Languages of Punishment:

Translating Michel Foucault's *Surveiller et punir* into English and German

by

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A thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy in French Studies

University of Warwick

French Studies, School of Modern Languages and Cultures

April 2022

Word count: 79,985

Contents

Declaration

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where stated otherwise by reference or acknowledgment, the work presented is entirely my own. I confirm that this thesis has not been submitted for a degree at another university.

Melissa Pawelski

4th April 2022

Acknowledgments

My heartfelt thanks go to my doctoral supervisors Oliver Davis and Stuart Elden. This project would not have been possible without their unwavering support and enthusiasm. They gave me the freedom to set the parameters of this research. Most importantly, they put their trust in me and guided me with patience and commitment. The form and originality of this thesis rest upon their expertise and encouragement.

I wish to express my gratitude to my examiners Naomi Waltham-Smith and Duncan Large who have offered me the opportunity to speak critically about this research. Their thoughts and comments have further shaped this thesis and my thinking. I thank the staff in French Studies at Warwick, especially Nick Hewlett and Jessica Wardhaugh who have offered valuable advice and support throughout this journey, both in person and online. I am grateful to Cathy Hampton for having been an amazing teaching mentor throughout my time in the department. Thank you to my reviewers Philippe Le Goff and Erzsebet Strausz for having made critical comments in the early stages of this project. My thanks go to Jeremy Ahearne and Stephen Shapiro for their thought-provoking suggestions on the project at a later stage.

Thank you to my friends close and afar, and especially to Tom Rhodes, Xiaoyue (Echo) Wu, Matthew Richards, Alice Hildreth, Mengyuan (Zoe) Huang, and Peizhen (Peggy) Wu, for creating such a welcoming and loving home and for going on so many adventures together. Thank you to Mantra Mukim for accompanying much of my research journey as the best office mate and inspiring friend. Thank you to Federico Testa and Lorenzo Serini for offering critical comments. Thank you to Giulia Champion, whose eternal positivity, kind-heartedness, and enthusiasm about academia will always keep me going. Thank you to Alana Wolter for turning many ordinary moments of friendship into an extraordinary story of loyalty and support, near and far. Thank you to Vishalakshi Roy, David Marah and Maya for their moral support, friendship, and kind presence. Heartfelt thanks to Maike Ludley for being the best housemate, especially in times of a pandemic, for always being open to a critical discussion, and for being a wonderful friend.

Thank you to my mum for her support during this journey. Thank you to my dad, who does not believe in any kind of formally expressed gratitude, but who needs to be thanked nonetheless for having carried many of the ideas in this thesis with his intellectual eccentricity and unconditional kindness.

Cette thèse est dédiée à ma famille d'accueil en France, avec Jean-Claude Galléty, Catherine Kohlmann-Galléty, Jean-Baptiste et Pierre-Yves, qui m'ont tout appris de la culture et langue françaises. Cette thèse n'aurait pas pu être conçue sans leur chaleureux accueil et leur aimable soutien depuis plus de dix ans dans mes aventures en France et ailleurs. Merci du fond du cœur.

Thesis Abstract

Translating one of the most important works in the humanities and social sciences, Michel Foucault's *Surveiller et punir. Naissance de la prison* (1975), is a challenging enterprise. This thesis explores the way in which the English translation by Alan Sheridan, *Discipline and Punish. The Birth of the Prison* (1977), and the German translation by Walter Seitter, *Überwachen und Strafen. Die Geburt des Gefängnisses* (1977), significantly differ from the original French and from one another. The differences, especially regarding the key concepts in the book, arguably enable interpretations that Foucault did not intend or that rest upon words with multiple meanings in other languages. To this end, I have identified a number of central concepts, which I analyse alongside the different semantic fields in which they are situated. I argue that the translation choices made by Sheridan and Seitter must be critiqued on the basis of the historical differences between criminal procedures and punishment (the concept of *supplice*), intellectual influences denoting specific theories of the body that get lost in translation (the concept of the body following Nietzsche), a theoretical misdirection of the Foucauldian relationship between power and violence (the concept of *pouvoir*), and finally the cultural particularities of the concept of *la surveillance,* which problematise the power of the gaze and the production of behaviour beyond questions of technological automatization. Through the critical analysis of translation, this thesis offers a comprehensive study of the central ideas in one of Foucault's most renowned books. Unlike all previous studies, this thesis combines Foucauldian thought with the fields of modern languages, translation studies and theory, and philosophy in order to visualise their multilingual connections in philosophical writings. I suggest that reading foreign authors only in translation is insufficient to understand their intellectual development and their contribution to scholarship.

Figures

Introduction

Surveiller et punir. Naissance de la prison (1975) was Michel Foucault's first major publication in five years after he entered the Collège de France in December 1970.[1] This book remains one of the most cited works of the twentieth century and it continues to be amongst the most thought-provoking writings on modern forms of power, governance, discipline, and punishment. *Surveiller et punir* is known in the English-speaking world as *Discipline and Punish. The Birth of the Prison* (1977), translated by the British translator and novelist Alan Sheridan.[2] In the same year, it was translated into German by the Austrian writer and professor of philosophy Walter Seitter with the title *Überwachen und Strafen. Die Geburt des Gefängnisses* (1977).[3] These are the only translations in English and German of this text to this day.

As the holder of the chair in the History of the Systems of Thought, Foucault became a central figure on the French intellectual scene between 1970 and 1975. But his interest in the history of punishment, the prison, and the modern phenomenon of what he termed 'le pouvoir de punir' also links with earlier works, such as *Histoire de la folie à l'âge classique*, published in its entirety in 1972 after he presented it as his primary doctoral thesis as *Folie et déraison. Histoire de la folie à l'âge classique* in 1961.[4] In this work, he already discusses mechanisms of exclusion and imprisonment. Then, the publication of *Les Mots et les choses. Une archéologie des sciences humaines* in 1966 as well as of *L'Archéologie du savoir* in 1969 had furthermore earned Foucault the recognition of a leading scholar and thinker.[5] But writing

[1] Michel Foucault, *Surveiller et punir. Naissance de la prison* (Paris: Gallimard, 1975), and in *Œuvres,* vol. 2, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade, 2015), 261-613. Throughout the thesis, I indicate the page numbers for both the Gallimard and Pléaide editions.
[2] Michel Foucault, *Discipline and Punish. The Birth of the Prison*, trans. Alan Sheridan (London: Penguin, 1977).
[3] Michel Foucault, *Überwachen und Strafen. Die Geburt des Gefängnisses,* trans. Walter Seitter (Frankfurt/Main: Suhrkamp, 1977).
[4] Michel Foucault, *Folie et déraison. Histoire de la folie à l'âge classique* (Paris: Plon, 1961); Michel Foucault, *Histoire de la folie à l'âge classique* (Paris: Gallimard, 1972) and in *Œuvres,* vol. 1, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade, 2015), 1-650.
[5] Michel Foucault, *Les Mots et les choses. Une archéologie des sciences humaines* (Paris: Gallimard, 1966), and in *Œuvres,* vol. 1, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade, 2015), 1033-1457; Michel Foucault, *L'Archéologie du savoir* (Paris: Gallimard, 1969) and in *Œuvres,* vol. 2, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade, 2015), 1-224.

about the birth of the prison, as the book title suggests, was also motivated by his political activism as a co-founder, alongside Pierre Vidal-Naquet and Jean-Marie Domenach, of the Groupe d'Information sur les prisons (GIP) in February 1971. Foucault wrote pamphlets, distributed questionnaires to prisoners, and participated in gatherings, meetings, and street protests. He alludes to this experience with the GIP in the introductory chapter:

> C'est de cette prison, avec tous les investissements politiques du corps qu'elle rassemble dans son architecture fermée que je voudrais faire l'histoire. Par un pur anachronisme? Non, si on entend par là faire l'histoire du passé dans les termes du présent. Oui, si on entend par là faire l'histoire du présent.[6]

The theoretical issue Foucault took with the historical problem of punishment and imprisonment, acute political struggles at the time of researching and writing the book and growing trends in French continental philosophy to theorise the concept of 'power', to which Foucault considerably contributed, thus form the basis of *Surveiller et punir*. Despite his authorial prominence and the problems he discusses in the book, Foucault struggled to acknowledge his status of an intellectual and he furthermore refused to subscribe to any more neatly defined discipline or philosophy. Readers may notice this in his writing style, as Dan Beer suggests:

> Foucault constructs an argument which, even as it announces his genuine desire for anonymity, simultaneously seduces the reader and pulls him or her further into the labyrinth into which he is attempting to escape. Foucault's twin desires for anonymity and for recognition complement one another in his argument even as they destroy his hopes of escape from the attentions of the outside world.[7]

Still, elements of his personal life and experiences, career, academic training, and intellectual influences have left significant traces that constitute the authorial figure 'Foucault'. These traces are central to the work of translation, as I will discuss in Chapter 1, because they draw together a network of figures, ideas, and debates, in which Foucault must be situated to understand his method, style, and the problems he examined. The English translation by Sheridan and the German translation by Seitter must be recognised for having inaugurated an important moment of reception and dissemination of Foucault's thought. However, their translations are not short of questionable choices and misleading renderings. If we as readers and researchers wish to keep Foucault's ideas alive,

[6] Foucault, *Surveiller et punir*. pp. 39-40 (Pléiade, 292).
[7] Dan Beer, *Michel Foucault. Form and Power* (Oxford: Legenda European Humanities Research Centre University of Oxford, 2002), p. 7, emphasis added.

a critical analysis of the translations is needed. The translational inquiry I propose in this thesis especially examines the key concepts in *Surveiller et punir*. Considering their importance in the book and across Foucault's entire works, the notions of power and the human body are crucial to study in translation. Furthermore, a discussion from a translational perspective is needed of the punishment practices such as the public executions in France's Ancien Régime, with which the book opens, and by way of which Foucault introduces the problem of the spectacular visibility of power as well as the ceremonial production of truth. Then, the emergence of *la surveillance* as a feature of modern political and societal systems takes the question of discipline as a set of automatised and manifold supervisory mechanisms further. These concepts, alongside Foucault's argumentation, do not easily translate into other languages and the published translations raise important questions regarding the supposed equivalences between original and translation. The analysis I offer in this thesis is based upon the English and German translations, as they were both published in 1977. Whilst debates and studies on Foucault's thought have since proliferated across languages, the translations themselves have remained largely unexplored. A closer inspection of these translations is thus necessary to challenge the way in which they have been uncritically received and therefore contributed to the authorial figure 'Foucault'.

