

Excerpt from:

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

*Normalizing judgement*

1. At the orphanage of the Chevalier Paulet, the sessions of the tribunal that met each morning gave rise to a whole ceremonial: 'We found all the pupils drawn up as if for battle, in perfect alignment, immobility and silence. The major, a young gentleman of sixteen years, stood outside the ranks, sword in hand; at his command, the troop broke ranks at the double and formed a circle. The council met in the centre; each officer made a report of his troop for the preceding twenty-four hours. The accused were allowed to defend themselves; witnesses were heard; the council deliberated and, when agreement was reached, the major announced the number of guilty, the nature of the offences and the punishments ordered. The troop then marched off in the greatest order' (Pictet). At the heart of all disciplinary systems functions a small penal mechanism.

It enjoys a kind of judicial privilege with its own laws, its specific offences, its particular forms of judgement. The disciplines established an 'infra-penalty'; they partitioned an area that the laws had left empty; they defined and repressed a mass of behaviour that the relative indifference of the great systems of punishment had allowed to escape. 'On entering, the companions will greet one another . . . on leaving, they must lock up the materials and tools that they have been using and also make sure that their lamps are extinguished'; 'it is expressly forbidden to amuse companions by gestures or in any other way'; they must 'comport themselves honestly and decently'; anyone who is absent for more than five minutes without warning M. Oppenheim will be 'marked down for a half-day'; and in order to be sure that nothing is forgotten in this meticulous criminal justice, it is forbidden to do 'anything that may harm M. Oppenheim and his companions' (Oppenheim, 29 September 1809). The workshop, the school, the army were subject to a whole micro-penalty of time (latenesses, absences, interruptions of tasks), of activity (inattention, negligence, lack of zeal), of behaviour (impoliteness, disobedience), of speech (idle chatter, insolence), of the body ('incorrect' attitudes, irregular gestures, lack of cleanliness), of sexuality (impurity, indecency). At the same time, by way of punishment, a whole series of subtle procedures was used, from light physical punishment to minor deprivations and petty humiliations. It was a question both of making the slightest departures from correct behaviour subject to punishment, and of giving a punitive function to the apparently indifferent elements of the disciplinary apparatus: so that, if necessary, everything might serve to punish the slightest thing; each subject find himself caught in a punishable, punishing universality. 'By the word punishment, one must understand everything that is capable of making children feel the offence they have committed, everything that is capable of humiliating them, of confusing them: . . . a certain coldness, a certain indifference, a question, a humiliation, a removal from office' (La Salle, *Conduite* . . . , 204-5).

2. But discipline brought with it a specific way of punishing that was not only a small-scale model of the court. What is specific to the disciplinary penalty is non-observance, that which does not measure up to the rule, that departs from it. The whole indefinite

domain of the non-conforming is punishable: the soldier commits an 'offence' whenever he does not reach the level required; a pupil's 'offence' is not only a minor infraction, but also an inability to carry out his tasks. The regulations for the Prussian infantry ordered that a soldier who had not correctly learnt to handle his rifle should be treated with the 'greatest severity'. Similarly, 'when a pupil has not retained the catechism from the previous day, he must be forced to learn it, without making any mistake, and repeat it the following day; either he will be forced to hear it standing or kneeling, his hands joined, or he will be given some other penance'.

The order that the disciplinary punishments must enforce is of a mixed nature: it is an 'artificial' order, explicitly laid down by a law, a programme, a set of regulations. But it is also an order defined by natural and observable processes: the duration of an apprenticeship, the time taken to perform an exercise, the level of aptitude refer to a regularity that is also a rule. The children of the Christian Schools must never be placed in a 'lesson' of which they are not yet capable, for this would expose them to the danger of being unable to learn anything; yet the duration of each stage is fixed by regulation and a pupil who at the end of three examinations has been unable to pass into the higher order must be placed, well in evidence, on the bench of the 'ignorant'. In a disciplinary régime punishment involves a double juridico-natural reference.

