ensuring the circulation of goods in the early Middle Ages was war, rapine, occupation of a piece of land, a castle, a town. There was a moving border between law and war, seeing that law was a certain way of continuing war. For example, someone in command of an armed force would occupy an estate, a forest, any kind of property, and then assert his right; thus began a long dispute at the end of which the one who possessed no armed force and wanted to recover his land obtained the invader's departure only by means of a payment. This stood on the border between the judicial and the bellicose, and it was one of the most frequent ways for someone to become rich. In early feudalism, the circulation and exchange of goods, impoverishment and enrichment were brought about in most cases through this mechanism.

It is interesting, moreover, to compare feudal society in Europe and the so-called primitive societies currently studied by ethnolo-

gists. In these, the exchange of goods occurs through contestation and rivalry enacted above all in the form of prestige, at the level of displays and signs. In a feudal society, the circulation of goods also took place in the form of rivalry and contestation, but rivalry and contestation that were belligerent rather than prestige-driven. In so-called primitive societies, things of value are exchanged in competitive levies because they are not just goods but also signs. In feudal societies, things of value were exchanged not only because they were goods and signs, but because they were goods, signs, and weapons. Wealth was the means by which both violence and law were brought to bear on the life and death of others. Throughout the Middle Ages war, judicial litigation, and the circulation of goods were part of one great fluctuating process.

So a dual tendency characterized feudal society. First, there was a concentration of arms in the hands of the most powerful, who tended to prevent their use by the less powerful. To defeat someone was to deprive him of his weapons; the result was a concentration of armed power that, in feudal states, gave more force to the most powerful and finally to the most powerful of all, the monarch. Second and at the same time, there were judicial actions and contests that were a way of causing goods to circulate. We can thus understand why the most powerful sought to control judicial disputes, preventing them from developing spontaneously between individuals, and why they tried to take hold of the judicial and litigious circulation of goods—which implied the concentration of arms and of the judicial power that was forming during that period—in the hands of the same individuals.

The existence of executive, legislative, and judicial power is thought to be a rather old idea in constitutional law. The truth is that it's a recent idea, which dates approximately from Montesquieu. But what interests us here is to see how something like a judicial power took form. In the early Middle Ages, there was no judicial power. Settlements were reached between individuals. People asked the most powerful figure, or the one exercising sovereignty, not to see that justice was done but to verify the regularity of the procedure, as a function of his political, magical, and religious powers. There was no autonomous judicial power, and no judicial power in the hands of the holder of military and political power. Insofar as judicial contest ensured the circulation of goods,

the right to regulate and control that judicial contest was usurped by the richest and most powerful because it was a means of accumulating wealth.

The accumulation of wealth and armed power and the concentration of judicial power in the hands of a few were one and the same process operating in the early Middle Ages, reaching its maturity at the time of the formation of the first great medieval monarchy, in the middle and at the end of the twelfth century. At that time, things appeared that were completely new relative to feudal society, the Carolingian Empire, and the old rules of Roman law.

First: A mode of proceeding [*une justice*] that is no longer a contestation between individuals and a voluntary acceptance by those individuals of a certain number of rules of settlement but, rather, one imposed from above on individuals, adversaries, and parties. Thereafter individuals would no longer have the right to resolve their own disputes, whether regularly or irregularly; they would have to submit to a power external to them, imposing itself as a judicial political power.

Second: There appeared a totally new figure, without precedent in Roman law—the prosecutor. That curious personage, who appeared in Europe around the twelfth century, would present himself as the representative of the sovereign, the king, or the master. When there was a crime, an offense, or a dispute between individuals, he would appear as a power that was injured by the mere fact that an offense or a crime had occurred. The prosecutor would make common cause with the victim; he would be behind the one instituting an action, saying: “If it is true that that man did injury to another, I can affirm, as the representative of the sovereign, that his sovereignty, his power, the order that he ensures, and the law that he established have also been injured by that individual. Thus, I too stand against him.” In this way, the sovereign and political authority stood in for and gradually replaced the victim. This utterly new phenomenon would enable political power to take control of the judicial procedures. The prosecutor, therefore, appeared as the representative of the sovereign, who was injured by the offense.

Third: An absolutely new concept appeared—the infraction. So long as the judicial drama unfolded between two individuals, the victim and the accused, it was only a matter of the wrong that one individual had done to another. The question was whether there

had been a wrong committed and who was right. From the moment that the sovereign, or his representative, the prosecutor, said, “I too was injured by the offense,” the wrong was not just an offense of one individual against another, but also an individual’s offense against the state, against the sovereign as the state’s representative; not an attack upon an individual but an attack against the law of the state itself. Thus, in the concept of crime the old concept of wrong was to be replaced by that of infraction. The infraction was not a wrong committed by one individual against another, it was an offense or injury done by an individual to order, to the state, to the law, to society, to sovereignty, to the sovereign. The infraction is one of the great inventions of medieval thought. We thus see how state power appropriated the entire judicial procedure, the entire mechanism of interindividual settlement of disputes in the early Middle Ages.

Fourth: There is one more discovery still, a last invention just as diabolical as that of the prosecutor and the infraction. The state, or rather, the sovereign (since we cannot speak of a state existing during that period), was not only the injured party but also the one that demanded the compensation. When an individual lost a trial, he was declared guilty and still owed a compensation to his victim. But the compensation was absolutely not that of ancient feudal law or ancient Germanic law: it was no longer a matter of buying back one’s peace by settling accounts with one’s adversary. The guilty party was required not just to compensate for the offense he had committed against another individual but also to compensate for the offense he had committed against the sovereign, the state, the law. In this way there appeared, along with the mechanism of fines, the great mechanism of confiscations. These confiscations of property were one of the chief means for the great emerging monarchies to enrich and enlarge their holdings. The Western monarchies were founded on the appropriation of the judicial system, which enabled them to apply these mechanisms of confiscation. That is the political background of this transformation.

Now we need to explain the establishment of the judgment [*sentence*], to explain how one reached the end of a process in which one of the principal figures was the prosecutor. If the main victim of an infraction was the king, if the prosecutor was the primary plaintiff, it is understandable that judicial settlement could no

longer be obtained through the mechanisms of the test. The king or his representative, the prosecutor, could not risk their own lives or their own possessions every time a crime was committed. The accused and the prosecutor did not confront each other on even ground, as in a clash between two individuals; it was necessary to find a new mechanism that was no longer that of the test, of the struggle between two adversaries, to determine whether someone was guilty or not. The warlike model could no longer be applied.

What model was to be adopted? This was one of the great moments of the history of the West. There were two models for solving the problem. One was a model indigenous to the judicial institution. In feudal law itself, in ancient Germanic law, there was a circumstance in which the collectivity as a whole could intervene, accuse someone, and obtain his conviction: this was the flagrant offense, where an individual was surprised in the very act of committing the crime. In that instance, the persons who surprised him had the right to bring him before the sovereign, the holder of a political authority, and say, "We saw him doing such-and-such thing and so he must be punished or made to pay a compensation." Thus, in the very sphere of law, there was a model of collective intervention and authoritative judgment for the settlement of a judicial suit. It applied to the flagrant offense, when the crime was discovered as it was taking place. Obviously that model couldn't be used when the individual was not caught in the act, which was usually the case. The problem, then, was to determine under what conditions the model of the flagrant offense could be generalized and used in the new legal system that was emerging, completely controlled by political sovereignty and by the representatives of the political sovereign.

The authorities preferred to use a second, extrajudicial model, which was in turn subdivided in two or, rather, during that period, had a double existence, a double usage. This was the inquiry model, which had existed in the time of the Carolingian Empire. When the representatives of the sovereign had to resolve a problem of law, of power, or a question of taxes, morals, ground rent, or ownership, they initiated something that was perfectly ritualized and regular—the *inquisitio*, the *inquiry*. The representative of power would summon the persons regarded as being knowledgeable about morals, law, or property titles. He would assemble these

persons, making them swear to tell the truth, to tell what they knew, what they had seen or what they had learned from having heard it said. Then, left to themselves, these persons would deliberate; at the end of this deliberation they would be asked for the solution to the problem. This was a model of administrative management, which the officials of the Carolingian Empire routinely applied. It was still employed, after the breakup of the empire, by William the Conqueror in England. In 1066, the Norman conquerors occupied England; they seized the Anglo-Saxon properties and entered into litigation with the indigenous population and each other over the possession of those properties. To establish order, to integrate the new Norman population into the ancient Anglo-Saxon population, William the Conqueror carried out an enormous inquiry concerning the status of properties, the status of taxes, the system of ground rent, and so on. This was the famous *Domesday Book*, the only comprehensive example that we have of those inquiries that were an old administrative practice of the Carolingian emperors.

This procedure of administrative inquiry had several important characteristics:

1. Political power was the essential personage.
2. Power was exercised first of all by posing questions, by interrogating; it did not know the truth and sought to discover it.
3. In order to determine the truth, power appealed to the notables, to the persons fit to know, given their position, their age, their wealth, their notability, etc.
4. Contrary to what one sees at the end of *Oedipus the King*, the king consults the notables without forcing them to tell the truth through the use of violence, pressure, or torture. They are asked to meet voluntarily and give their collective opinion; they are allowed to say collectively what they deem to be the truth.

We thus have a type of truth-establishment closely tied to the administrative management of the first great state form known in the West. Yet these inquiry procedures were forgotten during the

tenth and eleventh centuries in early feudal Europe, and would have been completely forgotten had not the Church used them in the management of its own possessions. This analysis must be complicated a little, though: if the Church made new use of the Carolingian method of inquiry, it was because the Church had already employed it before the Carolingian Empire, for reasons that were more spiritual than administrative.

So there was an inquiry practice in the Church of the early Middle Ages, in the Merovingian and Carolingian Church. That method was called *visitatio*; it consisted in the visit the bishop was officially required to make in traveling through his diocese, and it was later adopted by the great monastic orders. On arriving at an appointed place, the bishop would first initiate the *inquisitio generalis*, the general inquisition, by questioning all those who should know—the notables, the elders, the most learned, the most virtuous—about what had happened in his absence, especially if there had been transgressions, crimes, and so on. If this inquiry met with an affirmative response, the bishop would pass to a second stage, the *inquisitio specialis*, the special inquisition, which consisted in trying to find out who had done what, in determining who was really the author and what was the nature of the act. There is a third and last point: the offender's confession could interrupt the inquisition at any stage, in its general or special form. The person who had committed the crime could present himself and declare publicly: "Yes, a crime was committed. It consisted in this. I am its author."

