
What Would It Matter If Everything Foucault Said about Prison Were Wrong? "Discipline and Punish" after Twenty Years

Author(s): C. Fred Alford

Source: *Theory and Society*, Vol. 29, No. 1 (Feb., 2000), pp. 125-146

Published by: Springer

Stable URL: <http://www.jstor.org/stable/3108481>

Accessed: 08/11/2008 13:46

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=springer>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit organization founded in 1995 to build trusted digital archives for scholarship. We work with the scholarly community to preserve their work and the materials they rely upon, and to build a common research platform that promotes the discovery and use of these resources. For more information about JSTOR, please contact support@jstor.org.



Springer is collaborating with JSTOR to digitize, preserve and extend access to *Theory and Society*.

What would it matter if everything Foucault said about prison were wrong? *Discipline and Punish* after twenty years

C. FRED ALFORD

University of Maryland, College Park

What would it matter if everything Michel Foucault said about prison were wrong? How would we know? Would it properly affect our judgment about Foucault's project, and if so how? These are some of the questions I set out to examine.

Surveiller et Punir; Naissance de la prison, was published in 1975, and translated two years later as *Discipline and Punish: The Birth of the Prison*. Foucault called it "my first book,"¹ not because it was literally the first, but evidently because he thought it his best, the one that most fully embodied his theory. Key to this theory is what Foucault calls capillary power, power that reaches into individuals so deeply that it makes them who they are.²

Capillary power suggests something else as well in Foucault's project, the way in which power migrates from the margins of society to the center, like blood returning to the heart. It is this that differentiates his account of power from that of Max Weber, for whom power cascades from top to bottom, if I may mix my metaphors. I argue that the empirical reality of prison (not the same thing as the discourses of penology) shows Foucault to be wrong. This does not make Weber right. Capillary versus centralized power, Foucault versus Weber, is a false dichotomy from the beginning.

False too is the distinction between margin and center, at least when these are thought of as places. In his classic study, *Stateville: The Penitentiary in Mass Society*, James Jacobs follows Edward Shils in arguing that as prisons have moved from the periphery of society to its center they have come to take on the attributes of the center, above all the legalistic and bureaucratic principles and practices of mass

society. As the masses became integrated into society, so too prison eventually became integrated, as courts and civil rights groups extended the rights of the center to the margins. Eventually prison became as rationalized as any bureaucracy.³

Jacobs's study is now more than twenty-years old, and one might argue that the opposite phenomenon is currently occurring, prisoners once again being moved to the margins, and beyond. The privatization of prisons, which dates from the mid-1980s, is a dramatic indicator that no matter how enlarged, the center is always recreating the margins against which it defines itself. The more encompassing the center, the more marginalized the margins. In the case of private prisons, the boundary between public and private is itself being redrawn, although this is not for the first time.⁴

What if both ways of putting it are misleading? Margin to center, or center to margin, each assumes that center and margin are places from which one moves, one way or the other. What if they are not? What if center and margin are the axes along which power constantly travels? If so, then neither Foucault nor Weber got it quite right.

Recently I spent fourteen months doing research in a maximum-security state prison, Patuxent Institution in Jessup, Maryland. It is upon this experience that I draw, contrasting Foucault's account with my own experience. As a member of the small research staff I had an official badge, which meant that I could go most places unaccompanied, including administrative segregation (what used to be called solitary confinement). The research appendix contains a discussion of the circumstances of my study of this American prison.

In almost every case, the kind of things I observed is documented in the extensive literature on prisons. The literature to which I refer is devoted to American prisons, but then an American prison is the only prison that Foucault ever visited. French prisons do not (or at least did not) accept visitors. What Foucault says about prison does not seem deeply influenced (it does not seem influenced at all) by differences between continental and American prisons.⁵ The panopticon was the idea of an English reformer, Jeremy Bentham, and its most ambitious application was at Stateville, about thirty miles from Chicago.

Surveillance, categorization and classification, the time-table, non-idleness, and regimentation of the body: all are the mark of modern

discipline according to Foucault. All, he says, originate in the prison, the asylum, and the clinic, subsequently migrating to the rest of society. What happens when we look closely at the prison and find none of them there, at least not in the sense that Foucault intends? Not only are these disciplinary practices absent, but what is in effect the opposite principle reigns: if you control the entrances and exits, you do not have to look. Prison authorities don't look because they don't have to. If you have to look, you have already ceded a measure of power, the power not to look and not to care.

The literature on prisons generally treats this phenomenon – if you control the entrances and exits you don't have to look – in terms of the topics of “warehousing,” “idleness,” and “poor supervision.” Newspapers call it “lock 'em up and throw away the key.” Not an excess of supervision and categorization, but their absence, is the almost universal criticism of American prisons, and has been for some time.⁶ A recent journal article quotes an inmate at Lorton penitentiary to make this point:

An officer may come into the dormitory and take a look around, but basically he only stay two or three minutes in there. Don't no dormitory hold no officer. Don't no officers stay in no dormitory all day. For no reason.⁷

Although it is constructed around dormitories, not cells, Lorton is a maximum security prison. What it is not is a panopticon. Not just because officers don't look, but because offenders are not categorized, don't work, and don't follow a time-table. Blecker reports that one inmate who refused to get up in the morning said to the guard, “Judge said I get ten-to-thirty years. He didn't say I got to get out of bed to serve it.”⁸ Evidently the inmate got to sleep in. Lorton does not have a reputation as a well-run prison, but it is closer to the norm than Foucault's account.

It might be argued that the absence of Foucauldian practices in prison is precisely the point. This is not just because theory always diverges from practice, and Foucault is writing about theory – that is, the discourses of penology, but because marginal institutions, such as the asylum and prison, are just where these practices originated. Today the significance of these practices is found in their absence at the margins, signifying their migration from prison to society. It is what Foucault means when he states that “the carceral archipelago transported this technique [of surveillance] to the entire social body.”⁹ The panopticon

might be a bad way to run a prison, but a good way to run a society, at least from the perspective of knowledge/power.