In this thesis, I identify and explore translation choices. This means that I closely examine the central elements that make up ideas and arguments in Foucault's native French, drawing from the literature that Foucault references, to compare them to the English and German translations. In turn, this also means that I will engage with the literature *on* Foucault only when it sheds light on the translation choices in English and German.

I approach the problem of translating Foucault's *Surveiller et punir* from a multilingual perspective: that is, I study the English translation as well as the German translation. The reasons for this choice are as follows. Firstly, Foucault was influenced by German-language philosophy. Prior to becoming a well-known French intellectual, he spent time abroad in Sweden, Poland, but also in Germany as director of the Institut Français in Hamburg. During his short stay in Hamburg in 1959-60, he finished his doctoral thesis as well as the translation of Immanuel Kant's *Anthropologie in pragmatischer Hinsicht* (1798) that he submitted in 1960 as his *thèse complémentaire* alongside his primary thesis *Folie et*

déraison. Histoire de la folie à l'âge classique.[8] Another important influence was Friedrich Nietzsche and his theories of the body as well as of power. The two German thinkers occupy an important place in this thesis as I discuss the extent to which their influences pose a problem for translation. Secondly, upon taking up his chair at the Collège de France, his reputation expanded to the US and Canada, where he gave lectures at various institutions such as Berkeley, Buffalo, Cornell, Columbia, Minneapolis, NYU, Stanford, UCLA, McGill, and Montreal. Today, he still enjoys intellectual fame across the globe. His largest readership therefore is English-speaking. This includes not only native English speakers but also the international student and academic community studying and exchanging in English.

Even though not everything can be explained by biography, the English and German languages informed Foucault's intellectual development and career. And they correspond to my linguistic profile as the author of this thesis, too. As a German native speaker, I have been educated in German, French, and British universities. The interdisciplinary design of this thesis has been influenced not only by the time spent in higher education in these countries but also by immersion in the respective cultures and everyday language.

In ideal circumstances, I would have been able to interview both Sheridan and Seitter for this thesis. Sadly, this was not possible since Sheridan passed away in 2015 before the idea for my thesis had arisen. There are also no documents or any other material available, to the best of my knowledge, in which Sheridan discusses translation or translating Foucault. However, I was able to engage in an e-mail exchange with Seitter, who kindly agreed to answer questions remotely and in writing. Since the COVID-19 pandemic was ongoing at the time of exchanging with Seitter, the conversation with him could not be undertaken in person. Seitter not only translated various books by Foucault and other French authors, but also became himself a professor of philosophy at Austrian universities.[9] I have included comments from his replies that illustrate points I make in this thesis. They have been useful in presenting the task of translation, and they ought to be read as an additional and valuable insight into Seitter's story and approach.

[8] Immanuel Kant, *Anthropologie du point de vue pragmatique,* trans. Michel Foucault (Paris: Vrin, 1964); for a discussion of this time see, Rainer Nicolaysen, 'Foucault in Hamburg. Notes on a one-year stay 1959-60', *Theory, Culture and Society* (published online, November 2020), trans. Melissa Pawelski, https://doi.org/10.1177/0263276420950457.
[9] http://www.walterseitter.at/ [accessed 15-04-2021].

Both Sheridan and Seitter were ground-breaking in the dissemination of Foucault's thought since they were amongst the first to publish commentaries and anthologies. In 1974, prior to translating *Surveiller et punir,* Seitter published the first short anthology in German.[10] He then published, in 1996, another short anthology with three texts by Foucault, followed by a commentary by Seitter.[11] In 1980, Sheridan published the first English monograph on the thinker.[12] I have aimed to carefully engage with this literature through the lens of the primary text *Surveiller et punir* and I have endeavoured not to infer arguments about Foucault's thought from the translations. This meant that I have attempted to account for the idiosyncrasies of the French language and to give priority to conceptual terminologies over concerns of general readability and intelligibility of Foucault's text. This has at times also been difficult because one gets quickly entangled in sentiments of sympathy for the translator(s) and in the desire to endorse, or disqualify, their renderings.

Even if Sheridan's and Seitter's intellectual trajectories can hardly be compared, they nonetheless reveal interesting aspects about their translational activities. After finishing his degree in English, Sheridan spent five years in Paris where he worked as an English teaching assistant at Lycée Henri IV and Lycée Condorcet. He translated many French authors, including Jean-Paul Sartre, Jacques Lacan, Alain Robbe-Grillet, and Robert Pinget. In 1998, he published a biography of André Gide.[13] He is also the author of three novels: *Vacation* (1972), *Time and Place* (2003), and *A Romanian Place* (2006). In 2004, he was awarded the Prix du rayonnement de la langue française by the Académie Française.[14] Although they both lived and worked in France at similar times, Sheridan's and Seitter's paths never crossed and Seitter's exchanges with other translators remained limited to his German co-translator Ulrich Raulff, with whom Seitter translated the first, second, and third volume of *Histoire de la sexualité*.[15]

My e-mail exchange with Seitter provides an interesting, and previously unknown, insight into his story about his studies in France, his encounter with Foucault, and his beginnings as a translator. After finishing his philosophy degree in 1968, Seitter came to Paris on a scholarship funded by the Austrian Ministry for Education in autumn 1969. He had read

[10] *Michel Foucault. Von der Subversion des Wissens*, trans. and ed. Walter Seitter (Munich: Hanser, 1974)
[11] Foucault and Seitter, *Das Spektrum der Genealogie* (Bodenheim: Philo, 1996).
[12] Alan Sheridan, *Michel Foucault. The Will to Truth* (London: Tavistock Publications, 1980).
[13] Alan Sheridan, *André Gide. A Life in the Present* (Cambridge, MA: Harvard University Press, 1998).
[14] www.alansheridanauthor.com [accessed 29-05-2021].
[15] Seitter, personal e-mail communication, 19-10-2020, my translation.

about the publication of *L'Archéologie du savoir* before his departure, and upon his arrival in Paris he organised a reading group for *Naissance de la clinique*. Seitter writes that Foucault gave lectures at the 'revolutionary university' in Vincennes in December 1969 that Seitter attended. He especially recalls one particular course, which turned out to be 'half a German lecture, because the words "Ursprung", "Anfang", were the most important.' This course informed Foucault's important text: 'Nietzsche, la généalogie, l'histoire', published in 1971. Seitter stayed on in Paris and went on to describe his encounter with Foucault: 'At the end of the academic year [1972], I introduced myself to him and told him that I wanted to translate *Naissance de la clinique,* and so he gave me the recently published second edition of the book.' After this first sojourn, Seitter returned to Paris regularly,

> in the early seventies, to buy books, but I also visited Foucault, whom I either met in the national library or in his flat. I sometimes came to his lectures, too. He was always friendly and interested in the political events in Germany, but not in the translations.[16]

My e-mail correspondence with Seitter adds to this thesis insofar as it elucidates the context in which Seitter met Foucault, but also the initiative that Seitter took to introduce Foucault to a German-language readership. Whilst his account confirms many of the arguments I make in this thesis regarding the relation between translation theory and practice, it also provides the basis for some criticism of his translation.

My point of reference has always been the primary text *Surveiller et punir* and I have attempted to tie every argument about Sheridan's and Seitter's translation choices to a discussion of Foucault's thought as it developed throughout his intellectual history. Looking at the translations through the lens of the primary text prompts the question of whether this thesis aspires to offer a better alternative for the translation choices I criticize. To be clear, this is not the primary motivation in this thesis. Nonetheless, a critical analysis of the translation choices for such a widely known text is vital in order to demonstrate that these choices can be challenged based on an exploration of the semantic fields which they engage. Furthermore, since *Surveiller et punir* clearly links to a political cause as well as addressing institutional malfunctions, I also draw on Foucault's definition of critique. In 1978, Foucault describes *la critique* as a reflective activity, insisting that the work of critique is an attitude of informed contestation of a given knowledge.[17] Centrally,

[16] Seitter, personal e-mail communication, 27-09-2020 and 03-10-2020, my translation.
[17] Michel Foucault, *Qu'est-ce que la critique? Suivi de La culture de soi,* eds. Henri-Paul Fruchard and Daniele Lorenzini (Paris: Vrin, 2015), p. 39.

he asserts that the work of critique does not, and cannot really, contain a better solution to the problem:

> Après tout, la critique n'existe qu'en rapport avec autre chose qu'elle-même: elle est instrument, moyen pour un avenir ou une vérité qu'elle ne saura pas et ne sera pas, elle est un regard sur un domaine où elle veut bien faire la police et où elle n'est pas capable de faire la loi.[18]

Foucault states here that the most important function of critique is to call for a detailed groundwork of the problem in question, which does not condition the change but without which changes are not possible. In this sense, critique only forms the basis of this desired change since it questions the ideas and practices that are regarded as normal, reasonable, or otherwise appropriate. The critical outlook on the translation choices I offer in this thesis contribute to scholarship on Foucault as well as to translation practices, theories, and studies. Nonetheless, I have not written this thesis to dismiss Sheridan's and Seitter's translations because this would put an end to an important dialogue from which one can learn how to translate better. This thesis is not a closure, but an opening.

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Much of my discussion, in addition to the comparative analysis of the original alongside the translations, is based on a selection of published works by Foucault, namely his monographs, lecture courses (limited to the period of 1971-1974 in which he wrote *Surveiller et punir)*, as well as the two volumes of *Dits et écrits,* containing interviews and shorter writings that made apparent ways of explaining and stating arguments more assertively and concisely than perhaps in the book.[19] This also includes his translation and introduction to Kant's *Anthropologie*, which were of particular importance to get an idea of how Foucault approached the task of translation.[20]

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[18] Foucault, *Qu'est-ce que la critique?*, p. 34.