3. Disciplinary punishment has the function of reducing gaps. It must therefore be essentially *corrective*. In addition to punishments borrowed directly from the judicial model (fines, flogging, solitary confinement), the disciplinary systems favour punishments that are exercise – intensified, multiplied forms of training, several times repeated: the regulations of 1766 for the infantry laid down that lance-corporals 'who show some negligence or lack of willingness will be reduced to the rank of private', and they will be able to rise to their former rank only after new exercises and a new examination. As Jean-Baptiste de La Salle put it: 'Of all penances, impositions are the most honest for a teacher, the most advantageous for the parents'; they make it possible to 'derive, from the very offences of the children, means of advancing their progress by correcting their defects'; to those, for example, 'who have not written all that they were supposed to write or who have not applied

themselves to doing it well, one can give some impositions to write out or to learn by heart' (La Salle, *Conduite . . .*, 205). Disciplinary punishment is, in the main, isomorphic with obligation itself; it is not so much the vengeance of an outraged law as its repetition, its reduplicated insistence. So much so that the corrective effect expected of it involves only incidentally expiation and repentance; it is obtained directly through the mechanics of a training. To punish is to exercise.

4. In discipline, punishment is only one element of a double system: gratification-punishment. And it is this system that operates in the process of training and correction. The teacher 'must avoid, as far as possible, the use of punishment; on the contrary, he must endeavour to make rewards more frequent than penalties, the lazy being more encouraged by the desire to be rewarded in the same way as the diligent than by the fear of punishment; that is why it will be very beneficial, when the teacher is obliged to use punishment, to win the heart of the child if he can before doing so' (Demia, 17). This mechanism with two elements makes possible a number of operations characteristic of disciplinary penalty. First, the definition of behaviour and performance on the basis of the two opposed values of good and evil; instead of the simple division of the prohibition, as practised in penal justice, we have a distribution between a positive pole and a negative pole; all behaviour falls in the field between good and bad marks, good and bad points. Moreover, it is possible to quantify this field and work out an arithmetical economy based on it. A penal accountancy, constantly brought up to date, makes it possible to obtain the punitive balance-sheet of each individual. School 'justice', rudiments of which are to be found in the army and the workshops, carried this system very far. The Brothers of the Christian Schools organized a whole micro-economy of privileges and impositions: 'Privileges may be used by pupils to gain exemption from penances which have been imposed on them. . . For example, a pupil may have been given four or six catechism questions to copy out as an imposition; he will be able to gain exemption from this penance by accumulating a certain number of privilege points; the teacher will assign the number for each question. . . Since privileges are worth a certain number of points, the teacher also has others of less value, which serve as small change

for the first. For example, a child has an imposition from which he can redeem himself with six points; he earns a privilege of ten; he presents it to the teacher who gives him back four points, and so on' (La Salle, *Conduite* . . ., 156ff). What we have here is a transposition of the system of indulgences. And by the play of this quantification, this circulation of awards and debits, thanks to the continuous calculation of plus and minus points, the disciplinary apparatuses hierarchized the 'good' and the 'bad' subjects in relation to one another. Through this micro-economy of a perpetual penalty operates a differentiation that is not one of acts, but of individuals themselves, of their nature, their potentialities, their level or their value. By assessing acts with precision, discipline judges individuals 'in truth'; the penalty that it implements is integrated into the cycle of knowledge of individuals.

5. The distribution according to ranks or grade has a double role: it marks the gaps, hierarchizes qualities, skills and aptitudes; but it also punishes and rewards. It is the penal functioning of setting in order and the ordinal character of judging. Discipline rewards simply by the play of awards, thus making it possible to attain higher ranks and places; it punishes by reversing this process. Rank in itself serves as a reward or punishment. At the *École Militaire*, a complex system of 'honorary' classification was developed; this classification was visible to all in the form of slight variations in uniform and more or less noble or ignoble punishments were associated, as a mark of privilege or infamy, with the ranks thus distributed. This classificatory, penal distribution was carried out at short intervals by the reports that the officers, teachers and their assistants made, without consideration of age or grade, on 'the moral qualities of the pupils' and on 'their universally recognized behaviour'. The first class, known as the 'very good', were distinguished by a silver epaulette; they enjoyed the honour of being treated as 'purely military troops'; they therefore had a right to military punishment (arrests and, in serious cases, imprisonment). The second class, 'the good', wore an epaulette of red silk and silver; they could be arrested and condemned to prison, but also to the cage and to kneeling. The class of '*médiocres*', had the right to an epaulette of red wool; to the preceding penalties was added, if necessary, the wearing of sackcloth. The last class, that of the 'bad', was marked by