Still, Foucault never argues or suggests that these practices disappear at the margins as they find their way to the center. Nor does he sharply distinguish between theory and practice. It is worth considering further the meaning of the absence of Foucauldian discipline at the margin that is prison.

Nietzsche, says Foucault, was the first to think about power outside the confines of political theory.¹⁰ In understanding power in this way, sovereignty and law are secondary. Power is everywhere; life itself is a contest among powers. From this perspective, power is neither a structure nor an institution, but the name of a particular strategic situation in a particular society at a particular point.

From this perspective, modern social and political theory have not so much analyzed power as become implicated in its dominant disciplinary forms. We should understand power not in terms of “right,” but in terms of “technique,” not in terms of “law,” but in terms of “normalization.” Modern social and political theory has used power to produce a subject, the rational individual citizen, while assuming that this subject is permanent and ahistorical. “Discourses of right and legitimacy are not simply ways of protecting individuals from the existence of power, but also disciplinary practices which constitute human subjects in *new* relationships of power.”¹¹

Foucault is far from wrong, but he sometimes writes as if these new disciplinary practices were freed from traditional power, *arche* (αρχη): the power to rule. In fact, these practices are tied to this power, working only in and through the power to rule. It is this that prison reveals. Not because society has become just like the prison, but because society is more connected to the type of power that prison represents than Foucault’s approach allows us to know. It is a matter of emphasis, of course, but in these matters emphasis is everything.

Panopticon or nonopticon?

The idea of the penitentiary, says Foucault, is embodied in the architecture of Jeremy Bentham’s Panopticon, the name Bentham gave to his proposed prison.¹² Despite spending a small fortune and years of

persuasion, Bentham never persuaded the British to build it. Consisting of a large circular building, the panopticon housed prisoners in small individual cells around the circumference of the circle. At the center of the building was an observation tower several stories high, from which all the cells, laid out in tiers, were visible. Each cell had a small window to the outside, and was open except for the bars on the side facing the inspection tower. In principle, one guard could observe hundreds of prisoners, the cells illuminated in such a way that each prisoner was starkly etched against the background, the guard himself barely visible, shielded by blinds.

The panopticon is the carceral superego, omnipresent but strangely invisible, so that one never knows for sure when one is being observed, only that there is no moment in which one could not be. It is no exaggeration to say that the panopticon is Foucault's leading image of disciplinary power, icon of the carceral society, as he calls it.

The panopticon, it is apparent, is not just about observation. In the panopticon are all the experiences of modern disciplinary power. Surveillance – the gaze that categorizes and classifies – generates a discipline based upon categorization and classification of cases. The time-table, schedule, and programed routine are part of the same disciplinary system, concerned about controlling bodies in time as well as space – so are the machine-like movements still widely found in the military: marching. Finally, all aim at the abolition of idleness, so that the body is always active in time and space. Jacques-Alain Miller writes that the panopticon is nothing other than “materialized classification,” just as classifications are “prisons of words.”¹³ Prisons are classification “inscribed in stone.”

Consider the possibility that the panopticon represents not power but propaganda, the appearance of power. Real power means not having to look in the first place. The need to look is itself a sign of the limits of power. If you have to look, you do not really control. If you are in control you do not have to look. Nor do you have to categorize, a special way of looking that Foucault calls the gaze (*le regard*).¹⁴ All you have to do is count, as in “The Count,” as it is called in prison, a thrice daily count of every inmate, to make sure none has escaped. As far as the count is concerned, one inmate is exactly like another.

At Patuxent prison you get to administrative segregation (“ad seg”) the same way you get everywhere else – through tunnels. Above ground is

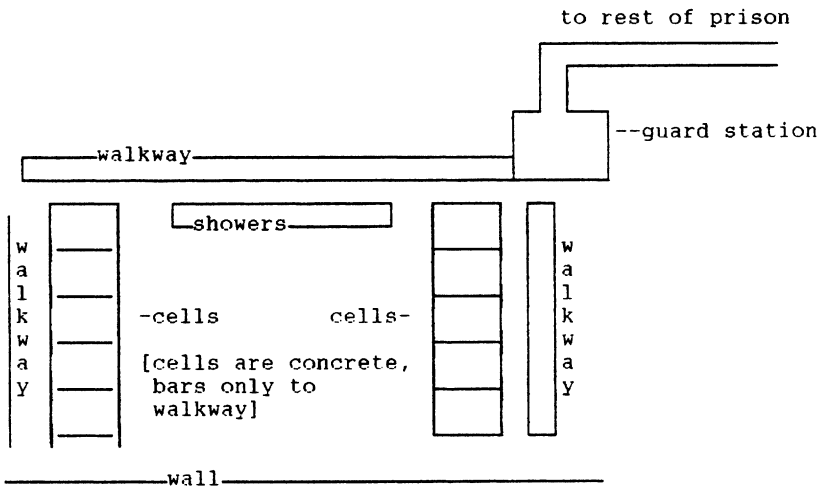


Figure 1.

a lush green campus on which humans rarely set foot. All life is underground. So is power. The guard towers at the four corners of the prison walls resemble panopticons. From them one can see every square inch of the prison campus, brilliantly illuminated by spotlights that glisten on the razor wire throughout the night. It is all for show; the guards have nothing to look at. The real power is exerted underground, in and through the tunnels that connect the buildings, making it unnecessary for guard or prisoner to set foot on the surface of the earth.

Before entering ad seg you must pass through two checkpoints, where the first door is locked behind you before the second is opened. At each you must show your pass and state your purpose. Ad seg is the most tightly controlled area of the prison, but its layout is much like the other tiers. It is an exaggeration of the norm, not just at Patuxent prison, but at almost every maximum security prison.¹⁵

At the entrance to administrative segregation you may pass a guard dozing. He will wake up when you pass, likely mutter something about just resting his eyes, and ask you to sign his logbook. He will record your pass number and the purpose of your visit. Then you are on your own, visitor to a world in which inmates shower in handcuffs, and jailers wear surgical gloves when they must touch the inmates or their food. The single cells are divided by concrete walls on three sides, with bars on the front that open to a long hall. What would ordinarily be the toilet tank is also a sink. The thin mattresses are shaped like mummies,

apparently so the inmates cannot do damage with the edges. Figure 1 shows the layout.