[19] Michel Foucault, *Dits et écrits I 1954-1975* (Paris: Gallimard Quarto, 2001), *Dits et écrits II 1976-1988* (Paris: Gallimard Quarto, 2017), *Naissance de la clinique. Une Archéologie du regard médical* (Paris: PUF, 1973), *Histoire de la sexualité 4. Les Aveux de la chair*, ed. Frédéric Gros (Paris: Gallimard, 2018), *Théories et institutions pénales. Cours au Collège de France. 1971-1972*, eds. François Ewald, Alessandro Fontana, Bernard Harcourt, Elisabetta Basso, Claude-Olivier Doron, and Daniel Defert (Paris: Gallimard EHESS Seuil, 2015), *La Société punitive. Cours au Collège de France 1972-1973*, eds. François Ewald, Alessandro Fontana, and Bernard E. Harcourt (Paris: Gallimard EHESS Seuil, 2013), *Le Pouvoir psychiatrique. Cours au Collège de France 1973-1974*, eds. François Ewald, Alessandro Fontana, and Jacques Lagrange (Paris: Gallimard EHESS Seuil, 2003), *'Il faut défendre la société'. Cours au Collège de France 1976*, eds. François Ewald, Alessandro Fontana, Mauro Bertani, and Alessandro Fontana (Paris: Gallimard EHESS Seuil, 1997).

[20] Immanuel Kant, *Anthropologie du point de vue pragmatique, précédé de Michel Foucault Introduction à l'Anthropologie*, trans. Michel Foucault (Paris: Vrin, 2008).

The thesis proposes a detailed textual analysis of several passages with key concepts that exemplify Foucault's central arguments. I have not consulted archival documents because my analysis centres on the translations as they were published in 1977. I do not engage with questions of the intellectual history of the book itself, but instead I focus on the published French book and its English and German translations. Therefore, additional archival research on earlier versions and notes did not prove necessary. I have, however, where specific events in history or historical documents were concerned, drawn from secondary literature to clarify the context and to state the significance.[21] Publications of archival material relating to the period in which Foucault was politically active as part of the GIP have been useful to argue that Foucault's vocabulary invokes political events and struggles in and outside of France from the 1950s onwards.[22] Current scholarship in the three languages under examination in this thesis – provided that it offers a detailed engagement with Foucault's ideas and writings instead of an application to a different context or question – has guided me in assessing the ways in which Foucault is read in translation.[23]

Since the 2000s some central monographs in Foucault scholarship have addressed the problem of translation. In her *Michel Foucault,* Claire O'Farrell points to inconsistent terminologies in the translations and furthermore discusses how Foucault is read in translation outside of France.[24] O'Farrell is also the translator of the recently published

[21] In the order of discussion, for example: Dale K. Van Kley, *The Damiens Affair and the Unraveling of the Ancien Régime, 1750-1770* (Princeton: Princeton University Press, 1984); Anne-Léo Zévaès, *Damiens le Régicide* (Paris: Collection "Le Sphinx" 17, Éditions de la Nouvelle Revue Critique, 1933); Richard van Dülmen, *Theater der Schreckens. Gerichtspraxis und Strafrituale in der frühen Neuzeit* (Munich: C.H. Beck, 2014); Pascal Bastien, *Une Histoire de la peine de mort. Bourreaux et supplices 1500-1800* (Paris: Seuil, 2011); Richard A. Posner, 'Blackstone and Bentham', *The Journal of Law and Economics* 19(3) (1976), pp. 569-606; L.J. Hume, *Bentham and Bureaucracy* (Cambridge: Cambridge University Press, 1981); Pierre Vidal-Naquet, *Les crimes de l'Armée française. Algérie, 1954-1962* (Paris: La Découverte Poche, 2001); David Macey, *The Lives of Michel Foucault* (London: Verso, 2019); Raphaëlle Branche, *La Torture et l'armée pendant la guerre d'Algérie. 1954-1962* (Paris: Gallimard Folio Histoire, 2016); Véronique Vasseur, *Médecin-chef à la prison de la Santé* (Paris: Livre de Poche, 2000); Martin Jay, *Downcast Eyes. The denigration of vision in twentieth-century French thought* (Berkeley, London: University of California Press, 1993); Jean-Marc Berlière and René Lévy, *Histoire des polices en France. De l'ancien régime à nos jours* (Paris: Nouveaux Mondes Éditions, 2011); Jeremy Carrette, *Foucault and Religion. Spiritual corporality and political spirituality* (London: Routledge, 2000).

[22] *Le Groupe d'information sur les prisons: archives d'une lutte, 1970-1972*, eds. Philippe Artières, Laurent Quéro and Michelle Zancarini-Fournel, postface by Daniel Defert (Paris: IMEC, 2003), *Groupe d'information sur les prisons. Intolérable,* ed. Philippe Artières (Paris: Verticales, 2013).

[23] For example, Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault. Beyond structuralism and hermeneutics* (Chicago: University of Chicago Press, 1983), Arianna Sforzini, *Michel Foucault. Une pensée du corps* (Paris: PUF, 2014).

[24] Claire O'Farrell, *Michel Foucault* (London: SAGE, 2006).

Foucault at the Movies (2018).[25] She reflects on translating Foucault in a blogpost for Columbia University Press, stating that 'Foucault is a different thinker in English from the one he is in French'.[26] Lisa Downing, author of *The Cambridge Introduction to Michel Foucault,* argues, seemingly invoking Lawrence Venuti's concept of the invisibility of the translator, that there is '[a] tendency of much Anglo-American criticism and the other critical introductions to Foucault […] to write about the translations as if they were the original texts.'[27] Downing then explores Foucault's works, to identify the challenges of translating, for example, the book title, but also key concepts in other works. Stuart Elden first reflected on the need for a new translation especially of *Surveiller et punir* in a blogpost.[28] In the second volume of his intellectual history of Foucault, *Foucault. The Birth of Power* (2017), Elden qualifies the English book title *Discipline and Punish* as misleading and notes a few translation mistakes.[29]

These monographs and reflective pieces generally raise awareness of the deficiencies of the English translations especially. To the best of my knowledge, there are no similar discussions in the German-speaking world. Mainly, then, discussions of Foucault in translation take the form of articles, cutting across disciplines and problematising different theoretical and methodological stakes. Paul Patton considers the translation *Discipline and Punish* as having been hastily prepared.[30] Mark Philp reproaches Foucault's works for being deliberately unclear, in style and rhetoric, a defect that is further complicated by translation and that obscures the novelty of his work, especially in relation to Marxism.[31] Barbara Folkart writes a wordy critique of Sheridan's use of the word 'gaze' to translate Foucault's *regard.*[32] Karen Bennett argues on the basis of the English translations of Foucault (she compares passages from *Les Mots et les choses* and *L'Archéologie*

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[25] Michel Foucault, Patrice Maniglier, and Dork Zabunyan, *Foucault at the Movies,* trans. Claire O'Farrell (New York: Columbia University Press, 2018).
[26] Claire O'Farrell, 'Clare O'Farrell on Translating Foucault at the Movies', 27th September 2018, https://www.cupblog.org/2018/09/27/clare-ofarrell-on-translating-foucault-at-the-movies/ [accessed 29-05-2021].
[27] Lisa Downing, *The Cambridge Introduction to Michel Foucault* (Cambridge: Cambridge University Press, 2008), pp. ix, 75.
[28] Stuart Elden, 'Beyond Discipline and Punish: Is it time for a new translation of Foucault's Surveiller et punir?' Progressive Geographies Blog, 22nd January 2014, https://progressivegeographies.com/2014/01/22/beyonddiscipline-and-punish-is-it-time-for-a-newtranslation-of-foucaults-surveiller-et-punir/ [accessed 29-05-2021].
[29] Elden, *Foucault. The Birth of Power*, pp. 139-140.
[30] Paul Patton, 'Fiche technique', in *Michel Foucault. Power, Truth, Strategy*, eds. M. Morris and P. Patton (Sydney: Feral Publications, 1979)
[31] Mark Philp, 'Foucault on Power. A Problem in Radical Translation?' *Political Theory* 11(1) (1983), 29-52.
[32] Barbara Folkart, 'A brief history of gaze', *The Translator* 21(1) (2015), pp. 1-23.

du savoir as well as two translations of *L'Ordre du discours*), that Foucault is a difficult author to read and that this should be reflected in the translations. She argues that 'the only way his work could be "marketed" in the UK and the US was by a process of exoticization', hence providing this as an explanation as to why Foucault was judged difficult for Anglophone readers.[33] In 1990, Colin Gordon invited Anglophone scholars for an issue in *The History of the Human Sciences* to debate the discrepancies in the reception of Foucault's *Histoire de la folie,* in which Gordon furthermore insisted on the role of translation, especially in the discussions by the English-speaking academic community of the first English translation of the abridged text, *Madness and Civilization. A History of Insanity in the Age of Reason* translated by Richard Howard in 1965. This translation was based on the abridged French version published by 10/18 in 1964 before the full study was republished in France by Gallimard in 1972. Gordon makes the case that scholars should read the original French. He furthermore writes his own translation criticism of Howard in response to contributor's criticism:

> [J]ustice for Richard Howard. Andrew Scull is quite unwarranted in calling *Madness and Civilisation* a 'bad translation'. *Madness and Civilisation* is actually a very good translation, in terms of style as well as accuracy: considerably superior, for example, to Alan Sheridan's subsequent handling of *Birth of the Clinic*. This is why, when signalling one significant mistake made by Howard, I also signalled its rarity. The myth of a defective translation should not be allowed to operate, alongside the myth of an impenetrable style, as an alibi for the carelessness with which many English-language critics, Scull included, have so often dealt with *Madness and Civilisation.*[34]

Gordon clearly states in the above that the sentence of a 'bad translation' is too rapidly passed, and that the critique was based on a meagre selection of words and phrases. In this thesis, I engage in more detailed scrutiny than the contributors to this issue have done. But it is not my intention, as I have stated, to qualify Sheridan's and Seitter's translation as overall 'bad'. This thesis attempts to offer a broader and therefore more useful discussion of the translation choices than has been undertaken in one of the rare thorough discussions by scholars of Foucault of the English translation. Centrally, this project explores languages alongside intellectual traditions and their vocabularies. Finally, I argue that it is necessary to engage with the translation of Foucault from an interdisciplinary perspective.

