

The Body of the Condemned

Philosophy 157
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Rusche and Kirchheimer

- Abandon the idea that severity of punishment is correlated to the end of reducing crime
- Recognize “concrete systems of punishment” in themselves, not as stemming from the legal system or ethical choices
- See that punishment has positive effects
- Correlate modes of punishment with the economic needs of society (slave-labor vs. free labor)

Discipline and Punish

- Published in 1975
- Topic is the conversion from torture to mere confinement as punishment
- Sub-theme is the way in which bodies are regulated as the result of power-relations
- The nexus of these relations is a complex of legal institutions and scientific investigation
- This will be studied historically, but it applies to the present

Body and Soul

- The ostensible object of punishment is “the secret souls of criminals”
- But it is the body which undergoes punishment
- The body has been studied scientifically in many ways (biologically, physiologically, demographically)
- Here, it must be studied in its immediate relations to power

Methodology

- Regard punishment as a complex social function, with possible positive effects
- Regard punishment as a political tactic, as specific rather than a consequence of something more general, such as legislation
- Study penal law and “human sciences” together, looking for a common matrix
- See whether the new appearance of the “soul” in confinement is a transformation of power-relations in which the body stands

Political Technology of the Body

- The body is primarily of use economically
- But to be useful in this way, it must be subjugated
- Aside from violence and ideology, it may be subjugated physically
- This involves a “knowledge” of the body, which allows its mastery
- This is a “microphysics of power” located between the body and the instruments of power

Power over the Body

- Power is exerted by strategy, and its exercise is modeled by a perpetual battle (as opposed to contract or conquest)
- Power is transmitted as pressure, rather than exercised through obligations and permissions
- Power-structures are diffuse and cannot be overthrown all at once
- But struggle against power is significant only if it affects the larger network of power-relations

The Greatest and Least Body

- Kantorowitz noted that medieval kings were given a double body, including an imperishable one that supports the kingdom
- We can imagine a second body of the condemned man which is the locus of a discourse of “lack of power”
- This second body is the “noncorporeal soul,” which is the object of punishment
- It is produced by the exercise of power: “born . . . out of methods of punishment, supervision, and constraint”

Power and Knowledge

- The received view is that knowledge is based on objectivity, which requires withdrawal from power-relations
- Instead, power produces knowledge
- At the same time, knowledge is in the service of power
- The “knowing subject” and “known object” are effects of power-knowledge

The Prison of the Body

- This soul is not the same as the theoretical construct of Christianity
- If we remove this soul, we do not get “the real man,” but a subjugated man
- The “soul” of the subjugated man is the object of science and of power, not a locus of freedom
- It is “the effect and instrument of a political anatomy; the soul is the prison of the body”

Political Anatomy

- The relation of the body to power-knowledge might be studied through a “political anatomy” (Petty)
- This would not be analysis of the state in terms of a body, or the body in terms of a state
- Instead, it would involve a “body politic” concerned with the means by which power-knowledge invests the human body
- Penal practices are understood through such a political anatomy

Prison Revolts

- This view of the body of the condemned man is based on observation
- It is manifest in prison revolts, which occur in all conditions
- They have as a common target the technology of power over the body, that produces the “soul”