Not only is prison no panopticon, but it is in many ways its opposite, a nonopticon. When you control the entrances and exits, you do not have to look. It is that terribly simple, the principle, and goal, of all power.

“Hold the body”

Prison architecture varies enormously. Many prisons look like fortresses, many others like army barracks.¹⁶ Stateville is one of the very few prisons modeled on the panopticon, a series of four round buildings each built around a single guardhouse, from which the guard could see every cell. At least that was the case in 1925, when the prison opened. Today inmates cover their walls with blankets or cardboard in order to create a private space, free from the gaze of other prisoners and guards.

The practice is permitted not because the guards have learned new respect for the prisoners’ privacy, but because the guards don’t care.¹⁷ Why should they? Their power depends not on supervising prisoners, but on controlling the entrances and exits. One criminologist says that while some inmates experience the absence of supervision as a type of freedom, other inmates

feel abandoned in this situation. In the words of one older inmate, “If you read the commitment paper, all it says is ‘hold the body’.... That’s all they care about, to hold my body.”¹⁸

One aspect of not looking is not caring what the prisoner does with his days and nights, as long as he does not get into trouble. Pace Foucault, there is no place where men and women are more idle, and time less structured, than prison. If this seems surprising, let me introduce you to Mr. Prior, one of several inmates whom I asked to keep diaries of their days and nights. What he says is confirmed by my travels around the prison. The overwhelming experience is of men doing nothing. This is also, as I have mentioned, the leading observation, and criticism, of prison reformers. Mr. Prior’s diary is similar to other published accounts, including *A Prison and a Prisoner*, which recounts “four ordinary days of ... spinning our time.” There the prisoner works 2 hours and 15 minutes per day, about as long as Mr. Prior.¹⁹

Mr. Prior gets up late, often missing breakfast. Since he is allowed to buy snack food at the commissary, he does not necessarily go without a meal. He talks with some inmates in the day room for a while, a large chamber with a couple of picnic tables bolted to the concrete floor, old plastic couches, and a television high on the wall. Then he goes down to the gym to work out; he will return in the evening for another workout. Working on the body is important in prison. About this Foucault is correct. Except that most of the work is done by prisoners on themselves, to enhance their status in the inmate physiocracy.

After lunch Mr. Prior goes to his prison job. The jobs are overstaffed. There is not enough work to go around, and so he works for an hour or two pressing pants before returning to his cell and reading and watching television for the rest of the afternoon. Most prisoners have their own televisions. One or two afternoons a week Mr. Prior might take a class, such as "alternatives to violence." After dinner Mr. Prior returns to the gym, generally to lift weights and chat. In the evening he returns to his tier, talking with prisoners in the day room for a while before returning to his cell to read and study.

Far from living by a time-table, Mr. Prior is living according to sacred time, all the time in the world, time out of mind. Far from living in a regime marked by knowledge/power, he is living in something closer to a primitive society. René Girard writes of the great prudence and "noble gravity" with which people in sacred societies conduct themselves. They do so because every action is significant, a matter of life and death. The same may be said of prison, where an unintended insult can get you killed. "The commercial, administrative, or ideological concerns that make such overwhelming demands on our time and attention seem utterly frivolous in comparison."²⁰ Girard is not writing about prison, but he might as well be. He is writing about pre-modern societies, far removed from the micro-physics of power.

Foucault writes not just about prisons for serious offenders, but also about how juvenile delinquents are disciplined. The principle is the same. His example is Mettray, an institution for juvenile offenders, which according to Foucault also exerted its coercion through observation and categorization, the gaze. Jean Genet was institutionalized at Mettray. For Genet it was simply "children's hell." Not because the grown ups watched, but because they did not. They did not recognize the children, did not listen to them, did not care.²¹ Perhaps not being watched is even worse than being watched, so terrible that the insult of

perpetual surveillance is itself a fictional defense against something worse, invisibility before god and man. The carceral superego is fugitive company, god in the machine.²²

There is no subtle way to put it. Each aspect of disciplinary power to which Foucault refers is absent in most prisons in the United States, including Patuxent prison. Surveillance, the time table, control of body and posture, and non-idleness. None is significantly present. In their place is a regime marked by “hold the body.”

Classification and superfluity

Nor is classification important in prison.²³ The Count is not classification in any meaningful sense, because all that counts is the total: that the actual number of inmates on any given day fits the roster of all inmates for that day. As far as the count is concerned, one inmate is exactly like another.

Jacobs tells a fascinating story about the establishment of the Illinois Division of the State Criminologist as early as 1917. “The state criminologist and his staff were charged with responsibility for ‘diagnostic evaluation’ of the felon upon his entrance into the prison system.” The first State Criminologist was a psychiatrist from Harvard Medical School, but the office was multi-disciplinary, including social historians, social workers, sociologists, psychologists, and psychiatrists.

The office of the State Criminologist was established independently of the Illinois State Penitentiary. The result was that the office of the State Criminologist carefully diagnosed each inmate, but the inmate was placed wherever the next cell happened to be available. The closest connection between the two institutions and their practices was geographical. The Joliet Diagnostic Depot was across the street from the old Joliet prison.