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[33] Karen Bennett, 'Foucault in English. The politics of exoticization', *Target* 29(2) (2017), 222–243 (p. 224).
[34] Colin Gordon, 'History, madness and other errors: a response', *History of the Human Sciences* 3(3) (1990), 381-396 (p. 385).

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Some of the literature in translation studies and discussions elsewhere regarding the translation of scholarly texts suggests that there is a difference between style and concepts. Very simply put, this refers to the difficulty of translating one word only as part of 'densely conceptual language – *à la* Kant or Hegel, bristling with technical terms – cruces like *aletheia* or *sophrosyne, Aufhebung* or *différance*,' versus the difficulty of rendering a particular writing style and rhetorical devices.[35] This thesis shows that style and concepts cannot be divorced from each other, at least in the case of Foucault, regardless of the theoretical discourse in which this division is vested. The main reason for this is that stylistic devices, such as amplifications, repetitions, or metaphors, substantiate the argumentation in *Surveiller et punir*. It has therefore been useful to approach the discussion in each chapter from the standpoint of single word-concepts: *supplice* (Chapter 2)*, corps* (Chapter 3)*, pouvoir* (Chapter 4)*,* and *surveillance* (Chapter 5).

For reasons that I discuss in Chapter 1, it is important to approach these words as concepts, precisely, because *Surveiller et punir* reveals a political and methodological outlook on the change of meanings in words. Even if this thesis subscribes to Barbara Cassin's philosophy of the Untranslatable, which is based on the argument that the very term 'concept' ought to be avoided in favour of speaking of a collection of 'words', approaching the terms Foucault works with as concepts has nonetheless been necessary.[36] Foucault's approach in *Surveiller et punir* engages in an equally critical manner with the power of concepts to perform a division of things and meanings into good and bad, right and wrong, reasonable and reprehensible. Foucault's birth of the prison traces the genealogy of moral values – schematically, measure in power and violence in punishment – that he understands not as progressive, humanitarian achievements but as economic calculations and normative ideals. Contesting various concepts with such a method, however, does not deprive them of their power. For this reason, it is hard for the translator to turn a blind eye to the fact that he does write about a set of concepts, with the help of concepts. These must indeed be considered part of a 'technical language', as

[35] Duncan Large, 'The Untranslatable in Philosophy', in *Untranslatability. Interdisciplinary Perspectives,* eds. Duncan Large, Motoko Akashi, Wanda Józwikowska, and Emily Rose (London: Routledge, 2018), 50-63 (p. 57).
[36] Barbara Cassin, *Éloge de la traduction. Compliquer l'universel* (Paris: Éditions Fayard, 2016), pp. 152-153.

suggested by Duncan Large, because they provide insights into a thought-out argumentation in which concepts lay the ground for, connect, and conclude Foucault's observations.

To identify and discuss the differences between original and the translations, I have drawn from dictionaries containing information on the word histories and etymologies, mainly *Le Trésor de la langue française informatisé* (TLFi), the *Oxford English Dictionary* (OED), the *German Dictionary by Jacob and Wilhelm Grimm* (Grimm) and *Duden dictionary* (Duden). Wherever necessary, I have added further information from, for example, Latin dictionaries which were useful to discuss the concept of *supplice* in Chapter 2. I have not used these dictionaries to conduct a simple matching of lexica or to operate a fault-finding analysis as Timothy O'Hagen and Jean-Pierre Boulé have done with Hazel Barnes' translation of Jean-Paul Sartre's *L'Être et le néant* (1987).[37] Working with these dictionaries has been necessary, yet not for suggesting direct equivalences but to open up the plurality of languages, words, and meanings, for the purpose of exploring the semantic fields of each concept. Such an approach again aligns with Cassin's philosophy of the Untranslatable, 'probing the symptoms of differences between languages, [which meant that] we have dealt with terms which become, when seen from another language, bearers of multiple meanings'.[38] In this sense, this thesis takes the multiplicity of languages as a starting point.[39]

Foucault's *Surveiller et punir* is difficult to classify because this book unites literary elements such as stylistic devices, philosophical theories and approaches, as well as discussions of historical documents. As such, the book resists disciplinary categorisation. Although it does contain literary elements in terms of language and style, studying the text from the perspective of literary translation, which favours works of narrative fiction, would be reductive and leave important aspects aside. However, the scholarship on literary translation often makes space for the field of 'philosophical writing', for example of Howard Parshley's distortion of Simone de Beauvoir's *Le Deuxième sexe* (1953).[40] Apart from considerable cutting and omissions as well as the erroneous translation of key terms of existentialism, Parshley concluded that 'Mlle de Beauvoir's book is, after all on woman,

[37] *A Checklist of Errors in Hazel Barnes' English Translation of Jean-Paul Sartre 'L'Être et le Néant',* eds. Timothy O'Hagen and Jean-Pierre Boulé (Norwich: University of East Anglia, 1987).
[38] Barbara Cassin, 'Humboldt, Translation, and the *Dictionary of Untranslatables', Forum for Modern Languages Studies* 53(1) (2017), 71-82 (p. 74).
[39] Barbara Cassin, 'Philosophising in Languages', *Nottingham French Studies* 49(2) (2010), 17-28 (p. 18).
[40] Chantal Wright, *Literary Translation* (London: Routledge, 2018), pp. 5, 35.

not on philosophy'.[41] I further discuss the reactions to Parshley's arguably reductive standpoint in Chapter 1, but I want to make the point here that systems of thought, as Wright argues, are of great importance in any exercise of translation, including of texts with literary elements. Others challenge the idea that philosophical writings are part of literary writing, and they therefore clearly separate literature from philosophy to argue that 'in literary translation, syntax overrides lexical specificity, whereas in genres aimed at conveying truth, consistent lexica should convey the golden thread of logic'.[42] This manner of presenting literary and philosophical writings as two distinct types of writing is unhelpful for our purpose because it misleadingly assigns a coherent, or logical, line of argumentation to philosophy only. It is clear that *Surveiller et punir* contains philosophical elements and questions inasmuch as are concerned the intellectual traditions in which Foucault was educated as well as the trends that developed with and alongside his thought.

In this thesis, it was important to place an emphasis on other authors besides Foucault, namely those from whom he draws explicitly by reference and implicitly by mode of thought. For my methodology I draw on Foucault's critique of the author function, to subscribe to the view that the translator serves the author insofar as this authorial figure is tied to a body of thought and furthermore sits within a complex network of ideas. The multilingual conversation that the reading of this book opens does not only draw attention to language(s), but also to various other authors. In addition, in some texts Foucault also expressed views on the stakes of translation, allowing me to reinforce the important place that the author holds in the work of translation.

The text passages that I discuss in the chapters are presented in the form of either a two or three-column table showing the original French on the left alongside the translation(s). The number of columns shows if I either discuss one or both translations at the same time. This varies depending on the focus I have placed on the translation(s) as well as the concept(s) in each chapter. The selection of passages also corresponds, schematically, to the order of chapters and the line of argument in *Surveiller et punir*. Conceived as such, this thesis offers the reader both a preparatory as well as retrospective engagement that brings out the differences between the original and the translations.

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[41] Howard M. Parshley, 'Preface', Simone de Beauvoir, *The Second Sex* (New York: Alfred Knopf, 1957), p. 8, quoted in Wright, *Literary Translation,* p. 35.
[42] Spencer Hawkins, 'Invisible terminology, visible translations: the New Penguin Freud translations and the case against standardized terminology', *The Translator* 24(3) (2018), 233-248 (p. 234).

The comparison between the English and German translations shows that the exchange between philosophies in different languages is not one of harmony, but of difference. In Cassin's words: 'Ce que la traduction doit nous faire immédiatement sentir et expérimenter, à travers la discordance des réseaux terminologiques et syntaxiques, est la force et l'intelligence de la différence des langues.'[43] The thesis reflects my endeavour to account for this difference as it occurred in various ways and places of the original and the translations. I carefully abstain from conceptualisations of languages as well as their differences as overly foreign, exotic, or incompatible with each other since this would lead me to assume a fixed unity within each of the languages under consideration in this thesis, which they do not possess. In this sense, I adhere to the antinomy that Derrida explains in his *Le Monolinguisme de l'autre :* 'on ne parle jamais qu'une seule langue' and 'on ne parle jamais une seule langue'.[44] In this thesis, the linguistic kinships become apparent and this does highlight the overall philosophy of translation I endorse. When giving the analysis a multilingual dimension, it is difficult to frame the argument around word-for-word equivalences. Instead, it is time to draw from such philosophies to highlight the multilingualism of the author.