This spiritual, essentially religious form of the ecclesiastical inquiry continued to exist down through the Middle Ages, acquiring administrative and economic functions. When the Church came to be Europe's only coherent economico-political body, in the tenth, eleventh, and twelfth centuries, the ecclesiastical inquisition was at the same time a spiritual inquiry concerning sins, transgressions, and crimes committed, and an administrative inquiry concerning the way in which the Church's assets were managed and the profits gathered, accumulated, distributed, and so on. This religious and administrative model of the inquiry subsisted up to the twelfth century, when the state that was forming—or, rather, the person of the sovereign that was emerging as the source of all power—appropriated judicial procedures. Those judicial procedures could no longer function according to the system of the test. In what way,

then, was the prosecutor to establish whether someone was guilty or not? This model—spiritual and administrative, religious and political—this method for managing, overseeing, and controlling souls was found in the Church: the inquiry understood as a gaze focused as much on possessions and riches as on hearts, acts, and intentions. It was this model that was taken up and adapted in judicial procedure. The king's prosecutor would do the same thing that the visiting ecclesiastics did in the parishes, dioceses, and communities. He would seek to establish through an *inquisitio*, through an inquiry, whether there had been a crime, what crime it was, and who had committed it.

The hypothesis that I'd like to put forward is that the inquiry had a dual origin: an administrative origin, connected to the emergence of the state during the Carolingian period, and a religious, ecclesiastical origin that remained present during the Middle Ages. It was this inquiry procedure that the king's prosecutor—the developing monarchical judicial system—used to deal with the case of the flagrant offense I spoke of earlier. The problem was how to generalize the flagrant offense procedure to cover crimes that were not of the domain, the field of actuality. How could the king's prosecutor bring the guilty person before a judicial authority if he didn't know who the guilty person was, since there had not been any flagrant offense. The inquiry was to be the substitute for the flagrant offense procedure: if one managed to assemble persons who could affirm under oath that they had seen, that they knew, that they were well informed—if it was possible to establish through them that something had actually taken place—then one would have, by means of the inquiry via these persons who knew, the indirect equivalent of the flagrant offense. And one could treat gestures, actions, offenses, crimes that were no longer in the field of actuality, as if they were discovered in flagrante delicto. This was a new way of extending actuality, of transferring it from one time period to another and of offering it to the gaze, to knowledge, as if it were still present. This integration of the inquiry procedure, reactualizing what had transpired, making it present, tangible, immediate, and true, as if one had witnessed it, constituted a major discovery.

We can draw some conclusions from this analysis.

First: It is customary to contrast the old tests of barbarian law with the new rational inquiry procedure. I called attention above to

the different ways in which people tried to establish who was right in the early Middle Ages. We have the impression that those were crude, archaic, irrational systems. People are still impressed by the fact that it was necessary to await the twelfth century to arrive finally at a rational system of truth-establishment, with the inquiry procedure. I don't believe, however, that the latter was simply the result of a kind of progress of rationality. The inquiry was not arrived at by rationalizing judicial procedures. The use of that procedure in the judicial domain was made not only possible but necessary by a whole political transformation, a new political structure. In medieval Europe, the inquiry was primarily a governmental process, an administrative technique, a management method—in other words, it was a particular way of exercising power. It would be a mistake to see the inquiry as the natural result of reason acting upon itself, developing itself, making its own progress, or to see it as the effect of a knowledge [*connaissance*], of a subject of knowledge engaged in self-transformation.

No history constructed in terms of a progress of reason, of a refinement of knowledge, can account for the acquisition of the rationality of the inquiry. Its emergence was a complex political phenomenon. Analysis of the political transformations of medieval society is necessary in order to explain how, why, and when this type of truth-establishment, based on completely different juridical procedures, appeared. No reference to a subject of knowledge and its internal history would account for the phenomenon. Only an analysis of the games of political force, of power relations, can explain the appearance of the inquiry.

Second: The inquiry derived from a certain type of power relation, from a way of exercising power. It was brought into law from the Church and, therefore, was permeated with religious categories. In the conception of the early Middle Ages, the essential notion was the wrong [*tort*], something having occurred between two individuals; there was no transgression [*faute*] or infraction. Transgression, sin, and moral culpability did not play any role whatever. The problem was to know if there had been an offense, who had done it, and if the one claiming to have sustained it was capable of enduring the test he proposed to his adversary. There was no fault, culpability, or any connection with sin. But when the inquiry was introduced into judicial practice, it brought the important notion of

infraction with it. When one individual wronged another, there was always, a fortiori, a wrong done against sovereignty, against the law, against power. Further, given all the religious implications and connotations of the inquiry, the wrong would be a moral, almost religious transgression, or one with a religious connotation. Thus, around the twelfth century, one saw a conjoining of lawbreaking and religious transgression. Doing injury to the sovereign and committing a sin were two things that began to merge, and they were to be closely joined in Classical law. We are not yet entirely free of that conjunction.

Third: The inquiry that appeared in the twelfth century, as a result of this transformation in political structures and power relations, completely reorganized all the judicial practices of the Middle Ages, the Classical age, and even those of the modern era (or they all reorganized themselves around it). More generally, judicial inquiry spread into many other areas of social and economic practice and domains of knowledge. From the thirteenth century onward, based on the model of the judicial inquiries conducted by the king's prosecutor, a series of new forms of inquiry procedure was propagated.

Some of these were mainly administrative or economic. Through inquiries about population, wealth, money, and resources, royal agents were able to establish, secure, and increase royal power. In this way, a whole economic knowledge, a knowledge of the economic administration of states, was accumulated at the end of the Middle Ages and in the seventeenth and eighteenth centuries. This was the period when a regular form of administration of states, of transmission and continuity of political power, was born, along with sciences such as economics, statistics, and so on.

These inquiry techniques also spread into areas not directly connected to the domains of exercise of power: fields of knowledge or learning [*connaissance*] in the traditional sense of the word.

Beginning in the fourteenth and fifteenth centuries there appeared types of inquiry that sought to establish truth on the basis of a certain number of carefully collected items of testimony in fields such as geography, astronomy, and the study of climates. In particular, there appeared a technique of voyage—as a political, power-exercising venture and a curiosity-driven, knowledge-acquiring venture—that ultimately led to the discovery of America.

All the great inquiries that dominated the end of the Middle Ages were essentially the unfolding and dissemination of that first form, that matrix originating in the twelfth century. Even domains such as medicine, botany, and zoology were, starting in the sixteenth and seventeenth centuries, vectors of this process. The whole great cultural movement that, from the twelfth century, prepared the way for the Renaissance can be defined in large part as that of the development, the flowering of the inquiry as a general form of knowledge.

While the inquiry developed as a general form of knowledge within which the Renaissance would blossom, the test tended to disappear. We find only the ingredients, the remnants of the latter in the notorious form of torture, but already mingled with the concern for obtaining a confession, a test of verification. One could write an entire history of torture, as situated between the procedures of the test and the inquiry. The test tended to disappear from judicial practice; it also disappeared from the domains of knowledge. One might suggest two examples.

First, consider alchemy. Alchemy was a knowledge that had the test for its model. It was not a matter of doing an inquiry to find out what happens, to discover the truth. What was involved, essentially, was an encounter between two forces: that of the alchemist, who wanted to know, and that of nature, which guarded its secrets; that of darkness and that of light, that of good and evil, that of Satan and that of God. The alchemist engaged in a kind of struggle in which he was both the spectator—the one who would see the outcome of the combat—and one of the combatants, given that he could win or lose. We can say that alchemy was a chemical, naturalistic form of the test. That alchemical knowledge was essentially a test is confirmed by the fact that it was absolutely not transmitted, not accumulated, as a result of inquiries enabling one to arrive at the truth. Alchemical knowledge was transmitted only in the form of secret or public rules and procedures: this is how to go about it, that is what should be done, those are the principles to respect, the entreaties to make, the texts to read, the codes that must be present. Alchemy essentially constituted a corpus of rules, of procedures. Alchemy's disappearance, the fact that a new type of knowledge was constituted that was completely outside its domain resulted from the fact that this new knowledge took the inquiry matrix as

its model. No inquiry-based knowledge—naturalistic, botanical, mineralogical, philological knowledge—had any connection with alchemical knowledge, which conformed to the judicial model of the test.

Second, the crisis of the medieval university at the end of the Middle Ages can also be analyzed in terms of an opposition between the test and the inquiry. In the medieval university, knowledge was manifested, transmitted, and authenticated through well-defined rituals, the most famous and best known of which was the *disputatio*, the dispute. This was a confrontation between two adversaries who used the verbal weapon, rhetorical procedures, and demonstrations based essentially on the appeal to authority. One appealed not to witnesses of truth, but to witnesses of strength. In the *disputatio*, the more authors one of the participants had on his side, the more evidence of authority, strength, and gravity he could invoke, the greater were his chances of winning. The *disputatio* was a form of proof, of display of knowledge, of authentication of knowledge that conformed to the general scheme of the test. Medieval knowledge—especially the encyclopedic knowledge of the Renaissance, such as that of Pico della Mirandola, which would come up against the medieval form of the university—was to be precisely a knowledge of the inquiry type. To have seen, to have read the texts, to know what was actually said; to be acquainted both with what was said and with the natural phenomena about which something was said; to verify what the authors had said through observations of nature; to make use of authors no longer as authority but as witness—all this would constitute one of the great revolutions in the form of knowledge transmission. The disappearance of alchemy and of the *disputatio*—or, rather, the fact that the latter was relegated to completely ossified academic forms, and that from the sixteenth century on it did not show any current vigor or any efficacy as one of the forms of real authentication of knowledge—was one of the numerous signs of the conflict between the inquiry and the test, as well as of the inquiry's triumph over the test at the end of the Middle Ages.

In conclusion, we might say that the inquiry is absolutely not a content but, rather, a form of knowledge—a form of knowledge situated at the junction of a type of power and a certain number of knowledge contents [*contenus de connaissance*]. Those wishing to

establish a relation between what is known and the political, social, or economic forms that serve as a context for that knowledge need to trace that relation by way of consciousness or the subject of knowledge. It seems to me that the real junction between the economico-political processes and the conflicts of knowledge might be found in those forms which are, at the same time, modes of power exercise and modes of knowledge acquisition and transmission. The inquiry is precisely a political form—a form of power management and exercise that, through the judicial institution, became, in Western culture, a way of authenticating truth, of acquiring and transmitting things that would be regarded as true. The inquiry is a form of knowledge-power. Analysis of such forms should lead us to a stricter analysis of the relations between knowledge conflicts and economico-political determinants.

IV

In the previous lecture, I tried to show the mechanisms and the effects of the appropriation of the penal justice system by the state in the Middle Ages. Now I would like us to place ourselves at the end of the eighteenth and the beginning of the nineteenth century, during the founding of what I will try to analyze in this lecture and the next one under the name the “disciplinary society.” Contemporary society deserves the name “disciplinary society” for reasons that I will explain. I would like to show what forms of penal practice characterize that society; what power relations underlie those penal practices; what forms of knowledge [savoir], types of knowledge [connaissance], and types of knowledge subject [sujet de connaissance] emerged, appearing on the basis of—and in the space of—the disciplinary society that contemporary society is.

The formation of disciplinary society can be characterized by the appearance, at the end of the eighteenth and the beginning of the nineteenth century, of two contradictory facts or, rather, one fact with two aspects, two seemingly contradictory sides: the reform or reorganization of the judicial and penal systems in the different countries of Europe and the world. That transformation doesn't manifest the same forms, the same amplitude, or the same chronology in different countries.