The Classification Act was consistent with the belief of “professionals” and reformers that inmates should be separated according to their treatment needs. But the professionals and reformers were given no authority either over prison programs or over prison transfers. At best, the criminologist’s staff at the Diagnostic Depot could “recommend” institutional placement.²⁴

The creation of the Office of the Sociologist-Actuary in 1933 did little to change things:

It is a telling commentary on the organization's ability to isolate and restrict intellectual roles that men of the caliber of Ferris Laune (sociologist-actuary) and Saul Alinsky and Donald Clemmer (state criminologists) could be present at the Stateville/Joliet Prisons and have no impact whatever on day-to-day operations. The narrow definition of their research roles prevented their attention from straying to questions about the daily regimen.²⁵

The practice in Illinois is the norm. At Patuxent prison, a staff of highly professional and well-trained psychologists and social workers carefully diagnosis each inmate. Where most inmates are placed depends on where the next cell comes open. There is almost no connection between evaluation and practice, and everyone knows it.²⁶ Evaluation is part of the ideology of prison, not its practice. Evaluation is ideological superstructure. The base is concrete walls and steel bars.

Foucault has mistaken the idea of prison, as reflected in the discourse of criminologists, for its practice. More precisely put, Foucault presents the utopian ideals of eighteenth-century prison reformers, most of which were never realized, as though they were the actual reforms of the eighteenth and nineteenth centuries. One can see this even in the pictures in *Discipline and Punish*, many of which are drawings for ideal prisons that were never built. One photograph is of the "panopticon" prison buildings at Stateville, but it is evidently an old photograph, one in which no inmates are evident. Nor are the blankets and cardboard that now enclose the cells.²⁷

My criticism of Foucault is not new. It has been made by a number of criminologists, who argue that Foucault mistakes the utopian discourse of prison reform for its practice.²⁸ I repeat the criticism only to emphasize that Foucault is mistaken about more than the details of prison life. He has systematically mistaken an ideology for a practice. This affects not just his view of prison, but of power.

Imagine that a future Foucault interpreted the former Soviet regime by means of its constitution, which he discovered gathering dust in some library. After a close study of the document, a future Foucault might conclude that the Soviet regime was not truly emancipatory because it legally constructed its citizens as though they were members of one species-being, using the emancipatory language of Marxist-Leninist thought to homogenize individuality while praising it. A future Foucault would not be mistaken, he would have discovered another instance of power/knowledge, but he would have missed the point. The Soviet Union was not oppressive because it employed subtle and sophisticated

strategies of power/knowledge on its citizens. The Soviet Union was oppressive because it was a totalitarian regime, a police state.

Hannah Arendt's surprising equation of bureaucracy with totalitarianism will help develop the implications of this fantasy. Arendt does not define totalitarianism in terms of its structure, at least not directly. She defines it in terms of its eradication of individuality and plurality, signs of the common world. The result is what Arendt calls "thoughtlessness." Thoughtlessness stems from the experience of superfluity: because everyone is replaceable, nothing anyone does really matters. Bureaucracy teaches each member that he or she is "completely replaceable, and hence completely vulnerable to the whims of the institution."²⁹ Here is the deepest connection between bureaucracy and totalitarianism. Both render the individual superfluous.

Totalitarianism is the doctrine of human superfluity: not just of the enemies of the state, but of man himself, insofar as he or she remains an individual. To be completely replaceable is, in a sense, not to exist as a human actor – that is, one who may bring something new into the world. "To make human beings superfluous is to eradicate the very conditions that make humanity possible – to destroy human plurality, spontaneity, natality, and individuality."³⁰ Like totalitarianism, bureaucracy would make the individual superfluous by defining man in terms of his function. Arendt defines bureaucracy as "the rule of Nobody." One might just as well call it the rule of anybody. Nobody is the same as anybody.

The Count is the ultimate in human superfluity, each inmate like every other. But the count is hardly unique. It finds its tally in everyday life in bureaucracy. This would seem to support Foucault's capillary theory. Or as Richard Bernstein puts it, Arendt's analysis of the endangered individual "seems to anticipate Foucault."³¹ The difference is that not only does Arendt retain a conception of individuality capable of being endangered, but her understanding of human superfluity remains connected to an analysis of totalitarianism – that is, to a political regime, albeit one in which the familiar institutions of politics disappear, to be replaced by total administration.

Foucault too sees the disappearance of politics. The difference is that politics so thoroughly disappears that not only can it never reappear, but it hardly makes sense to write of politics behind the scenes, or politics waiting in the wings, or even politics displaced. The result is

that power becomes free floating, disconnected from *arche*, the power to rule. Contra Foucault, the disconnection is actually a suppressed connection.

“Nietzsche is the philosopher ... who managed to think of power without having to confine himself within a political theory to do so,” says Foucault.³² It would be easy to say that Foucault has confused Nietzsche’s metaphysics of structure-less power (or rather, the metaphysics of power that is its own structure) with a politics of power without political structures. Only that would put it too sharply. Instead, Foucault has written about disciplinary power in a way that makes it more difficult than need be to see its connection to the structures of political power.

Discipline, spectacle, or propaganda?

During the course of my research, a prisoner was hanged. For days inmates, and guards, talked of little else. No one liked it. It made legislators, correctional officials, and the public uncomfortable. Not because they did not want to kill the convict, but because hanging seemed so macabre. The hangmen wore black jumpsuits, black baseball caps, and black hoods over their faces, a pop-culture version of the sacred. They practiced for days on gunny sacks filled with sand, afraid they would miscalculate and tear the man’s head off. The state legislature is working on a bill that will outlaw such primitive spectacles. From now on death will be inflicted by lethal injection. The last aura of the primitive will be extinguished forever, or so they seem to think.

A disciplinary perspective on the hanging would address the use of the gunny sack to represent the human body, the care taken not to behead the condemned, the posture into which his body would be forced on the gallows, and the use of a board to support the body should the condemned go limp. A disciplinary perspective would, in other words, consider all that would be visible to the gaze. What, we might ask, remains invisible to the gaze? This is not quite the same question as what can Foucault not know, but it is close.

Foucault’s focus upon disciplinary power leads to an attention to details that, as Cousins and Hussain put it, is “poor in ceremony and rituals, its target is not so much signs and representation as movements of the body, gestures, and attitudes.”³³ This is ironic, of course, for one

could argue the opposite. By turning his attention to the details of the everyday practices of power, Foucault transforms even the most mundane activities into rituals. But strange rituals they are, rituals without depth, spread out over a vast surface of bodies.