The research presented in this thesis addresses a reader with proficiencies in French, English, and German, and with some familiarity about the works of Foucault since it does go into the details of the arguments in *Surveiller et punir*. However, I want to be careful not to turn this reader into a collaborator for the purpose of securing my arguments against the imaginary authority of the educated reader. This goes against the desired 'model reader' as imagined by Venuti, who must exist more in theory than in practice:

> My model reader, then, possesses not only proficiency in the foreign and the translating languages, but a willingness to compare the foreign and the translated texts, not only sufficient literary and cultural knowledge to recognize intertextual relations in both texts, but sufficient theoretical sophistication to interpret them in all their interrogative force.[45]

The problem that arises with this demand for the reader to be *equally* knowledgeable and skilful as the translator is that a translation then does no longer serve or help the reader, but in fact transforms the reader into a scrutinising authority. A translation thereby loses its purpose of teaching the reader, and instead integrates the reader in a process of

[43] Cassin, *Éloge de la traduction*, p. 40.
[44] Jacques Derrida, *Le Monolinguisme de l'autre* (Paris: Galilée, 1996), p. 21.
[45] Lawrence Venuti, 'Translation, Intertextuality, Interpretation', *Romance Studies* 27(3) (2009), 157-173 (p. 170).

verification of the work of translation itself. Venuti's argument is certainly noble yet somewhat self-serving for it intends to prevent the translator from hasty accusations and asks for better linguistic education of the readership. It may be more useful not to think of education and cultural knowledge as pre-requisites that the reader must have. Instead, the translation can move the reader towards the author by at least encouraging the reader to educate themselves, and at best offering the education by way of a carefully prepared translation. Translations ought to be undertaken to give access to ideas and debates in foreign languages, not to create an intellectually competitive environment for the already-educated readership only. Furthermore, Venuti's argument poses generally the question of the abstract entity of the 'readership' in which a myriad of individual reader profiles converge. Advocates of this should be asked how the reader can practically partake in the process of translation or its verification because it seems that the scope of such a study of the reception by an unknowable number of readers is hardly manageable – in particular for Foucault who is one of the most highly cited authors of the twentieth century – and is furthermore an undertaking that distances us from Foucault, who, like any author, could not predict all forms of reception: 'Les effets du livre rejaillissaient en des lieux imprévus et dessinaient des formes auxquelles je n'avais pas pensé.'[46]

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This thesis therefore offers an analysis of the translation choices as they shed light on ideas and practices tied to particular historical contexts (*supplice*), on the philosophical theorisation of a material object (*corps*) as well as the exercise of power *(pouvoir* and *violence*), and finally on the development of a complex characteristic of modern society (*surveillance).* Chapter 1, 'Translation and the Author Function', reviews the currently dominant perspectives in translation theories and studies and discusses the few writings in which Foucault himself addresses the question of translation and translating. Chapter 2, '*Supplice:* Punishment, Spectacle, and Torture', focuses on the English translation of *le supplice* as 'torture'. Chapter 3, '(Un)Translating the Body', addresses the translation of *le corps* mainly from the perspective of German language and philosophy. Chapter 4, 'The Translation of Violence', analyses the term *pouvoir* ('power') primarily through the lens of the German language in which *pouvoir* can both be translated as 'violence' as well as 'power'. Chapter

[46] Michel Foucault, 'Le philosophe masqué', in *Dits et écrits II 1975-1986* (N° 285) (Paris: Quarto Gallimard, 2017), 923-929 (p. 923).

5, 'Space, Gaze, and *la surveillance',* demonstrates the difficulties of translating *la surveillance* into English and German.

Although Foucault said that he only studied the birth of the prison in the French penal system, the questions he addresses and arguments he makes naturally connect to many national contexts outside of France.[47] Nonetheless, the themes he discussed have their own histories in their respective national and linguistic spaces. This complicates comparison and above all, renders difficult the application of Foucault's (translated) ideas elsewhere. It is for this reason that a translational perspective on this influential book is needed, to provide informed answers to the way in which the English and German translations differ from the original as well as from one another.

[47] Foucault, *Surveiller et punir,* p. 40 (Pléiade, p. 292).

Chapter 1
Translation and the Author Function

Introduction

Studying theories and philosophies of translation reveals a divide: on the one hand, there are those who encourage the translator to creatively rewrite the original so that it gives the impression of having been written in the target language. On the other hand, there are those who consider the translator to be bound to a stricter literal and conceptual fidelity, making the translation display features of the foreign. In the context of the seminal writings that have defined the scholarly canon on translation, this opposition can perhaps best be summarised in the words of Friedrich Schleiermacher: 'Either the translator leaves the writer alone as much as possible and moves the reader toward the writer, or he leaves the reader alone as much as possible and moves the writer toward the reader.'[48] The approach taken in this thesis prioritizes the author and understands the translator as serving the author. This standpoint is useful for the study of *Surveiller et punir* as the standpoint connects with philosophy and the social sciences. The fact that Foucault has himself offered such a central discussion of the question of the author reinforces the question of the author. Foucault was critical of the concept of the author; he seemingly longed for anonymity, anticipated attempts at categorisation always with the need to explain himself as being different from others and feared disciplinary or generally scholarly classifications. Yet, as Seán Burke demonstrates, especially Foucault's text 'Qu'est-ce qu'un auteur?' in fact contains a tension: despite all efforts to distance himself from any fixed position, Foucault is an author in the very sense that he critically theorised its classificatory function.[49] Fortunately, if we want to take a closer look at translation as part of a research project, Foucault's discomfort can easily be put aside to discuss the

[48] Friedrich Schleiermacher, 'On the Different Methods of Translating', in *Theories of Translation. An Anthology of Essays from Dryden to Derrida,* eds. Rainer Schule and John Biguenet (Chicago: University of Chicago University Press, 1992), 36-54 (p. 42).
[49] Seán Burke, *The Death and Return of the Author. Criticism and Subjectivity in Barthes, Foucault and Derrida* (Edinburgh: Edinburgh University Press, 2008).

difficulties of translation instead. Aside from the dismissal of such perhaps ultimately insignificant attitudes, the author function is of real use for the work of translation.

In this chapter, I set out to demonstrate how and why this is the case, placing Foucault's text 'Qu'est-ce qu'un auteur?' at the core.[50] In the first part, I discuss how time is said to affect the work of translation, where truth is said to be found in the text and how the translator might run the risk of betraying the original, and furthermore the way in which the relationship between style and concepts is defined differently. The second part presents Foucault as a thinker of translation and considers the full introduction he wrote to his translation of Kant's *Anthropologie du point de vue pragmatique* as exemplary of the way in which Foucault understands contextual reconstruction to be central to the work of translation. Then, I discuss a short article he wrote in 1964 on Pierre Klossowski's new translation of *L'Éneide,* 'Les mots qui saignent', in which he reflected on translation. Lastly, I put Cassin's philosophy of the Untranslatable into dialogue with excerpts from Foucault's *L'Archéologie du savoir*.

The Task of the Foucault Translator

It would be unreasonable to detach the work of translation from the figure of the author and the original text. Against trends that announce the disappearance of the author and the birth of infinite profiles of readers, the work of translation relies upon a detailed understanding at several levels of the author, on the one hand, and the text and its contexts on the other. These two elements order the space of knowledge in which the translator produces the translation:

> Un nom d'auteur n'est pas simplement un élément dans un discours (qui peut être sujet ou complément, qui peut être remplacé par un pronom, etc.) ; il exerce par rapport aux discours un certain rôle: il assure une fonction classificatoire; un tel nom permet de regrouper un certain nombre de textes, de les délimiter, d'en exclure quelques-uns, de les opposer à d'autres. En outre il effectue une mise en rapport des textes entre eux…[51]

Studying this space of knowledge shows that philosophical writings especially involve more than two languages. It is partly for this reason that established translation theories

[50] Michel Foucault, 'Qu'est-ce qu'un auteur?', in *Œuvres,* vol. 2, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade, 2015), pp.1258-1280.
[51] Foucault, 'Qu'est-ce qu'un auteur?', p. 1266.

do not come to the translator's assistance for they still commonly conceive of translation – as far as languages of the Western canon are concerned – as an interaction between merely two languages. The source and target texts are understood to be embedded in linguistic cultures that do not substantially draw from others. Derrida writes:

> Notons une des limites des théories de la traduction: elles traitent trop souvent des passages d'une langue à l'autre et ne considèrent pas assez la possibilité pour les langues d'être impliquées *à plus de deux* dans un texte. Comment traduire un texte écrit en plusieurs langues à la fois ? Comment 'rendre' l'effet de pluralité? Et si l'on traduit par plusieurs langues à la fois, appellera-t-on cela traduire?[52]

It is an important feature of scholarly writings that they comprise concepts and arguments from a variety of different, though in Foucault's case mainly major European languages and schools of thought. The translator must be prepared to detect these:

> Philosophical translation between different European languages […] is hemmed not only by a generally acknowledged tradition of paradigmatic philosophical texts, but also by a deep sediment of past linguistic interactions, which authors will have expected their readers to recognize.[53]

The work of authors in philosophy and (critical) theory resides in a network of texts, ideas, events, and debates that is more or less organised and for the most part contingent. For this reason, dictionaries, vocabulary lists, or other types of glossaries may be useful but cannot be sufficient in themselves. The network is constituted by the author's knowledge, or at least familiarity, with a wide range of (central and more marginal) texts, ideas, and debates belonging to both historical and contemporary traditions.[54] The original is part of a philosophical conversation amongst other writers, who respond to, critique, and expand on topics and arguments. In other words, the writing of philosophy and the subsequent work of translation involves a detailed study that reconstructs how the works in question behave towards the text, ideas, events, and debates by which they

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[52] Jacques Derrida, 'Des Tours de Babel', in *Psyché. Inventions de l'autre* (Paris: Galilée, 1987), pp. 207-208, original emphases.

[53] Jonathan Rée, 'The Translation of Philosophy', *New Literary History* 32 (2001) 245-246.

[54] Duncan Large, 'Nietzsche and/in/on Translation', *Journal of Nietzsche Studies* 43(1) (2012) 57-67 (p. 64): '[I]f one bears in mind Nietzsche's characteristic deftness of reference, the metonymic condensation in his allusions to "Plato," "Kant," "Rousseau," and all the rest – a feature that is again in evidence to an increasing extent in the later, more synoptic texts such a *Twilight of the Idols*, where he assumes that the reader will be familiar with all his earlier works and will have followed the twists and turns of his relation to the "problem of Socrates,", for example. Nietzsche assumes familiarity not only with his own earlier works but with the whole Western philosophical tradition, and, as we have seen, with a variety of European and non-European, classical, and modern languages besides German. This is a tall order indeed for the translator, and inevitably many if not most of Nietzsche's references will need to be glossed.' Large comes to conclude that the translator must negotiate all this assumed knowledge in order to provide as much conceptual clarity both in terms of argumentation and references to other texts as Nietzsche himself would have intended.

were or still are surrounded. This principle informs the approach in this thesis. Moreover, I argue that the only way of studying the translation of philosophy is to focus on one author because this challenges extensive generalisations through fixed theories of translation. This argument aligns with recent publications of translators' own experiences such as Mark Polizzotti:

> The answers are rarely the same from case to case. Every new book requires its own rethinking of the problems at hand, and, though certain guidelines might prove helpful, no theory or dogma can replace the translator's work of grappling with the text on its own terms, of devising an appropriate strategy. In other words, and despite the claims of many commentators from ancient times down to the present day, there is no magic, one-size-fits-all method.[55]

There are few publications in which translators speak about their work, but their accounts should be taken seriously and are to be encouraged, particularly when they examine the relationship translators have towards theories of translation. Seitter, who is Foucault's principal German translator, says little about his way of translating Foucault, aside from the fact that he admitted having had a '"naïve" approach' that put him 'in high spirits' because he had never received professional training, which meant that he did not think about translation more theoretically.[56] Moreover, Seitter perceives two opposing 'directions' which could be taken for the work of translation and reflects on their limits. The first demands the original be adapted strictly into a 'purely German, or Germanic, as it were, and in my case actually Austrian text' (though he never specified, even upon further questioning, what this Austrian dimension would involve). The second would be to change the text as little as possible, and 'to trace back as many words as possible to their Latin roots and then create loan words from them, expecting the reader would understand them…'[57] Naturally, the actual task of translation cannot be divided into these two extremes. Negotiating between the two happens at various levels, and this confirms the approach taken in this thesis of avoiding rigid theoretical frameworks. I would suggest that an empirical study examining the translators' perceptions of the usefulness of translation theories could make an important contribution. At present, I place the focus on Foucault's own writings and interactions with other writers and philosophers to offer an informative engagement with published material and current scholarship.