In England, for example, forms of justice remained relatively sta-

ble, while the content of the laws, the set of penally sanctioned acts, was radically altered. In the eighteenth century, there were in England 315 acts that could lead a person to the gallows, to the scaffold—315 crimes punished by death. This made the eighteenth-century English penal code, penal law, penal system one of the most savage and bloody that the history of civilizations has known. This situation was profoundly changed at the beginning of the nineteenth century, without a comparably deep change occurring in judicial forms and institutions. In France, on the other hand, very deep changes in judicial institutions took place, without a change in the content of the penal law.

What did these transformations of the penal systems consist in? In a theoretical reworking of penal law. This can be found in Cesare de Beccaria, Jeremy Bentham, J. P. Brissot de Warville, and in the legislators who were the authors of the first and second French Penal Code of the revolutionary period.

The basic principle of the theoretical system of penal law, defined by those authors, was that the crime, in the penal sense of the term (or, more technically, the infraction), must not have any relation with moral or religious transgression. The transgression is a violation of natural law, of religious law, of moral law. The crime, or the penal infraction, is a breach of civil law, explicitly established within a society by the legislative function of political power. For there to be an infraction, there must be a political authority and a law, and that law must have been actually formulated. There cannot be any infraction before the law exists. According to those theorists, only acts expressly defined as sanctioned by the law can be punished.

A second principle is that, in order to be good laws, those positive laws formulated by political authority within a society cannot be simple transcriptions of natural, religious, or moral law. A penal law must simply represent what is useful for society. The law defines as reprehensible that which is harmful to society, thus defining, by negation, what is useful to it.

The third principle is deduced naturally from the first two: There must be a clear and simple definition of crime. A crime is not something related to sin and transgression; it is something that harms society; it is a social injury, a trouble, a disturbance for the whole of society.

Consequently, there is also a new definition of the criminal: the criminal is the social enemy. We find that very clearly stated in all the theorists and also in Rousseau, who declares that the criminal is an individual who has broken the social contract. The criminal is an internal enemy. This idea of the criminal as an internal enemy, as an individual in society who has broken the theoretically postulated pact, is a new and crucial definition in the history of the theory of crime and punishment.

If a crime is a social injury, if the criminal is society's enemy, how should criminal law treat that criminal or react to that crime? If a crime is a disturbance for society, if a crime no longer has any connection with transgression, with natural, divine, or religious law, it is clear that penal law cannot prescribe a revenge, the redemption of a transgression. Penal law must only enable a reparation of the disturbance that was caused to society. Penal law must be made in such a way that the harm caused by the individual to society is obliterated. If that is not possible, then it is essential that the harm not be recommenced by the individual in question or by another. Penal law must repair the harm, or prevent similar harms being done to the social body.

For those theorists, four possible types of punishment follow from these premises. First, there is the punishment expressed in the declaration: "You have broken the social compact; you no longer belong to the social body; you have deliberately placed yourself outside the space of legality; we will expel you from the social space in which that legality functions." Basically, this is the idea, often encountered in those authors (Beccaria, Bentham, et al.), that the ideal punishment would be simply to expel, exile, banish, or deport. It's the idea of deportation.

The second possibility is a sort of exclusion in place. Its mechanism is not physical deportation, transfer outside the social space, but isolation within the moral, psychological, public space constituted by public opinion. It's the idea of punishment as scandal, shame, and humiliation of the one who has committed an infraction. His offense is publicized; his person is exhibited in public; a reaction of aversion, contempt, and condemnation is induced in the public. That was the penalty; Beccaria and others invented mechanisms for provoking shame and humiliation.

The third kind of penalty was compensation for social damage—

forced labor. It consisted in forcing persons to perform an activity that was useful to the state or to society, so that the damage that was caused would be compensated. We thus have a theory of forced labor.

Finally, the fourth option was the penalty ensuring that the harm would not be done again, making sure that neither the individual in question nor any others would any longer be inclined to cause society the same harm they had previously done—by making them feel repugnance for the crime they had committed. The ideal penalty, perfectly suited for obtaining that result, was retaliation. The killer should be killed, the thief's possessions should be confiscated, and—in the opinion of certain theorists of the eighteenth century—the rapist should undergo something similar to his crime.

So there was a batch of proposed penalties: deportation, forced labor, shame, public scandal, and retaliation—proposals actually presented not just by pure theorists such as Beccaria but also by legislators such as Brissot and Ferdinand Louis Felix Le Peletier de Saint-Fargeau, who helped draft the first Revolutionary Penal Code. Such people were already rather far along in the organization of a penal regime centered on the penal infraction and on the violation of a law representative of public utility. Everything stems from that project, even the array of penalties and the way in which they are applied.

We thus have these proposals, texts, and even decrees adopted by legislatures. But if we examine what really occurred, how penal institutions functioned a short time later, around 1820, at the time of the Restoration in France and the Holy Alliance in Europe, we note that the system of penalties adopted by the emerging and developing industrial societies was completely different from what had been planned a few years earlier. Not that the practice contradicted the theory, but it soon turned away from the theoretical principles we find in Beccaria and in Bentham.

Let's look again at the system of penalties. Deportation disappeared rather quickly; forced labor was in general a purely symbolic penalty in its compensatory function; the mechanisms of scandal never managed to be put into practice; the penalty of retaliation quickly disappeared, denounced as too archaic for a developed society.

These extremely precise proposals for punishment were re-

placed by a rather curious penalty that Beccaria had spoken of slightly and Brissot had mentioned in a decidedly marginal way. I am referring to imprisonment, the prison.

Prison was not part of the theoretical plan for penal reform in the eighteenth century. It appeared at the beginning of the nineteenth century, as a de facto institution, almost without theoretical justification.

Not only was imprisonment—a penalty whose use became general in the nineteenth century—not called for in the eighteenth-century program, but penal legislation was to undergo a tremendous shift of emphasis in relation to the tenets of the preceding theory. Indeed, from the start of the nineteenth century and increasingly rapidly throughout the century, the direction of penal legislation was to veer away from what one might call the principle of social utility; it no longer focused on what was socially useful but, rather, targeted the individual. As an example, we can cite the great reforms of penal legislation in France and other European countries between 1825 and 1850-60, involving the definition of what we call mitigating circumstances, enabling the strict application of the law, as it is found in the Code, to be modified by the judge or jury's stipulation, depending on the individual being tried. The principle of a universal law representing only social interests was considerably strained by the use of mitigating circumstances, which were to have greater and greater importance. Moreover, the penal regime that developed in the nineteenth century aimed less and less to define in an abstract and general way what was harmful to society, to remove individuals harmful to society or prevent them from reoffending. In the nineteenth century, penal justice aimed, in an increasingly insistent way, not so much at the general defense of society as the control and psychological and moral reform of the attitudes and behavior of individuals. It was a form of penal regime totally different from the one planned in the eighteenth century: for Beccaria, the great penal principle was that there should be no punishment without an explicit law and an explicit behavior violating that law. So long as there was no law and no explicit infraction, there could be no punishment—that was Beccaria's fundamental principle.

The entire penal regime of the nineteenth century became a control not so much over what individuals did—was it lawful or unlaw-

ful?—as over what they might do, what they were capable of doing, what they were liable to do, what they were imminently about to do.

Thus, toward the end of the nineteenth century the great idea of criminology and penal theory was the scandalous idea, in terms of penal theory, of *dangerousness*. The idea of *dangerousness* meant that the individual must be considered by society at the level of his potentialities, and not at the level of his actions; not at the level of the actual violations of an actual law, but at the level of the behavioral potentialities they represented.

The last major point that penal theory questioned more forcefully than Beccaria had was that, to ensure the control of individuals—which was no longer a penal reaction to what they had done but, rather, a control of their future behavior while this was still taking form—the penal institution could no longer be completely in the hands of an autonomous power, the judiciary.

We thus come to question the great separation made (or at least formulated) by Montesquieu between judicial, executive, and legislative powers. The control of individuals, this sort of punitive penal control of individuals at the level of their potentialities, could not be performed by the judiciary itself; it was to be done by a series of authorities other than the judiciary, such as the police and a whole network of institutions of surveillance and correction—the police for surveillance, the psychological, psychiatric, criminological, medical, and pedagogical institutions for correction. In this way, in the nineteenth century, there developed around the judicial institution—to enable it to assume the function of controlling individuals at the level of their *dangerousness*—a vast series of institutions that would enclose individuals in their bounds throughout their existence: pedagogic institutions such as the school, psychological or psychiatric institutions such as the hospital, the asylum, the police, and so on. This whole network of nonjudicial power was designed to fulfill one of the functions that the justice system assumed at this time: no longer punishing individuals' infractions, but correcting their potentialities.

We thus enter the age of what I would call social orthopedics. I'm talking about a form of power, a type of society that I term "disciplinary society," in contrast to the penal societies known hitherto. This is the age of social control. Among the theorists I cited

earlier, there was one who in a sense foresaw and presented a kind of diagram of this society of supervision [*surveillance*], of this great social orthopedics—I'm thinking of Jeremy Bentham. I hope historians of philosophy will forgive me for saying this, but I believe that Bentham is more important for our society than Kant or Hegel.

All our societies should pay homage to him. It was he who programmed, defined, and described in the most exact manner the forms of power in which we live, and who presented a marvelous and celebrated little model of this society of generalized orthopedics—the famous Panopticon,²⁵ a form of architecture that makes possible a mind-over-mind-type of power; a sort of institution that serves equally well, it would seem, for schools, hospitals, prisons, reformatories, poorhouses, and factories. The Panopticon is a ring-shaped building in the middle of which there is a yard with a tower at the center. The ring is divided into little cells that face the interior and exterior alike. In each of these little cells there is, depending on the purpose of the institution, a child learning to write, a worker at work, a prisoner correcting himself, a madman living his madness. In the central tower there is an observer. Since each cell faces both the inside and the outside, the observer's gaze can traverse the whole cell; there is no dimly lit space, so everything the individual does is exposed to the gaze of an observer who watches through shuttered windows or spy holes in such a way as to be able to see everything without anyone being able to see him. For Bentham, this marvelous little architectonic ruse could be used by a variety of different sorts of institutions. The Panopticon is the utopia of a society and a type of power that is basically the society we are familiar with at present, a utopia that was actually realized. This type of power can properly be given the name panopticism. We live in a society where panopticism reigns.

Panopticism is a form of power that rests not on the inquiry but on something completely different, which I will call the "examination." The inquiry was a procedure by which, in judicial practice, people tried to find out what had happened. It was a matter of reactualizing a past event through testimony presented by persons who, for one reason or another, because of their general knowledge [*savoir*], or because they were present at the event, were considered apt to know.

With panopticism, something altogether different would come

into being; there would no longer be inquiry, but supervision [*surveillance*] and examination. It was no longer a matter of reconstituting an event, but something—or, rather, someone—who needed total, uninterrupted supervision. A constant supervision of individuals by someone who exercised a power over them—schoolteacher, foreman, physician, psychiatrist, prison warden—and who, so long as he exercised power, had the possibility of both supervising and constituting a knowledge concerning those he supervised. A knowledge that now was no longer about determining whether or not something had occurred; rather, it was about whether an individual was behaving as he should, in accordance with the rule or not, and whether he was progressing or not. This new knowledge was no longer organized around the questions: "Was this done? Who did it?" It was no longer organized in terms of presence and absence, of existence and nonexistence; it was organized around the norm, in terms of what was normal or not, correct or not, in terms of what one must do or not do.