an epaulette of brown wool; 'the pupils of this class will be subjected to all the punishments used in the Hôtel or all those that are thought necessary, even solitary confinement in a dark dungeon'. To this was added, for a time, the 'shameful' class, for which special regulations were drawn up 'so that those who belonged to it would always be separated from the others and would be dressed in sackcloth'. Since merit and behaviour alone must decide the place of the pupil, 'those of the last two classes would be able to flatter themselves that they would be able to rise to the first two and bear its marks, when, by universal agreement, they will be recognized as having made themselves worthy of it by the change in their conduct and by their progress; and those of the top classes will similarly descend into the others if they become slack and if the various reports taken together are to their disadvantage and show that they no longer deserve the rewards and prerogatives of the higher classes. . .' The penal classification should tend to disappear. The 'shameful' class existed only to disappear: 'In order to judge the kind of conversion undergone by pupils of the shameful class who behave well', they were reintroduced into the other classes, and given back their uniforms; but they would remain with their comrades in infamy during meals and recreation; they would remain there if they did not continue to behave well; they 'would leave it absolutely, if their conduct was considered satisfactory both in this class and in this division' (Archives nationales, MM 658, 30 March 1758 and MM 666, 15 September 1763). This hierarchizing penalty had, therefore, a double effect: it distributed pupils according to their aptitudes and their conduct, that is, according to the use that could be made of them when they left the school; it exercised over them a constant pressure to conform to the same model, so that they might all be subjected to 'subordination, docility, attention in studies and exercises, and to the correct practice of duties and all the parts of discipline'. So that they might all be like one another.

In short, the art of punishing, in the régime of disciplinary power, is aimed neither at expiation, nor even precisely at repression. It brings five quite distinct operations into play: it refers individual actions to a whole that is at once a field of comparison, a space of differentiation and the principle of a rule to be followed. It differentiates individuals from one another, in terms of the following overall

rule: that the rule be made to function as a minimal threshold, as an average to be respected or as an optimum towards which one must move. It measures in quantitative terms and hierarchizes in terms of value the abilities, the level, the 'nature' of individuals. It introduces, through this 'value-giving' measure, the constraint of a conformity that must be achieved. Lastly, it traces the limit that will define difference in relation to all other differences, the external frontier of the abnormal (the 'shameful' class of the École Militaire). The perpetual penalty that traverses all points and supervises every instant in the disciplinary institutions compares, differentiates, hierarchizes, homogenizes, excludes. In short, it *normalizes*.

It is opposed, therefore, term by term, to a judicial penalty whose essential function is to refer, not to a set of observable phenomena, but to a corpus of laws and texts that must be remembered; that operates not by differentiating individuals, but by specifying acts according to a number of general categories; not by hierarchizing, but quite simply by bringing into play the binary opposition of the permitted and the forbidden; not by homogenizing, but by operating the division, acquired once and for all, of condemnation. The disciplinary mechanisms secreted a 'penalty of the norm', which is irreducible in its principles and functioning to the traditional penalty of the law. The minor court that seems to sit permanently in the buildings of discipline, and which sometimes assumes the theatrical form of the great legal apparatus, must not mislead us: it does not bring, except for a few formal remnants, the mechanisms of criminal justice to the web of everyday existence; or at least that is not its essential role; the disciplines created – drawing on a whole series of very ancient procedures – a new functioning of punishment, and it was this that gradually invested the great external apparatus that it seemed to reproduce in either a modest or an ironic way. The juridico-anthropological functioning revealed in the whole history of modern penalty did not originate in the superimposition of the human sciences on criminal justice and in the requirements proper to this new rationality or to the humanism that it appeared to bring with it; it originated in the disciplinary technique that operated these new mechanisms of normalizing judgement.

The power of the Norm appears through the disciplines. Is this the new law of modern society? Let us say rather that, since the eighteenth century, it has joined other powers – the Law, the Word (*Parole*) and the Text, Tradition – imposing new delimitations upon them. The Normal is established as a principle of coercion in teaching with the introduction of a standardized education and the establishment of the *écoles normales* (teachers' training colleges); it is established in the effort to organize a national medical profession and a hospital system capable of operating general norms of health; it is established in the standardization of industrial processes and products (on this topic, one should refer to the important contribution of Canguilhem, 171–91). Like surveillance and with it, normalization becomes one of the great instruments of power at the end of the classical age. For the marks that once indicated status, privilege and affiliation were increasingly replaced – or at least supplemented – by a whole range of degrees of normality indicating membership of a homogeneous social body but also playing a part in classification, hierarchization and the distribution of rank. In a sense, the power of normalization imposes homogeneity; but it individualizes by making it possible to measure gaps, to determine levels, to fix specialities and to render the differences useful by fitting them one to another. It is easy to understand how the power of the norm functions within a system of formal equality, since within a homogeneity that is the rule, the norm introduces, as a useful imperative and as a result of measurement, all the shading of individual differences.