A social practice, any social practice, “does things,” and “says things.” A social practice is an instrument as well as a symbol. Foucault’s approach finds big meaning in the smallest symbols. What it is not very good at doing is finding big meaning in big symbols. Or as Garland puts it, “the wider symbolic significance of penal practices and statements is left largely unexplored.”³⁴

Garland’s statement has a corollary. By looking so closely and so intensely at the details of practices, especially as these practices are symbolized in texts (saying about doing), Foucault runs the risk of mistaking the discourses of penology for the practice of penology, a point I have made repeatedly. Similarly, he is at risk of mistaking big symbols for small practices. The way in which Foucault treats Bentham’s panopticon as discipline and practice, rather than theater, is exemplary.

If all one knew about Bentham’s panopticon was from reading about it in *Discipline and Punish*, it would be hard to appreciate that the panopticon was not so much about discipline as performance. The panopticon is theater, symbol, and ritual, more saying than doing.³⁵ In this regard, the panopticon comes closer to the spectacle of the torture of Robert-François Damiens with which Foucault famously opens *Discipline and Punish*, than the practice of disciplinary power. In Bentham’s spectacle, no one was to suffer more pain than necessary to deter the innocent. This is, of course, an implication of Bentham’s utilitarianism, but it is more. It is an implication of panopticon as stage spectacle.

Although the eye of the panopticon is turned in, the panopticon is itself a stage setting, visible to thousands of eyes. Visitors are encouraged, and extensive provision is made for them. At chapel the masked prisoners are displayed to the public. They are masked not to discipline them, but to protect them from shame, a needless source of pain. Bentham calls it a “masquerade,” favorably comparing it to the Star-chamber and Inquisition – favorably, because in his masquerade no one is hurt more than is absolutely necessary. It is in this vein that he writes of prison as spectacle, praises the Inquisition in terms of the power of its “stage effect,” and writes of the prison warder as though he

were a theater director. Finally, he calls for the placement of a real theater director on every committee on penal law, for who else would know better “how to attain the greatest effect from the staging of punishment”?³⁶

Certainly Foucault appreciates the panopticon as spectacle. How else could capillary power work except as the margins become models for the center? Nevertheless, Foucault does not seem to appreciate fully that the “new mode of obtaining power of mind over mind” about which Bentham writes has nothing to do with disciplinary power, and everything to do with spectacle. Spectacle is not discipline, for it is not about the micro-physics of power, but the macro-politics of symbolism. The mind Bentham is talking about is the mind of the public as it is impressed by spectacle.³⁷ He cares little about the prisoners, except that they not be made worse by their punishment.

To see prison as spectacle is actually to see it as similar to the torture of Damiens, akin to the “spectacle of the scaffold” as Foucault calls it. Only in Bentham’s version it is as though a dummy were substituted for the real Damiens at the last minute, Damiens at Disneyland, so to speak. Or as Bentham puts it elsewhere, “it is the apparent punishment that does all the service ... it is the real punishment that does all the mischief.”³⁸

If the panopticon is more like old-fashioned propaganda, then it does not represent a new type of disciplinary power. Disciplinary power isn’t propaganda. It is the opposite of propaganda. Propaganda seeks to justify political power with reasons. The power of discipline stems from the fact that it does not seem like power at all, but knowledge, which is its own justification.

Capillaries carry blood and power in both directions

How might one find a path between the accounts of power of Michel Foucault and Max Weber? These I take it are the choices, at least at the extremes: capillary power, as Foucault calls it, migrating from the margins to the center; or rationalized power, cascading from top to bottom, making of the world an iron cage.³⁹ Does my account of prison point to a third perspective?

Civilization is a process of shifting powerful and disturbing emotions and experiences, such as sadism and violence, from the center to the borderlines of society. There they are not lessened or mitigated, but contained and stored up behind the scenes, in military barracks, police stations, and prisons, ready to be called upon in times of unrest, and exerting a continuous threat to those who would challenge the regime. "A continuous, uniform pressure is exerted on individual life by the physical violence stored behind the scenes of everyday life, a pressure totally familiar and hardly perceived."⁴⁰

Although not the opposite of Foucault's argument, the account of Norbert Elias differs at decisive points.⁴¹ Both recognize, for example, that elimination of public torture does not mean that the power behind it has disappeared, or become merely rational. Whereas Foucault sees the power as changing its form, becoming tantamount to knowledge, Elias sees only that power changes its locus, becoming more compact and focused. From Elias's perspective, Foucault came upon this process in midstream, confusing the borderline location of these reservoirs of power with the origins of a new type of power, tantamount to knowledge.⁴² The location may be new, but the power is not.

Elias's most famous example is the carving of meat. Once it was a spectacle, the host celebrating his guests by carving the whole animal at the table. Gradually, however, the spectacle is felt to be distasteful, an insult to civilized sensibilities. Carving does not disappear, however. People still eat meat. Rather, the distasteful is removed behind the scenes of social life. Specialists take care of it in the butcher shop or kitchen.

It will be seen again and again how characteristic of the whole process of civilization is this movement of segregation, this hiding "behind the scenes" of what has become distasteful. The curve running from the carving of a large part of the animal or even the whole animal at table, through the advance in the threshold of repugnance at the sight of dead animals, to the removal of carving to specialized enclaves behind the scenes, is a typical civilization-curve.⁴³

Prisons, asylums, and other total institutions represent not power that originates at the margins, but *power that has been moved to the margins from the center, while losing none of its centrality*. The civilization curve that moves the hanging from the town square to the prison basement is not so much a refinement of power as it is a veiling of it. Not the panopticon, but the veil, best represents modern power. But a

strange veil it is, intensifying the reality of what it conceals. But then veils have always done that, panopticons of the imagination.

