

October 13, 2004

Readings were Michel Foucault's "The Body of the Condemned," in *Discipline and Punish: The Birth of the Prison* and Talal Asad's "On Torture, or Cruel, Inhuman and Degrading Treatment," in *Human Rights, Culture and Context: Anthropological Perspectives*.

Foucault

power – how manifested in historical context and progress through history

- socially manifested throughout system
- internalized notion of criminality

The body seen as property. Punishment is hidden part of penal system. Foucault utilizes graphic descriptions in his work in order to show the public what is actually hidden. The punishment that is external (such as state sponsored punishment) is internalized as we are socialized to police ourselves.

modern state – punishment is bureaucratized and categorized

- what is and isn't allowed?
- there has developed an industry and profession around crime

Foucault's focus was the *modern soul* which emerges from the observation, categorization, and surveillance of our society

- technologies produce this complex of knowledge production
- individuality becomes the focus of our attention in modernity
- the regimentation of everything we do changes our consciousness and we develop a new humanity
- our institutions, legal codes, body perceptions all say something about what it is to be 'human'

Modern conception of crime is that of not just the act but also the consequence.

- judicial process takes the circumstances under consideration
- the *soul* of the criminal is judged, not just the act
- madness in the modern sense is more of an internal trait
 - reform and rehabilitation of the criminal as part of the penal system
 - institutional collaborations to decide what is "normal"
- concerns for state security

Different types of Foucaultian power

- *sovereign power*
 - over life and death – over/public power
 - no formal codification of the law
 - justice is executed in an arbitrary fashion
- *disciplinary power*
 - institutions regulate the individual
 - our thought processes are regimented
 - we discipline ourselves unconsciously
- *biopower*
 - institutional security (both political and economic) is a concern
 - mechanisms of power categorize the population
 - will the state, fearing security, be able to be productive in the economic sphere?
 - must sustain the market economy (how should subjects like regimentation be handled?)
 - absorbed ways of discipline reproduce themselves unconsciously in the social machine/soul

Plague/infectious disease

- state security is always a concern in this area
- technocratic procedures undertaken to determine the scope of any problem
- the focus is on the individual and thus leads to scrutiny of the person
 - the *metaphysics of power* – the concept of the individuals, individual freedom and rights, etc.
- the way power is deployed can be functional and positive in some ways

Torture is hidden in society. There is an implicit understanding of its legitimacy in the face of a security risk, but it can only be exercised against *the other*.

- security is emphasized over liberty
- there are separate social spaces to conduct ‘justice’ (not really human)
 - spaces are outside the scrutiny of the law
 - not visible to the rest of society
 - outside terms of conventional law (torture)
- psychological anguish is included in torture – the *other* must give up what is important