So we have, in contrast to the great knowledge of the inquiry—organized in the middle of the Middle Ages through the appropriation of the judicial system by the state, consisting in assembling the means to reactualize events through testimony—a new knowledge of a completely different type, a knowledge characterized by supervision and examination, organized around the norm, through the supervisory control of individuals throughout their existence. This examination was the basis of the power, the form of knowledge-power, that was to give rise not, as in the case of the inquiry, to the great sciences of observation, but to what we call the "human sciences"—psychiatry, psychology, sociology.

I would like now to analyze how that came about. How did we come to have, on the one hand, an elaborate penal theory that clearly programmed a certain number of things and, on the other, a real social practice that led to completely different results?

I will consider in turn two examples that are among the most important and decisive instances of this process—that of England, and that of France. I'll leave aside the example of the United States, which is just as important. I would like to show how in France, and especially in England, there existed a series of mechanisms of control: control of the population, continuous control of the behavior of individuals. These control mechanisms took form in an obscure

fashion during the eighteenth century to meet a certain number of needs; as they assumed more and more importance, they were finally extended to the whole of society and superimposed on penal practice. That new theory was not able to deal with these phenomena of supervision, which arose completely apart from it; it wasn't able to program them. It could even be said that eighteenth-century penal theory ratified a judicial practice that formed in the Middle Ages, the appropriation of the justice system by the state. Beccaria thought in terms of a state-controlled judicial system.²⁶ Though he was a great reformer in a certain sense, he didn't see the emergence, next to and outside that state-controlled judicial system, of methods of control that would be the real content of the new penal practice.

What were these control mechanisms, where did they come from, and what needs did they meet? Let's take the example of England. Beginning in the second half of the eighteenth century, there formed, at relatively low levels of the social scale, spontaneous groups of persons who assigned themselves, without any delegation from a higher authority, the task of maintaining order and of creating new instruments for ensuring order, for their own purposes. These groups were numerous, and they proliferated during the entire eighteenth century.

First, in chronological order, there were the religious communities dissenting from Anglicanism—the Quakers, the Methodists—who took it upon themselves to organize their own police. Thus, among the Methodists, John Wesley, for example, visited the Methodist communities on inspection trips, a bit like the bishops of the early Middle Ages. All cases of disorderly conduct—drunkenness, adultery, refusal to work—were submitted to him. Quaker-inspired societies of friends functioned in a similar way. All these societies had the dual task of supervision and welfare assistance. They took on the task of helping those who didn't possess the means of subsistence, those too old to work, the sick, the mentally ill. At the same time as they offered assistance, though, they accorded themselves the possibility and right to observe the conditions in which the assistance was given: observing whether the individual who wasn't working was actually ill, whether his poverty and his misery were not due to debauchery, drunkenness, the vices. So this movement

involved groups establishing their own internal supervision, one with a deeply religious origin, operation, and ideology.

Second, there were, alongside these strictly religious communities, societies related to them that kept a certain distance, a certain aloofness from them. For example, at the end of the seventeenth century, in 1692 in England, a society was founded called, in a rather characteristic way, the Society for the Reform of Manners. This was a very important society which had, in the time of William III, a hundred branches in England and, counting only those in the city of Dublin, ten in Ireland. This society, which disappeared in the eighteenth century and reappeared, under Wesley's influence, in the second half of the century, set out to reform manners: getting people to respect Sunday (we owe the exciting English Sunday largely to the action of these great societies), preventing gambling and drunkenness, curbing prostitution, adultery, cursing, blasphemy—everything that might show contempt for God. As Wesley said in his sermons, it was a matter of preventing the lowest and basest class from taking advantage of inexperienced young people and fleecing them of their money.

Toward the end of the eighteenth century, that society was surpassed in importance by another one, inspired by a bishop and certain court aristocrats, called the Proclamation Society, having obtained from the King a proclamation for the encouragement of piety and virtue. In 1802, this society changed its name and took the characteristic title of the Society for the Suppression of Vice, its goals being to ensure the observance of the Lord's Day, to prevent the circulation of licentious and obscene books, to file lawsuits against pernicious literature, and to secure the closure of gaming houses and brothels. Though this society was still essentially moral in its mission, remaining close to the religious groups, it was already somewhat secularized.

Third, we encounter, in England, other groups more interesting and more troubling—self-defense groups of a paramilitary sort. They sprang up in response to the first great social, not yet proletarian, disturbances, the great political and social movements—still with a strong religious connotation—at the end of the century, particularly those of the followers of Lord Gordon. In response to these great popular disturbances, the moneyed milieus, the aristocrats,

the bourgeoisie, organized into self-defense groups. In this way a series of associations—the Military Infantry of London, the Company of Artillery—were organized spontaneously, without support, or with only lateral support, from state power. They had the function of bringing political order, penal order, or simply order, to reign in a district, a city, a region, or a county.

As a last category, there were the strictly economic societies. The great companies and great commercial firms organized police societies, private police forces, to defend their property, their stock, their wares, the ships anchored in the port of London, against riot, banditry, everyday pillage and petty thievery. These privately organized police forces patrolled the districts of London and large towns such as Liverpool.

These societies answered a demographic or social need; they were a response to urbanization, to the great movement of populations from the country to the towns. They were also a response—and we'll return to this subject—to a major economic transformation, a new form of accumulation of wealth, for when wealth began to accumulate in the form of stocks, of warehoused goods, of machines, it became necessary to have it guarded and protected. And they were a response, finally, to a new political situation, to new forms of popular revolt that, from an essentially peasant origin in the sixteenth and seventeenth centuries, now became great urban, popular, and, later, proletarian revolts.

It is interesting to observe the evolution of these voluntary associations in England in the eighteenth century. There is a three-fold shift during the course of their history.

Let's consider the first shift. At the start, these groups were almost popular, formed from the petty bourgeoisie. The Quakers and the Methodists of the end of the seventeenth and the beginning of the eighteenth century who organized themselves to try to suppress vice, to reform manners, were lower-middle-class citizens, grouped together for the obvious purpose of establishing order among themselves and around them. But this desire to establish order was basically a way of escaping from political power, because the latter possessed a formidable, terrifying, and sanguinary instrument—penal legislation. Indeed, for more than three hundred kinds of offense one could be hung. This meant that it was very easy for authority, for the aristocracy, for those who controlled the judicial

apparatus, to bring terrible pressures to bear on the popular strata. It is easy to understand how it was in the interest of the religious groups to try and escape from a judicial authority so bloodthirsty and threatening.

To escape that judicial authority, individuals organized into moral reform societies, prohibited drunkenness, prostitution, theft, everything that would enable state power to attack the group, destroy it, to use any pretext to send people to the gallows. So it was more a matter of groups for self-defense against the law than of effective surveillance organizations. This strengthening of self-organized penal processes was a way of escaping from the penal regime of the state.

Now, in the course of the eighteenth century, these groups changed their social affiliation and tended more and more to abandon their popular or petty-bourgeois recruitment. At the end of the eighteenth century, it was the aristocracy, the bishops, the richest persons who were initiated into these groups of moral self-defense, these leagues for the elimination of vice.

We thus have a social shift that indicates perfectly well how this moral reform enterprise stopped being a penal self-defense and became, on the contrary, a reinforcing of the power of penal justice itself. Alongside the dreadful penal instrument it possessed, state power was to lay claim to these instruments of pressure, of control. What was involved, in a sense, was a mechanism for bringing social control organizations under state control.

The second shift consists in the following: whereas, with the first group, it was a matter of establishing a moral order different from the law allowing individuals to escape from the law, at the end of the eighteenth century these groups—now controlled, prompted by aristocrats and rich persons—aimed essentially at obtaining from political power new laws that would ratify the moral effort. We thus have a shift from the moral toward the penal.

Third, we may say that, from that moment, this moral control was exerted by the upper classes, the holders of power, over the lower, poorer strata, the popular strata. It thus became an instrument of power for the wealthy over the poor, for the exploiting over the exploited, which conferred a new political and social polarity on these agencies of control. I will cite a text, dated 1804, from the end of this evolution I'm trying to trace, written by a bishop named

Watson, who preached before the Society for the Suppression of Vice: "The laws are good, but unfortunately they are broken by the lower classes. Undoubtedly the upper classes do not take them very much into consideration, either. But this fact would not have any importance if the upper classes did not serve as an example to the lower classes."²⁷ Impossible to be any clearer: the laws are good, good for the poor; unfortunately, the poor escape from the laws, which is really deplorable. The rich also escape from the laws, but that has no importance, for the laws were not made for them. However, the consequence is that the poor follow the example of the rich in not observing the laws. So Bishop Watson says to the rich: "I ask you to follow these laws that were not made for you, for in that way there will be at least the possibility of controlling and supervising the poorer classes."

In this gradual state takeover—in this transfer of the points of control from the hands of petty-bourgeois groups trying to escape from state power to those of the social group actually holding power—in this whole evolution, we can observe how a morality with a religious origin was brought into and disseminated in a state-appropriated penal system that, by definition, turned a blind eye to morals and vowed to cut the ties with morality and religion. Religious ideology, arisen and nurtured in the little Quaker and Methodist groups in England at the end of the seventeenth century, now sprang up at the other pole, at the other extremity of the social scale, on the side of power, as an instrument of a control exerted from the top on the bottom. Self-defense in the seventeenth century, an instrument of power at the beginning of the nineteenth century. This is the process that we can observe in England.

In France, a rather different process occurred. This is explained by the fact that France, a country of absolute monarchy, possessed a powerful state apparatus, which eighteenth-century England had already lost, having been shaken in part by the bourgeois revolution of the seventeenth century. England had freed itself of that absolute monarchy, rushing through that stage in which France remained caught for a hundred and fifty years.

This powerful monarchic state apparatus in France relied on a two-pronged instrument: a classic judicial instrument—the *parlements* [high courts—TRANS.], the courts—and a parajudicial instrument, the police, which France had the privilege of inventing. A police that com-

prised the intendants, the mounted police corps, the police lieutenants; that was equipped with architectural instruments like the Bastille, Bicêtre, the great prisons; that also had its institutional aspects, such as the curious *lettres de cachet*.

The *lettre de cachet* was not a law or a decree but an order from the king that concerned a person individually, compelling him to do something. One could even force someone to marry through a *lettre de cachet*. In most cases, though, it was an instrument of punishment.

One could exile someone by means of a *lettre de cachet*, strip him of certain functions, imprison him. It was one of the major instruments of power of the absolute monarchy. The *lettres de cachet* have been much studied in France, and it has become common to class them as something dreadful, an instrument of royal despotism crashing down on someone like a lightning bolt, able to imprison him for the rest of his days. We need to be more cautious and say that the *lettres de cachet* didn't function only in that manner. Just as we have seen that the moral reform societies were a way of escaping the law, we can likewise observe a rather curious game in the case of the *lettres de cachet*.