All this does not make Foucault simply mistaken. It means that capillaries carry blood in both directions, so that we see at the margins more clearly the brutality, tyranny, and charisma of everyday life, displaced there – sovereigns not in exile, but in waiting. Moved to the margins and rendered more invisible, power has not therefore become more subtle. Power has just gone underground, like the tunnels at Patuxent prison. The ruler still rules, but he rules underground. This means that he is able to emerge anywhere in an instant, but generally does not have to, precisely because we know he is there. This is not the same thing as internalizing the gaze, but more like swallowing the sword.

Foucault saw this more clearly several years prior to the publication of *Surveiller et Punir*, when he led an inquiry into conditions inside French prisons. “What is fascinating about prisons is that, for once, power doesn’t hide or mask itself; it reveals itself as tyranny pursued down to the smallest details.”⁴⁴ One might argue that the statement is compatible with *Discipline and Punish*, except that the tyranny Foucault’s group revealed was not the tyranny of the panopticon, but the tyranny of the dungeon, such as men chained in their cells for weeks at a time.

Gilles Deleuze holds that the prison inquiry was never part of a serious political program. Instead, it “was a kind of experiment in thinking.”⁴⁵ The point was not cleaner toilets and longer visiting hours, but to play with and shatter the distinction between good and evil. From this perspective, *Discipline and Punish* is best read as Foucault’s version of Nietzsche’s *Beyond Good and Evil*, as James Miller argues. Unfortunately, the reality of prison (to say nothing of the reality of power) is likely to be lost in any formulation whose poles are cleaner toilets on the one hand, the transvaluation of good and evil on the other.

Conclusion

In “The Meaning of Discipline,” the author writes that the army and the factory, like the prison, train men so that they are

completely adjusted to the demands of the outer world, the tools, the machines.
...The individual is shorn of his natural rhythm as determined by the structure

of his organism; his psycho-physical apparatus is attuned to a new rhythm through a methodical specialization ... and an optimum economy of forces is established corresponding to the conditions of work.⁴⁶

In brief, man is turned into an adjunct of the machine. The author is Max Weber, but the sentiment is Foucault's, although one could just as easily put it the other way around. Too much is made of the difference between Weber and Foucault, as though the key question is the locus of power: at the margins or at the center? The key question is how power *moves*, and I am arguing here that it moves not just in those small structuring spaces that create individuals and practices (although the microphysics of power is important), but between the margins and the center and back again. In other words, we make dichotomies – center or margins – out of what should really be axes. Power is always on the move, and one of its well-trod paths is between center and margin.

To think about this more clearly, I propose to substitute the tunnels at Patuxent prison for Foucault's panopticon. Like the panopticon, the tunnels represent the practice of power and discipline, about which Elias writes in terms of center and margins.

The tunnels connect the administration building with the buildings housing the cellblocks, and in this regard represent capillaries. Only this would put it too simply. It is not merely that the tunnels bring power from the center to the margins, and vice-versa. Rather, the power is in the tunnels themselves. Seeing it this way disrupts the distinction between center and margin, and that is the point.

The panopticon sees all from a central vantage point, even as it does not see everything at once. One just never knows where it is looking. The power represented by tunnels is in some ways a reverse panopticon. Power in the tunnels means that brute, physical coercion, the type exercised in prison, can suddenly appear anywhere, traveling in tunnels that extend everywhere. This may seem unlikely. Unless you are a black man stopped by the police in the middle of the night. Then it may not seem quite so metaphorical. Brute, physical coercion is not the last resort of the regime, any regime. It is the first, which means that it is the veiled threat behind every act of political power – that is, every act of power.

About the decentralization of power Foucault is quite correct. We should not, however, confuse the decentralization of power with the

transformation of power. Decentralized power is not necessarily more subtle, just less visible. The tunnel is a better metaphor than the gaze because it captures the ubiquity of power without suggesting that power has become more rational. Or rather, without suggesting that the rationality of power is anything but one more ideology, not so different from the ideologies of old.

One sees the result in Foucault's isolation of the panopticon. Not only does this miss Bentham's idea of the panopticon as public stage, but it downplays the fact that prison represents *arche*: not just the power to rule, but this power congealed in concrete structure. The moral of the story is not that disciplinary power is unreal or unimportant. The trick is to connect disciplinary and political power, the power to rule. This too is what the tunnels represent.

Research appendix

I spent fourteen months doing research at Patuxent Institution, a large maximum security prison with a small psychological treatment program. It also contains a small women's prison, which I did not visit. I did, however, speak with a number of women prisoners.

Friday was my prison day, and most of the time, about three hours, was spent with a group of about sixteen inmates. The official topic was "How prisoners understand evil," but much of our time was spent discussing prison life. Most of the prisoners in this group had been convicted of murder or rape. They were selected from the treatment program, and the prison administration had a veto over including any inmate, which it never exercised. *What Evil Means to Us* is the book that came out of this project.⁴⁷

In addition, I participated in the psychopathy identification project at the prison, in which a large number of inmates deemed potentially psychopathic were screened in order to perfect a test intended to detect psychopathy. I sat in on interviews with psychopaths, watched taped interviews, and listened to the psychologists and social workers discuss the inmates, so that they might normalize their scores.

Part of the mission of Patuxent Institution is to contribute to research. I was considered an unpaid staff member with an official position, that of researcher. The result was a staff badge that gave me considerable,

but not unlimited, freedom to move around the prison. For an hour or two on most Fridays I would accompany the prison psychologist on his “house calls” to administrative segregation, or the cellblocks. On the cellblocks I would try to come up with an excuse to sit in one of the day rooms for a while. If all else failed, I would come up with an excuse to walk around the tunnels, stopping here and there to chat with inmates. Many would not or could not talk with me, but a majority did.

All in all, Patuxent Institution is a well-run prison, and most of what I say about it corresponds to the literature on prisons. I have cited this literature throughout my essay. “Mr. Prior,” one of the prisoners at Patuxent Institution, is of course a pseudonym.