[55] Mark Polizzotti, *Sympathy for the Traitor. A Translation Manifesto* (Cambridge: MIT Press, 2018), p. xv.
[56] Seitter, personal e-mail communication, 03-10-2020, my translation.
[57] Seitter, personal e-mail communication, 19-10-2020, my translation.

Issues of translating Foucault have at times been discussed, yet to this day it is still not a central concern. One of the best known and most thorough debates on translation problems, which also places Foucault's work in a wider context of debates on translation concerns *Histoire de la folie à l'âge classique* and can be found in the third volume of the journal *History of the Human Sciences* (1990).[58] Foucault first published what was based on his *thèse majeure du doctorat d'État* as *Folie et déraison: Histoire de la folie à l'âge classique* with the publishing house Plon in 1961. An abbreviated version was published as *Histoire de la folie à l'âge classique* by Union générale d'éditions (UGE), otherwise known as 10/18 in 1964. Richard Howard translated this version into English as *Madness and Civilisation. A History of Insanity in the Age of Reason* in 1965 and included an additional chapter from the French original. After a reprint in 1964, it was only in 1972 that the unabridged study appeared under the name of *Histoire de la folie à l'âge classique,* accompanied by a new preface by Foucault, which was translated as *History of Madness* by Jonathan Murphy and Jean Khalfa in 2006. The debates that surround *Histoire de la folie* regarding translation can provide some guidance to studying the translations of *Surveiller et punir,* for the former echoes the latter as it examines the relations between exclusion and confinement, medical knowledge, the treatment of mental illness, and punishment of crimes.[59] The contributions in the journal broadly concern how Foucault should be read and critically received by scholars especially of history and historiography. Gordon notes in his opening article that the book in both the original French and English translation has generated quite different responses. He explains that in contrast to praise by French scholars, the methodological approach and writing style of the book left most Anglophone scholars puzzled. Moreover, he argues that the abridged English translation of *Histoire de la folie* – both due to the abridgment and issues of mistranslation – had considerably impeded readings.[60] Gordon's respondents mainly address problems of historical facts and argumentation, yet some comment generally on what is at stake in translation in terms of time, truth and betrayal, and the differentiation between style and concepts. I will now consider each of these in turn in the following sections.

[58] *History of the Human Sciences* 3(1) (1990).
[59] Gordon, '*Histoire de la folie*: an unknown book by Michel Foucault', *History of the Human Sciences* 3(1) (1990) 3-26 (p. 11): '*Histoire de la folie* anticipates *Birth of the Clinic* and *Discipline and Punish* in its account of the medical and economic criticisms of internment, the fearful fascination exercised by the Bastilles and their occupants, and the simultaneous profusion of Utopian proposals for new institutions of correction, 'the best of all possible worlds of evil' (Foucault, 1972: 448-51).'
[60] Gordon, '*Histoire de la folie*: an unknown book by Michel Foucault'.

Translation and Time

The translation of a work is a significant moment because it encounters a new network, in which the author's name expands and meets new debates. However, translations are generally met with criticism:

> Where does it all leave us? It is an interesting (and deplorable) variation on Gresham's Law that the appearance of a bad translation of a major scholar's work seems to preclude or greatly delay the issue of a good one.[61]

The reference to an economic law of the fifteenth century seems irrelevant to the point Andrew Scull intended to make, both regarding the connections to translation studies but also to the suggested economic logic. In a situation of economic competition, Gresham's Law observes that if two coins are in circulation in an economy, the coins made of less valuable material will gradually become the principal coin of exchange. Scull remarks the circumstance in which only one translation exists, i.e., is in circulation, which will hinder the (not yet existing) 'good' translation from being undertaken. In this sense, the 'bad' translation without ever having had to compete with another translation, can claim its status. It is not the case that two translations compete against each other *at the same time, unless* a second translation appears. Undoubtedly, however, it is the regulatory effect more generally to which Scull refers, but it seems that what he regrets are the workings of the publishing industry in general, for which a first 'bad' translation must not be of further concern if the successful introduction of a new foreign author is reflected in sales figures. Once the author has entered the debates, there is little (economic) incentive to renew the engagement with their ideas through a new translation. Generally, translations remain singular events and retranslations appear to be rare and to vary greatly amongst different authors. In this context, Babette E. Babich extends Scull's logic:

> But gratitude can get in the way of criticism. It seems bad form: one is so very pleased that such a necessary, important, influential book [*Nietzsche's Philosophy* by Eugen Fink, translated by Goetz Richter] has been translated that anything seems better than nothing at all. But this common viewpoint is never true: a poor translation is not better than no translation and only makes things worse, for as long as there is no translation, nothing at all, the translation that might be produced, the pure possibility of such can, as Heidegger says, be counted as higher than actuality. But in the real order of

[61] Andrew Scull, 'Michel Foucault's history of madness', *History of the Human Sciences* 3(1) (1990), 57-76 (p. 63).

> things, a translation in the hand trumps any promised translation. Indeed one translation effectively blocks the path to a better translation, especially in a capitalist printer's economy.[62]

Although some second translations of philosophical works have been considered better than the first one,[63] still there can be no structural logic to the translation, reception, and retranslation of works or even a theory of staged translation as suggested by Scull and Babich. For example, following Howard M. Parshley's much criticised first translation of Simone de Beauvoir's *Le Deuxième Sexe* (1953), the second translation by Constance Borde and Sheila Malovany-Chevalier (2009) still received substantial criticism by Toril Moi for issues concerning vocabulary, syntax, punctuation, and tenses.[64] Daigle finds that,

> The new translation is complete, and it fixes a lot of the problems identified in the Parshley translation. It is still flawed and not perfect. But translating is no piece of cake, as anyone with a little bit of experience can attest. […] The new translation, as flawed as it is, has reinvigorated the appeal by putting the work on the map again, so to speak.[65]

It is exceptional for authors to be retranslated. The incentive to start such a project depends on the publishing industry and the assessment of the readership and market, and this may also depend on the degree to which authors have been canonised so that their works continue to be discussed. The problem that becomes apparent already in connection to theorisations of the quality of translation in terms of time is the hope, or even guarantee, of progress if not perfection in that which the work expresses. Such a way of thinking about translation presents the original as already univocal and perfectly clear. Crucially, as the ensuing chapters will show, Foucault in his native French comes up against limits that can make the novelty of his argument a little uncertain: for example, the philosophical elevation of the human body in *Surveiller et punir,* following the way in which Nietzsche separated himself from Cartesian metaphysics by using the other

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[62] Babette E. Babich, 'Nietzsche's "Artists' Metaphysic" and Fink's Ontological "World-Play"', in *International Studies in Philosophy* 37(3) (2005), 163-180 (p. 177).

[63] For example, in 'Nietzsche and/in/on Translation', Large describes the second translations of Nietzsche's *Collected Works* by Walter Kaufman and R.J. Hollingdale as 'far superior' (p. 64). Katherine J. Morris, 'Book Review. Being and Nothingness by Jean-Paul Sartre, translated by Sarah Richmond', *European Journal for Philosophy* 26(4) (2018), 1446-1449 (p. 1449), expects that Sarah Richmond's 'careful, thoughtful, and thought-provoking translation becomes the standard one for use by students as well as professionals', and furthermore concludes that it 'undoubtedly gets closer than Barnes.'

[64] Toril Moi, 'The Adulteress Wife', *London Review of Books* 32(3), 11 February 2010, pp. 3-6, available at https://www.lrb.co.uk/v32/n03/toril-moi/the-adulteress-wife [accessed 22-06-2021]. In a reply to Moi in the *Letters* of the LRB, the two translators counter Moi's criticisms and point to the contractual obligations with the publishers to not improve, add or delete from the original text and that they had tried 'in keeping with contemporary translation practices' to stay as close to de Beauvoir as possible.

[65] Christine Daigle, 'The Impact of the New Translation of *The Second Sex*: Rediscovering de Beauvoir, *The Journal of Speculative Philosophy* 27(3) (2013), 336-347 (pp. 340, 344).

German word for 'body', or *corps,* 'Leib' (Chapter 3); the all-encompassing nature and force of *pouvoir* to all sorts of relations as a non-violent yet residually violent form of power (Chapter 4), but also the dangers of *le regard* as it turns the power of the gaze into a machine of *surveillance* in which human bodies supposedly are transformed into a machines themselves (Chapter 5).