When one examines the *lettres de cachet* sent by the king in rather large numbers, one notes that in most cases he was not the one who made the decision to send them. He did so in certain instances, for affairs of state; but most of these letters—tens of thousands of *lettres de cachet* sent by the monarchy—were actually solicited by various individuals: husbands outraged by their wives, fathers dissatisfied with their children, families wanting to get rid of an individual, religious communities disturbed by someone, parishes unhappy with their priests. All these individuals or small groups would request a *lettre de cachet* from the king's intendant; the latter would then investigate to see if the request was justified. When this was the case, he would write to the king's minister in charge of such matters, asking him to send a *lettre de cachet* authorizing the arrest of someone's cheating wife, or prodigal son, or prostitute daughter, or the misbehaving village priest. So the *lettre de cachet* presented itself—in its aspect as terrible instrument of royal despotism—as a kind of counterpower, a power that came from below, enabling groups, communities, families, or individuals to exercise power over someone. They were instruments of a control that was

voluntary in a sense, a control from below which society and the community exercised on itself. Hence, the *lettre de cachet* was a way of regulating the everyday morality of social life, a way for the group or groups—family, religious, parochial, regional, and local—to provide for their own police control and ensure their own order. Looking at the behaviors that prompted the request for a *lettre de cachet* and were sanctioned by it, we can distinguish three categories.

First, the category of what could be called immoral conduct: debauchery, adultery, sodomy, drunkenness. Such conduct prompted a request from families and communities for a *lettre de cachet* that was accepted immediately. So the object here was moral repression. A second class of *lettres de cachet* was issued to sanction religious behavior judged dangerous and dissident. This was a way that witches could be arrested, long after the time when they could be burned at the stake.

Third, in the eighteenth century it is interesting to note that *lettres de cachet* were used fairly often in labor conflicts. When employers, bosses, or foremen were not satisfied with their apprentices or their workers in the guilds, they could get rid of them by expelling them or, in rarer cases, by soliciting a *lettre de cachet*.

The first real strike in the history of France was that of the clockmakers in 1724. The clockmaker bosses reacted against it by singling out those whom they considered to be the leaders and wrote to the king requesting a *lettre de cachet*, which was sent at once. Some time later, though, the king's minister wanted to rescind it and free the striking workers. It was the clockmakers guild itself which then asked the king not to free the workers and to keep the *lettres de cachet* in force.

We see, then, how these social controls, relating here not to morality or religion but to labor problems, were exerted from below and through the intermediary of the system of *lettres de cachet* on the emerging working population.

In cases where the *lettre de cachet* was punitive, it resulted in the imprisonment of the individual. It's interesting to note that imprisonment was not a legal sanction in the penal system of the seventeenth and the eighteenth centuries. The jurists were perfectly clear in that regard: they declared that when the law punished someone, the punishment would be death—burning at the stake,

quartering, branding, banishment, or paying a fine. Imprisonment was not a penalty.

Imprisonment, which would become the major penalty of the nineteenth century, had its origin precisely in that parajudicial practice of the *lettre de cachet*, of the use of royal power for the self-regulation of groups. When a *lettre de cachet* was sent against someone, that someone wasn't hung or branded or fined: he was put in prison for an unspecified period of time. The *lettre de cachet* rarely said that someone must remain in prison for six months or one year, for example. Generally speaking, it determined that someone must remain locked up until further notice, and the further notice came only when the person who had requested the *lettre de cachet* affirmed that the imprisoned individual had corrected himself. This idea of imprisoning for correction, of keeping a person prisoner until he corrected himself—this paradoxical, bizarre idea, without any foundation or justification at the level of human behavior—had its origin precisely in that practice.

There also appeared the idea of a penalty that was not meant to be a response to an infraction but had the function of correcting individuals at the level of their behavior, their attitudes, their dispositions, the danger they represented—at the level of their supposed potentialities. This form of penalty applied to individuals' potentialities, this penal regime that sought to correct them through hard labor or confinement, did not in truth belong to the sphere of law, did not originate in the juridical theory of crime, did not derive from the great reformers such as Beccaria. This idea of a penal sanction that sought to correct by imprisoning was a police idea, born parallel to the judicial system, outside it, in a practice of social control or in a system of exchanges between group demands and the exercise of power.

After these two analyses, I would like to draw some provisional conclusions that I will try to use in the next lecture.

The terms of the problem are the following: How was a theory of penal law, which ought to have led to one kind of legislation, in fact blurred and overlaid by a completely different penal practice, which then acquired its own theoretical elaboration during the nineteenth century when the theory of penalties, of criminology was reworked? How was Beccaria's great lesson forgotten, rele-

gated and finally buried by a completely different penal practice based on individuals—on their behavior and their potentialities—and designed to correct them?

It seems to me that the origin of this development lies in a field of practice outside the penal domain. In England, it was those social groupings which, to evade the penal law, acquired instruments of control that were eventually appropriated by the central power. In France, where the structure of political power was different, the state instruments devised in the seventeenth century to control the aristocracy, the bourgeoisie, and rioters were reused by social groups from the bottom up.

So the question arises of the reason for this movement, for these groups of control; what was the motivating factor? We have seen what needs they met at the beginning; but why did they take this trajectory, why did they undergo this shift, why did power or those who held it take up these control mechanisms situated at the lowest level of the population?

To answer these questions we need to take an important phenomenon into consideration—the new form of economic production. At the origin of the process I have tried to analyze, there was the new material form of wealth. In reality, what emerged in England at the end of the eighteenth century (much more than in France, moreover) was the fact that wealth was invested more and more in capital that was no longer monetary. The wealth of the sixteenth and seventeenth centuries was essentially constituted by land fortunes, by cash money, or, to a certain extent, by bills of exchange, which individuals could trade. In the eighteenth century, there appeared a form of wealth invested in a new type of materiality that was no longer monetary; instead, it was invested in goods, stocks, raw materials, workshops, products to be shipped. And the birth of capitalism, or the transformation and acceleration of the establishment of capitalism, would be expressed in this new mode of material investment of wealth. The point is that this wealth consisting of stocks of goods, raw materials, imported objects, machines, and workshops was vulnerable to theft. That whole population of poor people, unemployed workers, people looking for work now had a kind of direct, physical contact with fortune, with wealth. In England, at the end of the eighteenth century, theft from ships, pillaging of warehouses and stocks, and larceny in the work-

shops became common. Not surprisingly, then, the great problem of power in England during this period was to set up control mechanisms that would make it possible to protect this new material form of wealth. So we can understand why the creator of the police in England, Patrick Colquhoun, was someone who began as a merchant and was then commissioned by a shipping company to organize a system for overseeing goods stored in the London docks. The London police was born of the need to protect the docks, wharves, warehouses, and stocks. This was the first reason, much stronger in England than in France, for the sense of the absolute necessity of this control. In other words, it's the reason why this control, which had an almost popular function at the social base, was reappropriated from the top at a given moment.

The second reason is that, both in France and in England, land ownership also changed forms, with the multiplication of small properties, the division and delimitation of properties. The fact that from then on there were no longer any great empty or nearly uncultivated spaces, nor any common lands on which everyone might live, meant that property would be divided, fragmented, enclosed, and every property owner would be exposed to depredations.

And, especially among the French, there would be that perpetual *idée fixe* of peasant pillage, pillage of the land, the idea of those vagabonds and farm laborers, often out of work, impoverished, living from hand to mouth, stealing horses, fruit, vegetables. One of the great problems of the French Revolution was to bring an end to this type of peasant plunder. The great political revolts of the second part of the French Revolution in the Vendée and in Provence were in a way the political result of a malaise on the part of the small peasantry, agricultural workers who no longer found, in this new system of property division, the means of existence they had had under the regime of the large agricultural estates.

So it was this new spatial and social distribution of industrial and agricultural wealth which demanded new social controls at the end of the eighteenth century.

These new systems of social control that were now established by power, by the industrial class, by the class of owners, were adapted from controls that had popular or semipopular origins and were then given authoritarian, state-manufactured versions.

In my view, this story is at the origin of disciplinary society. I will

try to explain in the next lecture how this movement—which I have only sketched out for the eighteenth century—was institutionalized, becoming a form of political relation internal to society in the nineteenth century.

V

In the last lecture, I attempted to define something that I called “panopticism.” Panopticism is one of the characteristic traits of our society. It’s a type of power that is applied to individuals in the form of continuous individual supervision, in the form of control, punishment, and compensation, and in the form of correction, that is, the molding and transformation of individuals in terms of certain norms. This threefold aspect of panopticism—supervision, control, correction—seems to be a fundamental and characteristic dimension of the power relations that exist in our society.

In a society like feudal society, one doesn’t find anything similar to panopticism. That doesn’t mean that in a society of a feudal type or in the European societies of the seventeenth century, there weren’t any agencies of social control, punishment, and compensation. Yet the way these were distributed was completely different from the way they came to be established at the end of the eighteenth century and the beginning of the nineteenth. Today we live in a society programmed basically by Bentham, a panoptic society, a society where panopticism reigns.

I’ll try to show in this lecture that the appearance of panopticism involves a kind of paradox. At the very time it appeared—or, more exactly, in the years immediately preceding its appearance—we see a certain theory of penal law, of punishment, taking form, with Beccaria as its most important representative, a theory essentially based on a strict legalism. That theory of punishment subordinated the punishment, the possibility of punishing, to the existence of an explicit law, to the explicit establishment that a breach of this law had taken place, and finally to a punishment that would compensate for or, to the extent possible, prevent the injury done to society by the offense. That legalistic theory, a truly social, almost collectivist, theory, is completely antithetical to panopticism. In panopticism, the supervision of individuals is carried out not at the level of what one does but of what one is, not at the level of what one

does but of what one might do. With this system, supervision tends increasingly to individualize the author of the act, while ceasing to take account of the juridical nature, the penal qualification of the act itself. Panopticism stood in opposition, then, to the legalistic theory developed during the preceding period.

Now, it is important to note here the essential historical fact that this legalistic theory was duplicated in a first phase—and subsequently covered over and totally obscured—by panopticism, which had formed apart from or alongside it. It is the birth of panopticism—formed and driven by a force of displacement operating, from the seventeenth through to the nineteenth century, across the entire social space—it is this subsumption of popular control mechanisms by central power that characterizes the process from the seventeenth century on and explains how, at the start of the nineteenth century, there dawns an age of panopticism, a system that was to spread over the whole practice, and, to a certain degree, the whole theory of penal law.

To justify these arguments I’m presenting, I would like to cite some authorities. People at the beginning of the nineteenth century, or at least some of them, did not fail to notice the appearance of what I’ve been calling—somewhat arbitrarily but, at any rate, in homage to Bentham—“panopticism.” As a matter of fact, several persons thought about and were very intrigued by what was occurring in their time, by the organization of penal institutions or the ethic of the state. There is one author, quite important in those years, a professor at the University of Berlin and a colleague of Hegel’s, who wrote and published in 1830 a great treatise in several volumes titled *Lessons on the Prisons*.²⁸ This man, named Nicolaus Heinrich Julius, whom I recommend that you read, and who offered a course on prisons at Berlin for several years, is an extraordinary figure who at certain moments spoke in an almost Hegelian voice.