Notes

1. James Miller, *The Passion of Michel Foucault* (New York: Simon and Schuster, 1993), 209.
2. Foucault, “Prison Talk,” in *Power/Knowledge: Selected Interviews and Other Writings*, ed. C. Gordon (New York: Pantheon Books, 1980), 37–54, 39.
3. James B. Jacobs, *Stateville: The Penitentiary in Mass Society* (Chicago: University of Chicago Press, 1977), x–xii (from forward by Morris Janowitz), 3–11. David Garland is the leading theorist of the relationship between prison and modern society. See *Punishment and Welfare: A History of Penal Strategies* (Aldershot, England: Gower, 1985), and *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 1990), both of which argue in the direction of Jacobs, Janowitz, and Shils.
4. For all the controversy they generate, private prisons currently house only about five percent of the inmate population in the United States. Although the industry is itself growing at about thirty percent a year, this will translate into only a small percentage increase in the inmate population housed in private prisons over the next few years. Thirty-five states have laws authorizing the state or county to contract with private entities. A review of thirteen studies finds no consensus regarding the impact of privatization on recidivism, cost-savings, escapes, or violations of prisoner rights. See N. Benton, John Jay College of Criminal Justice, <http://web.jjay.cuny.edu/~nbenton/crju709>. The American Civil Liberties Union, among other groups, finds the very existence of private prison a violation of the rights of citizens. *ACLU Press Release*, 9/30/97. It is well to remember that while the present privatization of prisons began in the mid-1980s, the practice is not new. “In 1894, for example, the Tennessee Coal and Iron Railroad leased the entire prison population of Tennessee for \$100,000 a year.” Eric Schlosser, “Prison-Industrial Complex,” *Atlantic Monthly*, June 1999, 15.
5. Foucault says he never spent more than twelve hours in jail, and never visited a French prison, which is why he was so fascinated with touring Attica penitentiary in New York State. See “Michel Foucault on Attica: An Interview,” *Telos*, no. 19 (Spring, 1974): 155–161, 155. Patricia O’Brien portrays continental prisons as similar to American ones. Not the conditions of imprisonment but the length of

sentence is the fundamental difference; sentences on the continent are generally shorter. Of course, conditions on the continent vary considerably. In France, the reform movement known as Social Defense has seen its influence wane. Today, the French prison population continues to increase, sentences coming closer to American averages than to those in Denmark and Sweden. See O'Brien, "The Prison on the Continent," in *The Oxford History of the Prison*, ed. Norval Morris and David J. Rothman (New York and Oxford: Oxford University Press, 1995), 199–225. A classic work, *Between the Guillotine and Liberty: Two Centuries of the Crime Problem in France*, by Gordon Wright (New York: Oxford University Press, 1983), concludes that "with a few variations, the French experience parallels that of other Western nations." French prisons are not milder, not more rational, and not more "scientific" than prisons in the United States (219). They are, however, older; the physical conditions (if not the overcrowding) are as bad. Only about a dozen new prisons have been built in France in the twentieth century (203).

6. Robert Johnson, *Hard Time: Understanding and Reforming the Prison*, second edition (Belmont, California: Wadsworth Publishing, 1996). Edgardo Rotman, "The Failure of Reform," 193–196, in *The Oxford History of the Prison*, 169–197.
7. R. Blecker, "Haven or Hell? Inside Lorton Central Prison: Experiences of Punishment Justified," *Stanford University Law Review* 42 (May 1990): 149–249, 212.
8. *Ibid.*, 244.
9. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan (New York: Vintage Books, 1979), 298.
10. Foucault, "Prison Talk," 53.
11. Keith Ansell-Pearson, *An Introduction to Nietzsche as Political Thinker* (Cambridge: Cambridge University Press, 1994), 174.
12. Foucault, *Discipline and Punish*, 195–228.
13. Jacques-Alain Miller, "Le despotisme de l'Utile: la machine panoptique de Jeremy Bentham," *Ornicar?* 3 (May 1975). Miran Božovič, "Introduction: 'An Utterly Dark Spot,'" *The Panopticon Writings*, by Jeremy Bentham (London: Verso, 1995), 1–27.
14. Foucault's father was a doctor, and that is perhaps the best way to explain his concept of the gaze (*le regard*). The gaze represents the tacit observational principles of the experienced clinician, knowledgeable about individuality and particularity, uninterested in what goes on inside, except as it is manifested as a change in the surface. Foucault writes about x-rays and autopsies in *The Birth of the Clinic*, the gaze that penetrates the surface. But X-rays and autopsies are just another perspective on the surface: from the inside out. Touch and hearing, aided by the stethoscope, are also clinically important. Touch is, of course, quite literally superficial.
15. Norval Morris, "The Contemporary Prison," *The Oxford History of the Prison*, 227–259.
16. John Bender, *Imagining the Penitentiary* (Chicago: University of Chicago Press, 1987).
17. Jacobs, *Stateville*, 15–16. Norval Morris, "The Contemporary Prison," 231.
18. Quoted in Johnson, *Hard Times*, 172.
19. S. Sheehan, *A Prison and a Prisoner* (Boston: Houghton Mifflin, 1978), quoted in Johnson, *Hard Times*, 174. "The Contemporary Prison," by Morris, contains another diary, "One Day in the Life of #12345," which concludes "Now, in prisons like Stateville ... idleness takes the place of work and industry" (236). In *The Oxford History of the Prison*, 228–236.
20. René Girard, *Violence and the Sacred*, trans. P. Gregory (Baltimore: Johns Hopkins University Press, 1977), 20.