The question of time and timing in the work of translation can be found in other texts in the literature. In 'The Task of the Translator', Walter Benjamin suspects that important works never find their best-suited translator at the time of their emergence *(Entstehung*). He explains that the original survives (*überlebt)* and the translation continues to live (*lebt fort*). These two moments, effectively, describe two periods (*Zeitalter*); the translation which issues from the original always comes after the emergence of the original.[66]

Es darf ein natürlicher [Zusammenhang] genannt werden und zwar genauer ein Zusammenhang des Lebens. So wie die Äußerungen des Lebens innigst mit dem Lebendigen zusammenhängen, ohne ihm etwas zu bedeuten, geht die Übersetzung aus dem Original hervor. Zwar nicht aus seinem Leben so sehr denn aus seinem 'Überleben'. Ist doch die Übersetzung später als das Original und bezeichnet sie doch bei den bedeutenden Werken, die da ihre erwählten Übersetzer niemals im Zeitalter ihrer Entstehung finden, das Stadium ihres Fortlebens.[67]	We may call this connection a natural one, or, more specifically, a vital one. Just as the manifestations of life are intimately connected with the phenomenon of life without being of importance to it, a translation issues from the original – not so much from its life as from its afterlife. For a translation comes later than the original, and since the important works of world literature never find their chosen translators at the time of their origin, their translation marks their stage of continued life.[68]

In everyday German speech, the word *überleben* also means overcoming something difficult or dangerous which is oftentimes life-threatening. Perhaps one way of remedying Scull's pessimistic verdict is to place it within the horizon of *Überleben – Fortleben:* after having survived difficulties such as finding a publisher, entering the book market and debates amongst a large readership, a first 'bad' translation would form a transitional period, an additional moment of struggle that eventually paves the way for a 'good', or at least 'better', translation. This also takes account of the fact that translations are often

[66] Walter Benjamin, 'Die Aufgabe des Übersetzers', in *Gesammelte Schriften Band IV/1* (Frankfurt/Main: Suhrkamp, 1972), pp. 9-21.
[67] Benjamin, 'Die Aufgabe des Übersetzers', p. 10.
[68] Walter Benjamin, 'The Task of the Translator', in *Selected Writings Volume 1 1913-1926,* transl. Harry Zohn (Harvard University Press, 2002), p. 254.

commissioned whereby the translator is approached by a publishing house. Additionally, academics who are specialists of the author or œuvre can be solicited for assisting or reviewing the translation, a task with often low if no remuneration.[69]

Derrida, commenting on Benjamin's 'The Task of the Translator' in his 'Des Tours de Babel', adds that 'telle survie donne un plus de vie, plus qu'une survivance. L'œuvre ne vit pas seulement plus longtemps, elle vit *plus et mieux*, au-dessus des moyens de son auteur.'[70] The first 'bad' translation thus becomes a significant moment in the reception of the original. Furthermore, the original generally thrives on subsequent work of translation and has therefore an overall positive effect because it enables novelty and improvement:

In ihnen [den Übersetzungen] erreicht das Leben des Originals seine stets erneute späteste und umfassende Entfaltung.[71]	In them [the translations] the life of the originals attains its latest, continually renewed, and most complete unfolding.[72]

Others agree that the progression towards a 'good' translation is divided into several stages. In a paper published in 2017, Bennett argues on the basis of English translations of Foucault (she compares passages from *Les Mots et les choses* and *L'Archéologie du savoir* as well as two translations of *L'Ordre du discours*),[73] that the introduction of foreign thought to Anglophone academic debates is best performed through a gradual process by which the translating traverses 'stages': the first two are preparatory steps and the last is of 'the

[69] Sylvie Bosser, 'Pratiques et représentations de la traduction en sciences humaines et sociales', in *Traduire la littérature et les sciences humaines. Conditions et obstacles*, ed. Gisèle Sapiro (Paris: Ministère de la culture – DEPS, 2012), 249-271 (pp. 255-256): 'Les éditeurs n'hésitent pas à faire travailler en binôme un universitaire spécialiste du domaine et un traducteur professionnel. Ils peuvent encore confier la traduction à un universitaire spécialiste du domaine et doté du capital linguistique *ad hoc*, et recourir aux services de doctorants. Si un éditeur obtient une subvention du CNL [Centre national du livre], une partie de cette aide lui sert aussi à rémunérer ces traducteurs non-professionnels. Dans le cas contraire, ce travail de traduction donne lieu au versement de droits d'auteur moins importants que pour un traducteur professionnel. Cet usage, assez courant dans les maisons d'éditions savantes, permet de réduire les coûts tout en s'assurant d'un travail de qualité.'

[70] Jacques Derrida, 'Des Tours de Babel', in *Psyché Inventions de l'autre* (Paris: Galilée, 1987), p. 214, original emphases.

[71] Benjamin, 'Die Aufgabe des Übersetzers', p. 11.

[72] Benjamin, 'The Task of the Translator', p. 255.

[73] There are now three translations: the first, 'The Order on Language', trans. Rubert Swyer published in *Social Science Information* 10(2) (1971) 7-30 and this was reprinted in Michel Foucault, *The Archaeology of Knowledge* (New York: Penguin, 1972); the second 'The Order of Discourse', trans. Ian McLeod published in *Untying the Text: A Poststructuralist Reader*, ed. R. Young (Boston: Routledge, 1981); and the third 'The Order of Discourse', trans. Thomas Schott-Railton, in *Archives of Infamy: Foucault on State Power in the Lives of Ordinary Citizens,* ed. Nancy Luxon (Minneapolis: University of Minnesota Press, 2019), pp. 141-173.

foreignized translation as stand-alone text'.[74] Bennett here draws inspiration from Goethe's theory of three epochs of translation.[75] The first is a 'plain prose translation' that 'surprises us with foreign splendors in the midst of our national domestic sensibility'; the second is the '*parodistic*' epoch in which 'the translator endeavours to transport himself into the foreign situation, but actually only appropriates the foreign idea and represents it as his own'; finally the third epoch begins when perfect identity is achieved with the original 'so that the one does not exist instead of the other, but in the other's place.'[76] Moreover, for Antoine Berman translations become faulty or defective (*défaillant*) by the simple course of time,[77] thus retranslation is a necessary task to prevent translations from becoming outdated:

> Il faut retraduire parce que les traductions vieillissent, et parce qu'aucune n'est *la* traduction: par où l'on voit que traduire est une activité soumise au temps, et une activité qui possède une temporalité propre: celle de la caducité et l'inachèvement.[78]

I have adopted this approach so far because it further adds to it by drawing from literature published after the translations had come out, shedding light on twists in theory, critique, and historical practices. I will however nuance this standpoint later in order to problematise this call to continually retranslate. In Berman's mind, retranslation becomes both means of critiquing the translation's 'bad', or in Berman's words 'défaillant', character as well a way of returning to the original to free it from interpretive layers which have accumulated over time:

> L'essence même de la retraduction y paraît de façon éclatante: renouer avec un original recouvert par ses introductions, restituer sa signifiance, rassembler et épanouir la langue traduisante dans l'effort de restituer cette signifiance, lever, au moins, en partie, cette défaillance de la traduction qui menace éternellement toute culture.[79]

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[74] Bennet, 'Foucault in English. The politics of exoticization', p. 237.
[75] Johann Wolfgang von Goethe, 'Translations', trans. Sharon Sloan, in *Theories of Translation. An Anthology of Essays from Dryden to Derrida*, eds. Rainer Schule and John Biguenet (Chicago: University of Chicago, 1992), pp. 60-63.
[76] Goethe, 'Translations', pp. 60-61, original emphasis.

[77] Stephen Kalberg, 'The *Spirit of Capitalism* Revisited: On the New Translation of Weber's *Protestant Ethic* (1920)', *Max Weber Studies MWS* 2(1) (2001): 'As translations age, they become less accessible to younger audiences. The English language changes quickly, and many of Parsons' terms and formulations, while appropriate earlier, today ring hollow and even odd.
[78]Antoine Berman, 'La retraduction comme espace de la traduction', *Palimpsestes* 4 (1990), p.1, original emphasis.
[79] Berman, 'La retraduction comme espace de la traduction', p. 7.

Berman argues that retranslation is linked to the translator's own 'pulsion traduisante,'[80] meaning that the translator develops a strong personal desire to retranslate. This portrays the translator as uncommonly autonomous and self-determined. Translators must abide by the guidelines of the publishing house and it is customary that they are often not adequately remunerated for their work.[81] A translator's disposition in which personal interest, time to complete detailed research and adequate remuneration converge is still exceptional. However, there may be a manner of freeing the question of retranslation from unhelpful theorisations (and Seitter rightly asks 'who ought to read "all" these translations anyway?'[82]): instead of problematising retranslation as a hurdle to overcome in the publishing industry, it can be further developed as a teaching method. Giving students in languages, philosophy, and the social sciences the opportunity to develop an understanding of texts by way of translation would not only reinforce the necessity of language learning and therefore the value of translation, but also enable a critical understanding of what is at stake in these writings. Retranslation need not be a publishing imperative.

Retranslating, especially such important texts such as those by Foucault that can benefit from a translational update, is generally desirable but Berman's theory can hardly form part of the methodology of this thesis because *Surveiller et punir* has only been translated once into English and German. Yet the way in which time affects the work of translation presents a much more important change to consider. In the period that passes between the first translation and the moment in which this translation is problematised or a new translation is being prepared, knowledge of the author, most notably through the availability of additional material, is likely to have grown considerably. This also concerns the writings of other contemporary or historically preceding schools of thought. The translator is thus better able to situate the author in this network of events, debates, and texts. However, one must remember that the first 'bad' translation has started these debates, and it therefore can be seen as an 'acte d'instauration' in the discourse on the author:

[80] Berman, 'La retraduction comme espace de la traduction', p. 6.
[81] Lawrence Venuti, *The Translator's Invisibility: A History of Translation.* 3rd edition (London: Routledge, 2018), p. 10: Venuti notes that in 2004 the remuneration for freelance translators in the US fell below the poverty line. Yet he states that these results are based on a questionnaire he circulated together with Jeremy Mundany that year and for which they received 60 responses from English-language freelance translators.
[82] Seitter, personal e-mail communication, 19-12-2020, my translation.