In his *Lessons on the Prisons*, there is a passage that says: “Modern architects are discovering a form that was not previously known.” Referring to Greek civilization, he says:

Formerly, architects were mainly concerned with solving the problem of how to make the spectacle of an event, an action, of a single individual accessible to the greatest possible number of people. This

was the case with religious sacrifice, a unique event in which the greatest possible number of people must participate; it was also the case with theater, which derives, moreover, from sacrifice; and with circus games, orations, and speeches. Now, this problem, present in Greek society insofar as it was a community that participated in dramatic events that formed its unity—religious sacrifices, theater, or political speeches—continued to dominate Western civilization up to the modern period. The problem of churches is still exactly the same. Everyone must be present or must serve as spectators in the case of the sacrifice of mass or as an audience for the priest's sermon. Currently, the fundamental problem confronting modern architecture is the opposite. What is wanted is to arrange that the greatest possible number of persons is offered as a spectacle to a single individual charged with their surveillance.²⁹

In writing that, Julius was thinking of Bentham's Panopticon, and, more generally, of the architecture of prisons and, to a certain extent, of hospitals and schools. He was referring to the problems of an architecture not of spectacle, like that of Greece, but of surveillance—one that would allow a single gaze to scan the greatest number of faces, bodies, attitudes, in the greatest possible number of cells. "Now," says Julius, "the appearance of this architectural problem is correlative with the disappearance of a society that lived in the form of a spiritual and religious community and the emergence of a state-controlled society. The state presents itself as a certain spatial and social arrangement of individuals, in which all are subjected to a single surveillance." In concluding his statement concerning these two types of architecture, Julius declares that "more is involved than a simple problem of architecture . . . this difference is decisive in the history of the human mind."³⁰

Julius was not the only person in his time to notice this phenomenon of an inversion of spectacle into surveillance or of the birth of a society of panopticism. One finds similar analyses of the same type in many contemporary texts. I will cite only one of those, written by Jean-Baptiste Treilhard, Councillor of State, Jurist of the Empire, a text that forms the introduction to his *Code of Criminal Procedure* of 1808. In this text, Treilhard states: "The *Code of Criminal Procedure* I present to you constitutes a real innovation not only in the history of justice, of judicial practice, but in that of human societies. With this code, we give the prosecutor, who represents

state power or social power facing the defendants, a completely new role."³¹ And Treilhard uses a metaphor. The prosecutor must not have as his only function that of prosecuting individuals who have committed offenses; his main, primary function must be that of supervising individuals even before the infraction has been committed. The prosecutor is not just the agent of law who acts when the law is violated; the prosecutor is, above all, a gaze, an eye constantly trained on the population. The eye of the prosecutor must transmit information to the eye of the attorney general, who in turn transmits it to the great eye of surveillance, which at the time was the minister of police. The latter transmits information to the eye of the one who is at the highest point of society, the emperor—who, as it happens, then used the symbol of an eye. The emperor is the universal eye observing the entire expanse of society, an eye assisted by a series of gazes, arrayed in the form of a pyramid starting from the imperial eye, and watching over the whole society. For Treilhard, for the jurists of the empire, for those who founded French penal law—which, unfortunately, has had a good deal of influence worldwide—this great pyramid of gazes constituted the new form of the judicial process.

I won't analyze here all the institutions in which these characteristics of panopticism, which are peculiar to modern, industrial, capitalist society, are manifested. I would simply like to take hold of this panopticism, this surveillance, at the base, at the place where it appears perhaps less clearly, where it is farthest away from the center of decision-making, from the power of the state—to show how this panopticism exists, at the simplest level and in the daily operation of institutions that envelop the lives and bodies of individuals: the panopticism, then, of individual existence.

What did this panopticism consist in and, above all, what purpose did it serve? Let me give you a riddle to solve. I'll present the prescribed routine of an institution that actually existed during the years 1840–45 in France—that is, at the beginning of the period I am analyzing. I'll describe the routine without saying whether it's a factory, a prison, a psychiatric hospital, a convent, a school, or a barracks, and you will guess which institution I have in mind. It was an institution in which there were four hundred people who weren't married and who had to get up every morning at 5 o'clock; at 5:50 they had to have finished washing and dressing, made their

bed, and had their coffee; at 6 the compulsory work began, lasting until 8:15 in the evening, with a one-hour break for lunch; at 8:15, dinner and group prayer; retirement to the dormitories was at 9 o'clock on the hour. Sunday was a special day. Article 5 of this institution's rulebook said: "We want to preserve the spirit which Sunday should have, that is, devote it to religious observances and to rest. However, since boredom would soon make Sunday more tiring than the other days of the week, various exercises will need to be done so that one might spend this day in a cheerful, Christian manner." In the morning, there were religious exercises, followed by reading and writing exercises, and then recreation, finally, during the last hours before noon; in the afternoon, there was catechism, vespers, and walks if the weather wasn't too cold. If it was cold, there was reading together. The religious exercises and mass were not observed in the church nearby, because that would have allowed the residents of this establishment to come in contact with the outside world; thus, to prevent the church itself from being the place or pretext of a contact with the outside world, religious services were held in a chapel constructed inside the establishment. "The parish church," the rulebook explained, "could be a point of contact with the world and that is why a chapel was constructed inside the establishment." The faithful from outside were not allowed to enter. The inmates could leave the establishment only during the Sunday walks, but always under the supervision of the religious staff. That staff supervised the walks and the dormitories, and was in charge of the security and operation of the workshops. So the religious personnel had control not only of work and morality but of the economic enterprise. The residents received no wages but, rather, a payment, a lump sum set at 40-80 francs per year, which was given to them only upon leaving. In the event that a person of the opposite sex needed to come into the establishment for material or economic reasons, that person must be chosen with the greatest care and must remain there for a very short time. Silence was enjoined on them on pain of expulsion. In a general way, the two organizational principles, according to the regulations, were: the residents must never be alone in the dormitory, the cafeteria, or the yard; and any mingling with the outside world must be avoided, as one and the same spirit must prevail in the establishment.

What sort of institution was this? Basically the question has no importance, for it could have been any of them: an institution for men or women, for young people or adults, a prison, a boarding school, an academy, or a reformatory. It's not a hospital, because there's a lot of talk about work. And it's not a barracks, either, because work is done inside. It could be a psychiatric hospital, or even a licensed brothel. In reality, it was simply a factory—a women's factory in the Rhône area, employing four hundred workers.

Someone might say that this is a caricatural, comical example, a kind of utopia. Prison factories, convent factories, wageless factories where the worker's time is fully bought, once and for all, at a yearly price collected only at the exit gate. It must be an employer's dream or what the capitalist's desire has always produced at the level of fantasy, a limit case that never had any real historical existence. I will answer by saying: on the contrary, this employer's dream, this industrial panopticon, actually existed, and on a large scale at the beginning of the nineteenth century. In a single region of France, in the southeast, there were forty thousand women textile workers working under this regimen, which at that time was a substantial number. The same type of institution also existed in other areas and other countries—Switzerland in particular, and England. As a matter of fact, that was how Owen got the idea of his reforms. In the United States, there was a whole complex of textile factories organized on the model of these prison factories, boarding factories, convent factories.

So we're talking about a phenomenon that had, in this period, a very large economic and demographic extent. So we can say not only was all this the dream of employers, but it was an employer's dream come true. Actually, there are two sorts of utopia: proletarian socialist utopias, which have the property of never being realized, and capitalist utopias, which often have the unfortunate tendency to be realized. The utopia I'm speaking of, that of the prison factory, was actually realized. And it was realized not only in industry but also in a series of institutions that materialized during the same era. Institutions that essentially followed the same principles and the same operational models; institutions of a pedagogical type such as schools, orphanages, training centers; correctional institutions like prisons, reformatories, houses of correction for young adults; institutions that were correctional and therapeutic at once,

such as hospitals, psychiatric hospitals, everything that Americans call "asylums" and that an American historian has analyzed in a recent book.³² In that book, he tried to show how those buildings and institutions which spread across Western society appeared in the United States. That history is beginning to be written for the United States; it needs to be done for other countries as well, attempting above all to take the measure of its importance, to quantify its political and economic scope and impact.

One must go further still. Not only were there industrial institutions and a series of other institutions alongside them, but what happened was that those industrial institutions were, in a certain sense, perfected. Effort was immediately concentrated directly on building them; they were a direct concern of capitalism. Yet very quickly they were found not to be viable or manageable by capitalism. The economic cost of these institutions immediately proved too heavy, and the rigid structure of these prison factories soon caused many of them to collapse. Ultimately, they all disappeared. Indeed, as soon as there was a production crisis and it was necessary to discharge a certain number of workers, to readjust production, as soon as the growth rhythm of production accelerated, those enormous firms, with a fixed number of workers and equipment set up on a permanent basis, revealed themselves to be utterly un-serviceable. The preferred option was to phase out those institutions, while preserving, in a certain way, some of the functions they served. Lateral or marginal techniques were organized to ensure, in the industrial world, the functions—confining, segregating, and containing of the working class—initially served by these rigid, fanciful, somewhat utopian institutions. Measures were taken, therefore—such as the creation of workers' housing estates, savings banks, relief funds—a series of means for attaching the working population, the developing proletariat, to the very body of the production apparatus.

The question that would need answering is the following: What aim was sought through this institution of internment in its two forms—the compact, hard form found at the beginning of the nineteenth century and even afterward in institutions such as schools, psychiatric hospitals, reformatories, and prisons, and the milder, more diffuse form of confinement manifested in institutions such as the workers town, the savings bank, the relief fund?

After a cursory look, one might say that this confinement was a direct legacy of two currents or tendencies we find in the eighteenth century. On the one hand, the French technique of confinement, and, on the other, the English type of control procedure. In the previous lecture, I tried to show how, in England, social surveillance originated in the control exercised within the religious group by the group itself, especially in dissenting groups; and how, in France, the surveillance and social control were exerted by the state apparatus—strongly infiltrated by private interests, it should be said—whose principal sanction was confinement in prisons or in other institutions of reclusion. Consequently, one might say that reclusion in the nineteenth century was a combination of moral and social control as conceived in England, and the properly French and state-administered institution of reclusion in a place, a building, an institution, an architecture.

However, the phenomenon that appeared in the nineteenth century is an innovation both with respect to the English mode of control and with respect to the French reclusion. In the English system of the eighteenth century, control was exerted by the group on an individual, or individuals, belonging to that group. At least in its initial phase, this was the situation at the end of the seventeenth and the beginning of the eighteenth century. The Quakers and the Methodists always exercised control over those belonging to their own groups or over those who were in the social and economic space of the group itself. It wasn't until later that the controlling agency shifted toward the top and to the state. The fact that an individual belonged to the group was what made him liable to supervision by his own group. Already in the institutions that formed in the nineteenth century, it was not as a member of a group that an individual was placed under supervision; on the contrary, it was precisely because he was an individual that he was placed in an institution, that institution being what constituted the group, the collectivity to be supervised. It was as an individual that one entered school; it was as an individual that one entered the hospital or prison. The prison, the hospital, the school, and the workshop were not forms of supervision of the group itself. It was the structure of supervision which, drawing individuals to it, taking hold of them individually, incorporating them, would constitute them secondarily as a group. We can see how, in the relation between this

supervision and the group, there was a major difference between these two moments.