21. In *Saint Genet: Actor and Martyr*, trans. B. Frechtman (New York: G. Braziller, 1963), Sartre too stresses the gaze, calling Genet a “raped child. This first rape was the gaze of the other, who took him by surprise, penetrated him, transformed him forever into an object...” (79–80). This is not the language Genet uses to characterize his own experience. In *A Thief’s Journal*, trans. B. Frechtman (New York: Grove Press, 1964), Genet talks about lost souls, love, suffering and loneliness. Dare one call these humanistic categories?
22. This is how Bentham seems to have understood his panopticon, characterized by a voice that comes from nowhere (from tin pipes into each cell), and a gaze that sees all but cannot be seen, leading attributes of *Deus absconditus*, a God who jealously hides his face. See Božovič, “Introduction: ‘An Utterly Dark Spot,’” *The Panopticon Writings*, 11–13.
23. “The term [classification] is now used to designate the entire process by which prisons attempt to attain the objective of reformation through individualized treatment,” state Edwin Sutherland and Donald Cressey in *Criminology*, ninth edition, (Philadelphia: J. B. Lippincott, 1974), 499. The Count is not only not classification, but it is the opposite of classification.
24. Jacobs, *Stateville*, 16–17.
25. *Ibid.*, 19.
26. Evaluation is synchronized with placement in the small psychological treatment program, which enrolls roughly 300 of almost 2,000 inmates.
27. Foucault, *Discipline and Punish*, photo follows 169.
28. David Garland, *Punishment and Modern Society*, 157–175.
29. Hannah Arendt, *The Origins of Totalitarianism*, new edition (New York: Harcourt Brace and Company), 457–459. In her recent study of Arendt’s concept of the social, *The Attack of the Blob* (Chicago: University of Chicago Press, 1998), Hanna Pitkin argues that the connections among totalitarianism, bureaucracy, and mass society are at the heart of Arendt’s project, even though the connection is only hinted at in *The Origins of Totalitarianism* (97). One wants to say that Arendt develops the connection more fully in *The Human Condition* (Chicago: University of Chicago Press, 1958), but it would probably be more accurate to state that the concept of the social comes to subsume all three.
30. Richard Bernstein, “Did Hannah Arendt Change Her Mind? From Radical Evil to the Banality of Evil,” 135, in *Hannah Arendt Twenty Years Later*, ed. Larry May and Jerome Kohn, 127–146.
31. *Ibid.*, 132.
32. Foucault, “Prison Talk,” 53.
33. Mark Cousins and Athar Hussain, *Michel Foucault* (New York: St. Martin’s Press, 1984), 188.
34. Garland, *Punishment and Modern Society*, 253.
35. In *Bentham’s Prison: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993), Janet Semple calls the reception of the prisoner at the panopticon “an initiation ceremony rather than a bath” (122).
36. Jeremy Bentham, *The Panopticon Writings*, ed. M. Božovič (London: Verso, 1995), 100–101.
37. *Ibid.*, 31.
38. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Buffalo: Prometheus Books, 1988), 193.
39. “The bureaucratic structure goes hand in hand with the concentration of the material means of management in the hands of the master.... A corresponding

- process occurs in public organizations.” “Power,” in *From Max Weber: Essays in Sociology*, ed. and trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 221. Even as bureaucracies take on a life of their own, Weber never forgets that they serve the will. The question is whose? “Politics as a Vocation,” in *From Max Weber*, 95.
40. Norbert Elias, *The Civilizing Process*, trans. E. Jephcott (Oxford: Blackwell, 1978), 450.
 41. Dennis Smith dissects the continuities and discontinuities between Elias and Foucault in “*The Civilizing Process and The History of Sexuality: Comparing Norbert Elias and Michel Foucault*,” *Theory and Society* 28/1 (February 1999), 79–100. Both Foucault and Elias make use of the genealogical method, as it has come to be called, finding in the ethical attitudes of a particular group signs of its way of knowing and being in the world. Nevertheless, Foucault almost always treats a group’s discursive practices as an alien imposition, whereas Elias treats these practices as a creation of the group, an instance of self-expression as well as self-repression. In this regard, Elias is more confident than Foucault about the ability of individuals to control their own lives. Smith concludes that empirical research has a significant role to play in deciding between Elias and Foucault. Each makes claims about reality that are subject to experience. I have tried to follow Smith’s suggestion.
 42. In an argument similar to Foucault’s, Thomas Dumm states in *Democracy and Punishment: Disciplinary Origins of the United States* (Madison: University of Wisconsin Press, 1987) that it is in the prisons of nineteenth-century America that the rules and regulations evolved that soon become the source of the administrative tyranny that Alexis de Tocqueville writes of in *Democracy in America*. “Tocqueville . . . misidentified the real source of the danger as lying within the administration of an increasingly centralized government. The “network of petty, complicated rules that are both minute and uniform” originated not in a central government, but in the penal institutions scattered across the landscape of the various states. . . . Thus democratic despotism is born” (140). Dumm offers little additional evidence for this fascinating claim. Indeed, it is hard to know what would count as evidence. Surely not the temporal antecedence of prison reform over central administration. Even if it were true in the United States, who could argue the same about France, whose centralized government and administration long preceded the modern prison and asylum, as Tocqueville knew so well from his studies for *The Ancient Regime*?
 43. Elias, *The Civilizing Process*, 99.
 44. Miller, *The Passion of Michel Foucault*, 190.
 45. *Ibid.*, 193–194.
 46. *From Max Weber*, 261–262. Garland refers to this passage in *Punishment and Modern Society*, going on to point out the similarity between Foucault and Goffman “regarding the operative principles of disciplinary regimes,” 178. See Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (Chicago: Aldine Publishing Co., 1962), 13–22 especially. Like Foucault, but unlike Elias (see note 41), Goffman sees inmates as internalizing an essentially alien regime, though internalizing may be a misleading term, suggesting a depth of commitment absent in Goffman’s account. For Goffman, as for Foucault, there is no inner person against whom external discipline must be marshaled, though only Foucault would go so far as to say that the soul is the prison of the body. There is no sense in Goffman that the body may be a source of resistance to disciplinary practice. In Goffman’s dramaturgy, the body is just another actor.
 47. Alford, *What Evil Means to Us* (Ithaca, New York: Cornell University Press, 1997).