With regard to the French model, confinement in the nineteenth century was also rather different from what it was in France in the eighteenth century. In the former period, when someone was confined, it was always an individual who was marginalized with respect to the family, the social group, the local community to which he belonged—someone who didn't act according to the rule and had become marginal through his behavior, his disorder, the irregularity of his life. Confinement responded to this *de facto* marginalization with a kind of second-degree marginalization in the form of punishment. It was as if the individual was told, "Since you separated yourself from your group, we are going to separate you definitively or temporarily from society." So, at that time in France, there was an exclusionary confinement.

In the age we're concerned with, the aim of all these institutions—factories, schools, psychiatric hospitals, hospitals, prisons—is not to exclude but, rather, to attach individuals. The factory doesn't exclude individuals: it attaches them to a production apparatus. The school doesn't exclude individuals, even in confining them: it fastens them to an apparatus of knowledge transmission. The psychiatric hospital doesn't exclude individuals: it attaches them to an apparatus of correction, to an apparatus of normalization of individuals. The same is true of the reformatory or the prison: even if the effects of these institutions are the individual's exclusion, their primary aim is to insert individuals into an apparatus of normalization of people. The factory, the school, the prison, or the hospitals have the object of binding the individual to a process of production, training [*formation*], or correction of the producers. It's a matter of guaranteeing production, or the producers, in terms of a particular norm.

This means that we can draw a contrast between the confinement of the eighteenth century, which excluded individuals from the social circle, and the confinement that appeared in the nineteenth century, which had the function of attaching individuals to the producer's apparatuses of production, training, reform, or correction. What this involved, then, was an inclusion through exclusion. That is why I distinguish confinement from sequestration: the

confinement of the eighteenth century, whose essential function was to exclude marginal individuals or reinforce marginality, and the sequestration of the nineteenth century, which aimed at inclusion and normalization.

There is, finally, a third set of differences from the eighteenth century, which gives an original configuration to the reclusion of the nineteenth century. In eighteenth-century England, there was a method of control that, at the start, was clearly independent of the state and even in opposition to it—a sort of defense reaction of religious groups against state domination, by means of which they managed their own control. In France, on the other hand, there was an apparatus that was very state-controlled, at least in its form and its instruments, seeing that it consisted essentially in the institution of the *lettres de cachet*. So there was an absolutely extra-statist formula in England and an absolutely statist formula in France. In the nineteenth century, there appeared something new that was much milder and richer: a series of institutions—schools, factories . . . —about which it is difficult to say whether they were plainly statist or extrastatist, whether they were part of the state apparatus or not. In actual fact, depending on the institutions, the countries, and the circumstances, some of these institutions were controlled directly by the state apparatus. In France, for example, there was conflict before the basic educational institutions could be brought under state control—a political issue was made of it. But at the level where I place myself, the question is not significant; it doesn't seem to me that this difference is very important. At bottom, what is new and interesting is that the state and what was not state-determined merged together, interlaced, inside these institutions. Instead of statist or non-statist, we should say that there exists an institutional network of sequestration, which is intrastatist. The difference between a state apparatus and what is not a state apparatus does not seem important for analyzing the functions of this general apparatus of sequestration, of this network of sequestration within which our existence is imprisoned.

What purpose is served by this network and these institutions? We can characterize their function in the following way: first of all, these institutions—pedagogical, medical, penal, or industrial—have the very curious property of involving control over, responsibility

for, all or nearly all of individuals' time. They are institutions that, in a certain way, take charge of the whole temporal dimension of individuals' lives.

In this regard, I think one can distinguish modern society from feudal society. In feudal society and in many societies that ethnologists call "primitive," the control of individuals is based on local insertion, on the fact that they belong to a particular place. Feudal power was exercised over men insofar as they belonged to a manor. Local geographic inscription was a means of exercising power. Power was inscribed in men through their localization. In contrast, the modern society that formed at the beginning of the nineteenth century was basically indifferent or relatively indifferent to individuals' spatial ties: it was not interested in the spatial control of individuals insofar as they belonged to an estate, a locale, but only insofar as it needed people to place their time at its disposal. People's time had to be offered to the production apparatus; the production apparatus had to be able to use people's living time, their time of existence. The control was exerted for that reason and in that form. Two things were necessary for industrial society to take shape. First, individuals' time must be put on the market, offered to those wishing to buy it, and buy it in exchange for a wage; and, second, their time must be transformed into labor time. That is why we find the problem of, and the techniques of, maximum extraction of time in a whole series of institutions.

In the example I referred to, we saw this phenomenon in its compact form, its pure state. The workers' entire living time, from morning to night and night to morning, was bought once and for all, at the cost of a recompense, by an institution. We encounter the same phenomenon in other institutions, in closed pedagogical institutions that would open little by little in the course of the century, reformatories, orphanages, and prisons. In addition, a number of diffuse forms take place, especially from the moment it was realized that those prison factories were unmanageable, that one had to go back to a type of labor in which people would come in the morning, work, and stop working in the evening. We see a subsequent proliferation of institutions in which people's time, though it was not really extracted in its entirety, was controlled so that it became labor time.

During the nineteenth century, a series of measures aimed at

eliminating holidays and reducing time off were to be adopted. A very subtle technique for controlling the workers' savings was perfected in the course of the century. On the one hand, in order for the market economy to have the necessary flexibility, the employers must be able to lay off workers when the circumstances required it; but, on the other hand, in order for the workers to be able to start working again after an obligatory period of unemployment, without dying of hunger in the interval, it was necessary for them to have reserves and savings—hence the rise in wages that we clearly see begin in England in the 1840s and in France in the 1850s. But when the workers had money, they were not to spend their savings before their time of unemployment came around. They mustn't use their savings whenever they wished, for staging a strike or having a good time—thus the need to control the worker's savings became apparent. Hence the creation, in the 1820s and especially the 1840s and 1850s, of savings banks and relief funds, which made it possible to channel workers' savings and control how they were used. In this way, the worker's time—not just the time of his working day but his whole lifespan—could actually be used in the best way by the production apparatus. Thus, in the form of institutions apparently created for protection and security, a mechanism was established by means of which the entire time of human existence was put at the disposal of the labor market and the demands of labor. This extraction of the whole quantity of time was the first function of these institutions of subjugation. It would also be possible to show how this general control of time was exercised in the developed countries by the mechanism of consumption and advertising.

The second function of these institutions of subjugation was that of controlling not the time of individuals but simply their bodies. There is something very odd about these institutions: it lies in the fact that while they were all apparently specialized—factories designed for production, hospitals, psychiatric or not, designed for healing, schools for teaching, prisons for punishment—the operation of these institutions implied a general discipline of existence that went far beyond their seemingly precise ends. It is very curious to observe, for example, how immorality (sexual immorality) constituted, for the factory owners at the beginning of the nineteenth century, a considerable problem. And this was not related simply

to concerns about the birthrate, which resisted control, at least at the level of demographic impact; the reason was that the employers couldn't bear the idea of working-class debauchery—in other words, working-class sexuality. One may also wonder why, in the hospitals, psychiatric or not—which were designed for healing—sexual behavior, sexual activity, was forbidden. A certain number of reasons having to do with hygiene can be adduced; yet these are marginal in comparison with a kind of general, fundamental, and universal decision according to which a hospital, psychiatric or not, should take responsibility not only for the particular function it exercised over individuals but also for their existence as a whole. Why is it that in schools people weren't just taught to read, but also obliged to wash? There is a sort of polymorphism at work here, a polyvalence, an indiscretion or nondiscretion, a syncretism of that function of control of existence.

But if one closely analyzes the reasons for which individuals' entire existence was controlled by these institutions, one sees that, at bottom, it was not just a matter of appropriating, extracting the maximum quantity of time but also of controlling, shaping, valorizing the individual's body according to a particular system. If one were to do a history of the social control of the body, one could show that, up through the eighteenth century, the individual body was essentially the inscription surface for tortures and punishments; the body was made to be tortured and punished. Already in the control authorities that appeared from the nineteenth century onward, the body acquired a completely different signification; it was no longer something to be tortured but something to be molded, reformed, corrected, something that must acquire aptitudes, receive a certain number of qualities, become qualified as a body capable of working. In this way, we see the second function of subjugation clearly emerging. The first function is to extract time, by transforming people's time, their living time, into labor time. Its second function consists in converting people's bodies into labor power. The function of transforming the body into labor power corresponds to the function of transforming time into labor time.

The third function of these institutions of subjugation consists in the creation of a new and peculiar type of power. What is the form of power that is exercised in these institutions? A polymorphous,

polyvalent power. First, in a certain number of cases there is an economic power. In the case of a factory, the economic power offers a wage in exchange for a period of labor in a production apparatus belonging to the factory owner. There is also an economic power of another type: the fee-paying character of the treatment in certain hospital institutions. But, second, in all these institutions there is not only an economic power but also a political power: the persons who direct these institutions claim the right to give orders, establish rules, take measures, expel certain individuals, admit others. Third, that same economic and political power is also a judicial power: in these institutions, one does not give orders but one makes decisions; one not only has charge of functions such as production and training but one also has the right to punish and reward; one has the power to bring individuals before the judging authorities. The micropower that functions inside these institutions is, at the same time, a judicial power. This fact is surprising, for example, in the case of the prisons, where individuals are sent because they were judged by a court of law, but where their existence is placed under the observation of a kind of microcourt, a permanent petty tribunal constituted by the guards and the prison warden, which, from morning to night, will punish them according to their behavior. The school system is based on a kind of judicial power as well. One is constantly punishing and rewarding, evaluating and classifying, saying who's the best, who's not so good. There is, then, a judicial power within the school which simulates—in a rather arbitrary fashion, if one doesn't consider its general function—the judicial model of power. Why must one punish and reward in order to teach something to someone? That system seems self-evident, but if we think about it we see that this self-evidence melts away. If we read Nietzsche, we see that one can imagine a system of knowledge transmission that doesn't remain within an apparatus of judicial, political, and economic power.

Finally, there is a fourth characteristic of power—a power that, in a sense, traverses and drives those other powers. I'm thinking of an epistemological power—that is, a power to extract a knowledge from individuals and to extract a knowledge *about* those individuals who are subjected to observation and already controlled by those different powers. This occurs, then, in two different ways. In an institution like the factory, for example, the worker's labor and the

worker's knowledge about his own labor, the technical improvements—the little inventions and discoveries, the microadaptations he's able to implement in the course of his labor—are immediately recorded, thus extracted from his practice, accumulated by the power exercised over him through supervision. In this way, the worker's labor is gradually absorbed into a certain technical knowledge of production which will enable a strengthening of control. So we see how there forms a knowledge that's extracted from the individuals themselves and derived from their own behavior.

There is, moreover, a second knowledge formed from this situation—a knowledge about individuals that stems from the observation and classification of those individuals, from the recording and analysis of their actions, from their comparison. Thus, we see the emergence, alongside that technical knowledge characteristic of all institutions of sequestration, an observational knowledge, a clinical knowledge, as it were, like that of psychiatry, psychology, and criminology. Thus, the individuals over whom power is exercised are either those from whom the knowledge they themselves form will be extracted, retranscribed, and accumulated according to new norms, or else objects of a knowledge that will also make possible new forms of control. In this way, for example, a psychiatric knowledge was born and developed up to Freud, who was the first to break with it. Psychiatric knowledge was formed on the basis of an observation practiced exclusively by physicians who held power within a closed institutional field constituted by the asylum and the psychiatric hospital. In the same way, pedagogical methods were formed out of the child's own adaptations to school tasks, adaptations that were observed and extracted to become operational directives for institutions and forms of power brought to bear on the child.

With this third function of sequestering institutions that operate through these interactions of power and knowledge—a multiform power and a knowledge that intermesh and operate simultaneously in these institutions—we have the transformation of time-power and labor-power and their integration in production. This conversion of living time into labor power and labor power into productive force is made possible through the action of a series of institutions, an action that defines them, in a schematic and global sense, as institutions of sequestration. It seems that when we examine these

institutions of sequestration closely, we always find, whatever their point of insertion, their particular point of application, a general scheme, a great mechanism of transformation: How can men's time and their bodies, their lives, be made into something that is productive force? It is that set of mechanisms which is ensured by sequestration.

To finish, I will present, a little abruptly, some conclusions. First, it seems to me that on the basis of this analysis one can explain the emergence of the prison, an institution that, as I've already said, is rather enigmatic. How, starting from a theory of penal law such as that of Beccaria, did one end up with something as paradoxical as imprisonment? How was an institution as paradoxical and as full of disadvantages as the prison able to impose itself on a penal law that was, in appearance, the product of a rigorous rationality? How was a correctional prison project able to impose itself on Beccaria's legalistic rationality? It seems to me that if imprisonment prevailed in this way, it was because, at bottom, it was only the concentrated, exemplary, symbolic form of all these institutions of sequestration created in the nineteenth century. The prison is isomorphic with all of this. In the great social panopticism, whose function is precisely that of transforming people's lives into productive force, the prison serves a function much more symbolic and exemplary than truly economic, penal, or corrective. The prison is the reverse image of society, an image turned into a threat. The prison conveys two messages: "This is what society is. You can't criticize me since I only do what you do every day at the factory and the school. So I am innocent. I'm only the expression of a social consensus." That is what we find in penal theory and criminology: prison is not so unlike what happens every day. At the same time, though, prison conveys a different message: "The best proof that you're not in prison is that I exist as a special institution, separated from the others, meant only for those who have committed a violation of the law."

Thus, prison acquits itself of being prison by dint of resembling all the rest, and acquits all the other institutions of being prisons by presenting itself as being applicable only to those who have committed a violation. It's precisely this ambiguity in the position of the prison that seems to me to explain its incredible success, its nearly self-evident character, the ease with which it was accepted;

whereas as soon as it appeared, as soon as the great penal prisons were developed, from 1817 to 1830, everyone was aware of its drawbacks as well as its sinister and dangerous character. That is why prison was able to find a place and continues to play its role in the pyramid of social panopticism.

The second conclusion is more controversial. Someone said that man's concrete essence is labor. Actually, this idea was put forward by several people. We find it in Hegel, in the post-Hegelians, and also in Marx, the Marx of a certain period, as Althusser would say. Since I'm interested not in authors but in the function of statements, it makes little difference who said it or exactly when it was said. 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. In order for men to be brought into labor, tied to labor, an operation is necessary, or a complex series of operations, by which men are effectively—not analytically but synthetically—bound to the production apparatus for which they labor. It takes this operation, or this synthesis effected by a political power, for man's essence to appear as being labor.

So I don't think we can simply accept the traditional Marxist analysis, which assumes that, labor being man's concrete essence, the capitalist system is what transforms that labor into profit, into hyperprofit [*sur-profit*] or surplus value. The fact is, capitalism penetrates much more deeply into our existence. That system, as it was established in the nineteenth century, was obliged to elaborate a set of political techniques, techniques of power, by which man was tied to something like labor—a set of techniques by which people's bodies and their time would become labor power and labor time so as to be effectively used and thereby transformed into hyperprofit. But in order for there to be hyperprofit, there had to be an infrapower [*sous-pouvoir*]. A web of microscopic, capillary political power had to be established at the level of man's very existence, attaching men to the production apparatus, while making them into agents of production, into workers. This binding of man to labor was synthetic, political; it was a linkage brought about by power. There is no hyperprofit without an infrapower. I speak of "infrapower," for what's involved is the power I described earlier, and not the one traditionally called "political power." I'm referring not to a state apparatus, or to the class in power, but to the whole set

of little powers, of little institutions situated at the lowest level. What I meant to do was analyze this infrapower as a condition of possibility of hyperprofit.

The last conclusion is that this infrapower, a prior condition of hyperprofit, in establishing itself, in beginning to function, gave rise to a series of knowledges—a knowledge of the individual, of normalization, a corrective knowledge—that proliferated in these institutions of infrapower, causing the so-called human sciences, and man as an object of science, to appear.

So we see how the destruction of hyperprofit necessarily entails challenging and attacking infrapower, how this challenge is necessarily connected with the questioning of the human sciences and of man considered as the fundamental, privileged object of this type of knowledge. We also see, if my analysis is correct, that we cannot situate the human sciences at the level of an ideology that is purely and simply the reflection and expression, in human consciousness, of the relations of production. If what I have said is true, it cannot be said that these forms of knowledge [*savoirs*] and these forms of power, operating over and above productive relations, merely express those relations or enable them to be reproduced. Those forms and knowledge and power are more deeply rooted, not just in human existence but in relations of production. That is the case because, in order for the relations of production that characterize capitalist societies to exist, there must be, in addition to a certain number of economic determinations, those power relations and forms of operation of knowledge. Power and knowledge are thus deeply rooted—they are not just superimposed on the relations of production but, rather, are very deeply rooted in what constitutes them. Consequently, we see how the definition of what is called "ideology" needs to be revised. The inquiry and the examination are precisely those forms of power-knowledge that came to function at the level of the appropriation of wealth in feudal society, and at the level of capitalist production and hyperprofit. It is at that basic level that forms of power-knowledge like the inquiry or the examination are situated.

NOTES

* The following five lectures were delivered at the Pontifical Catholic University of Rio de Janeiro in May 1973. [eds.]

1 Friedrich Nietzsche, "On Truth and the Lie in an Extra-moral Sense," trans. Walter Kaufmann, in *The Portable Nietzsche* (New York: Penguin, 1976), p. 42.

- 2 Nietzsche, *The Gay Science*, "On the Origin of Religions," trans. Walter Kaufmann (New York: Vintage, 1974), pp. 296-97.
- 3 Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R. J. Hollingdale (New York: Vintage, 1989), pp. 46-47: "Would anyone like to take a look into the secret of how ideals are made on earth? . . . This workshop where ideals are manufactured—It seems to me it stinks of so many lies."
- 4 Nietzsche, *Gay Science*, p. 168.
- 5 Ibid.
- 6 Nietzsche, *Gay Science* no. 333, p. 261.
- 7 Nietzsche, *Genealogy of Morals*, Third Essay, sec. 12, "What is the Meaning of Ascetic Ideals?" p. 119.
- 8 Nietzsche, *La Volonté de puissance* (1885-88; trans. G. Bianquis), vol. 1, bk. 1: *Critique des valeurs supérieures, rapportées à la vie*, no. 175, p. 92. [There is no English translation of this edition of *The Will to Power*—TRANS.]
- 9 Gilles Deleuze and Félix Guattari, *Anti-Oedipus*, trans. Robert Hurley, Mark Seem, and Helen Lane (New York: Viking, 1977).
- 10 Sophocles, *Oedipus the King*, trans. Robert Fagles, in *The Three Theban Plays* (New York: Penguin, 1984).
- 11 Homer, *The Iliad*, bk. 23: 262-652, trans. Robert Fagles (New York: Penguin, 1990), pp. 567-79.
- 12 Ibid., 581-85, p. 577. [Here and in his discussion of the Oedipus play, Foucault paraphrases instead of quoting—TRANS.]
- 13 Sophocles, *Oedipus the King*, 642-48, p. 196.
- 14 "Oedipus" derives from the Greek "to swell" (*oideo*) and "foot" (*pous*); thus, Oedipus is "the swollen-footed." But Foucault focuses on other etymological possibilities in his own remarks.
- 15 Sophocles, *Oedipus the King*, 399-400, p. 182.
- 16 Ibid., 1016-1018, p. 218.
- 17 Ibid., 1202, p. 233.
- 18 Ibid., 1522-23, p. 250.
- 19 Ibid., 629-30, p. 195.
- 20 Ibid., 1675-77, p. 250.
- 21 Ibid., 705, p. 195.
- 22 Herodotus, *The Histories*, trans. A. de Sélincourt and J. Marincola (New York: Penguin, 1972), bk. 5, sec. 92, pp. 312-14. Cypselus reigned over Corinth 657-27 B.C.
- 23 Sophocles, *Oedipus the King*, 627-28, p. 195.
- 24 Georges Dumézil, *Jupiter, Mars, Quirinus: essai sur la conception indo-européenne de la société et sur les origines de Rome* (Paris: Gallimard, 1941); *Mythe et épopée*, vol. 1: *L'Idéologie des trois fonctions dans les épopées des peuples indo-européens* (Paris: Gallimard, 1968).
- 25 Jeremy Bentham, *Panopticon, Works*, vol. 4, ed. Bowring [1838-43] (New York: Russel and Russel, 1971).

- 26 Cesare de Beccaria, *Dei Delitti e delle Pene* (Milan, 1764).
- 27 R. Watson (Bishop of Llandaff), *A Sermon Preached Before the Society for the Suppression of Vice, in the Parish Church of St. George, May 3, 1804* (London: Printed for the Society for the Suppression of Vice, 1804). In 1802, the Society for the Suppression of Vice and the Teaching of Religion replaced the Society for the Proclamation Against Vice and Immorality, founded in 1787 to support George III's proclamation.
- 28 N. H. Julius, *Vorlesungen über die Gefängnisskunde* (Berlin: Stuhr, 1828). French trans., *Leçons sur les prisons, présentées en forme de cours au public de Berlin en l'année 1827*, trans. Lagarmitte (Paris: F. G. Levrault, 1831).
- 29 Julius, *Leçons sur les prisons*, vol. 1, pp. 384-86.
- 30 Ibid., p. 384.
- 31 Jean-Baptiste Treilhard, *Exposé des motifs des lois composant le Code d'instruction criminel* (Paris: Hacquart, 1808), p. 2.
- 32 Erving Goffman, *Asylums* (New York: Doubleday, 1961).