> L'acte d'instauration, en effet, est tel, en son essence même, qu'il ne peut pas ne pas être oublié. Ce qui le manifeste, ce qui en dérive, c'est, en même temps, ce qui établit l'écart et ce qui le travestit. Il faut que cet oubli non accidentel soit investi dans des opérations précises, qu'on peut situer, sinon analyser, et réduire par le retour même à cet acte instaurateur. Le verrou de l'oubli n'a pas été surajouté de l'extérieur, il fait partie de la discursivité en question, c'est celle-ci qui lui donne sa loi; l'instauration discursive ainsi oubliée est à la fois la raison d'être du verrou et la clef qui permet de l'ouvrir, de telle sorte que l'oubli et l'empêchement du retour lui-même ne peuvent être levés que par le retour.[83]

The founding act in the receiving culture points in two directions. The first is forward-looking and anticipates the emergence of knowledge on the author following a first translation. The second direction is retrospective insofar as it motivates a return to the original. Foucault specifies that the demand for the return to the text comes from oblivion, ascertaining that parts of the discourse have fallen into oblivion not by mistake or accident, but with fundamentally good faith in the analysis of the author's work. This type of oblivion is not intended but has grown out of the proliferation of statements about the author. In other words, the founding act of this essential and constitutive oblivion is the 'bad' translation. It creates a discursive field in which the discussion of the issues as well as a preparation of a new translation can be placed. Without the critique of the first translation, there cannot be improvement for the subsequent one.

Truth and Betrayal

Translations are still often suspected of 'betraying' the original, and concepts of 'truthfulness' or 'faithfulness' to the original are measurements for the translation's success:

> [Translation] is a sort of literary suburb, lacking a core or personality of its own. If it is not clearly derivative, it is then, treasonous and even treacherous, for it will be misleading. If it is too servile to the alien form, then it is guilty of misfeasance rather than malfeasance, for it has not carried over the natural feel of the original.[84]

Concerning the English translation of *Surveiller et punir,* Patton, as early as 1979, finds that 'this edition gives the appearance of having been hastily prepared' and that '[other errors]

[83] Foucault, 'Qu'est-ce qu'un auteur?', pp. 1276-1277.
[84] Gregory Rabassa, 'If This Be Treason: Translation and Its Possibilities', *The American Scholar* 44(1) (1974-75), 29-39 (p. 29).

do seriously distort the sense of the original'.[85] In relation to *Histoire de la folie,* Megill asserts that 'to be sure, *all* translations are betrayals: *traduttore traditore*. No version can escape accusation'[86] and Pearson almost forgivingly supposes that 'something goes wrong in every translation.'[87] Cecilia Alvstad argues that it comes naturally to the reader to mistrust a translation and thus, they need to enter a 'translation pact [which] invites the reader to read the book as if it were written only by the author.'[88] Hence, translation is portrayed as a suspicious literary product and the reader can never be sure of getting a fair sense of the original text. Trusting the translator is both risky and necessary. It must be reasonable to expect that a translation has been produced to the best of the translator's ability and knowledge of author and text,[89] and that no major modifications have been done to the text that would seriously alter the original's tone and argument. It is obvious, however, that even if the translator engages with the task having good faith and the intention to move the reader towards the author – which may, as Foucault noted, entail that some aspects fall into oblivion – this does not shield the work from criticism. Seitter adheres to such an approach and in the following chapter I shall expose the choices he made that can nonetheless be criticised:

> In fact, the translator must act like a helper (*Hilfskraft),* like a subordinate [who receives orders] (*Befehlsempfänger*) – those orders or prescriptions arrive continuously from the original text. I have never thought of this position as humiliating because I have only ever translated what I wanted to translate – so with a lot of enthusiasm, devotion. 'Serving' [*Dienen*] appears to be the right word to me, although today it is probably frowned upon.[90]

In my e-mail exchange with Seitter, he insisted several times on his own agency as translator: he first asked Foucault after a lecture in 1972 if he would allow him to translate *Naissance de la clinique,* whereupon Foucault handed him the latest edition of the book; he did not economically or even academically depend on translating Foucault's works; and he overall enjoyed translating especially Foucault and experienced it as a form of writing.[91] His personal story is encouraging to read but it does also point to the important difference

[85] Patton, 'Fiche technique', p. 101.
[86] Allan Megill, 'Foucault, ambiguity, and the rhetoric of historiography', *History of the Human Sciences* 3(3) (1990), 343–361 (p. 345), original emphases.
[87] Geoffrey Parson, 'Misunderstanding Foucault', *History of the Human Sciences* 3(3) 363-371 (p. 363).
[88] Cecilia Alvstad, 'The translation pact', *Language and Literature* 23(3) (2014) 270-284 (p. 271).
[89] Jean Boase-Beier, *Stylistic Approaches to Translation* (New York: St. Jerome Publishers, 2006), pp. 108-109: 'While the critic might be content to note the indeterminacy of literary meaning (to a greater or lesser degree, depending upon her or his point of view) a translator has to go on to produce a target text which will be seen by its readers to be a reasonable rendering of a reasonable number of aspects of the source text.'
[90] Seitter, personal e-mail communication, 05-12-2020, my translation.
[91] Seitter, personal e-mail communication, 27-09-2020, 03-10-2020, my translation.

between translation as a profession offering a living wage and a pure intellectual activity: often philosophy students and graduates do translation work during their studies for income and to build their CV, and in some programmes, translation forms part of their training.

This sense of servitude that Seitter describes suggests that the translator is not placed in a position that would allow him to assess the author's claim to offer a truthful examination of the study's content. Nonetheless, Seitter appears to have done this: in Chapter 3, I discuss the implications of Seitter's judgment about Nietzsche's concept of 'Leib' ('body'). The preservation of truth remains a firm element in translation theories. Derrida conceptualises the process of translation as a religious act by which the truth contained in the original is elevated by the translation:

> Est-ce qu'elle n'assure pas ces *deux* survies [*Überleben – Fortleben*] en perdant la chair au cours d'une opération de change ? En élevant le signifiant vers son sens ou sa valeur, mais tout en gardant la mémoire endeuillée et endettée du corps singulier, du corps premier, du corps unique qu'elle relève et sauve et relève ainsi? […] La mesure de la relève ou de la relevance, le prix d'une traduction, c'est toujours ce qu'on appelle le sens, voire la valeur, la garde, la vérité comme garde (*Wahrheit, bewahren*) ou la valeur du sens, à savoir ce qui, se libérant du corps, s'élève au-dessus de lui, l'intériorise, le spiritualise, le garde en mémoire.[92]

For Derrida, translation thus becomes a movement of preservation as well as elevation, both happening at the same time, that brings the original's truth into existence. This process also ensures that the truth settles in memory. Truth in translation is thus not produced, but instead contained in the original text. Thus, if the truth resides in the original and awaits its emergence in translation, a return to the original text is always necessary. This links to the earlier quoted passage from Foucault's text on the author function inasmuch as 'le retour même à cet acte instaurateur' enables us to include things in the study of the author that have been previously forgotten or otherwise put aside.[93] Now who, if not the author, is calling into existence this truth to be preserved and returned to? Burke suggests that Derrida's and Foucault's anti-auteurism is a theoretical impasse arguing against itself because neither manages to free *themselves,* as authors precisely, from their own critique. Centrally, Burke explains that Foucault's author function does not make the case for the liberation from these theoretical clutches, but

[92] Jacques Derrida, 'Qu'est-ce qu'une traduction relevante?', in *Jacques Derrida*, eds. Marie-Louise Mallet and Ginette Michaud (Paris: L'Herne, 2004), p. 574, original emphases.
[93] Foucault, 'Qu'est-ce qu'un auteur?', pp. 1276-1277.

instead presents why it matters: except for natural sciences and psychoanalysis, the fields of study are transformed *only* by the discovery of a text of *the* author who already exercises their classificatory role. In short, to change a disciplinary field, one must be an author.[94] The other point Burke makes concerns the supposed relativity of truth in their respective methods. Burke appears to criticise Foucault for being dishonest about the academic status he occupies himself as well as his approach.

> [Foucault's] is the discourse of all discourse, the one site from which the rules of formation of four centuries of writing can be revealed. Foucault therefore cannot avoid becoming the author of his own text, and it is precisely the monumental and totalising nature of that text [the archaeology] which conspires to make the authority of the archaeologist unquestionably problematic.[95]

Foucault must thus be understood as an author in the very sense that he describes it himself, expressing in his writings a truth about historical developments and moral values as he understands it. The network of ideas, texts, and debates that are thereby attached to his name are important to the translator as they shed light on the problems discussed. It may in this sense be considered a betrayal if the translator dismisses the author function.

Style and Concepts

The relationship between style and concepts essentially involves the way in which the text makes apparent that the author belongs to a national culture and language (of philosophy, in Foucault's case) as well as how the author shows their own individuality by argumentative or stylistic contribution. The understanding of this difference varies. In the English-speaking world, Foucault's works are often considered difficult or even 'abstract, a quality that for some reason is sometimes considered annoying',[96] based on a particularly dense, obscure, and puzzling writing style. Generally, this impression is not limited to a specific book, but applies to Foucault's entire œuvre. For example, in a review of *Discipline and Punish* Clifford Geertz points to 'his tense, impacted prose style, which manages to seem imperious and doubt-ridden at the same time.'[97] The same applies coming from other English-speaking scholars who have read Foucault in translation. Dominick

[94] Burke, *The Death and Return of the Author*, p. 89.
[95] Burke, *The Death and Return of the Author*, p. 93.
[96] Edward W. Said, 'Michel Foucault as an Intellectual Imagination', *boundary* 2 1(1) (1972) 1-36 (p. 2).
[97] Clifford Geertz, 'Stir Crazy', in *The New York Review of Books*, 26th January 1978, no page number.

LaCapra finds that 'in *Histoire de la folie* one can see Foucault lyrically acting out.'[98] Megill notes that 'Foucault's own writing is highly "literary", ambiguous…; it is also difficult, gnomic, puzzling, paradoxical, suggestive, playful, erudite, recondite, learned and allusive….'[99] Then, Philp generally criticises both the way in which Sheridan and others have translated Foucault, but also how Foucault contributes himself to the lack of clarity through his style:

> One either speaks Foucault's language, or one is condemned by it. Recognizing this should help us to recognize that if there are problems in understanding Foucault, these arise not because of the language in which Foucault writes, but because of what he will not say.[100]

In this sense, it is not generally the French language that would resist translation, but more specifically Foucault's way of writing that would leave much of his argument unclear. Most of the passages selected from *Surveiller et punir* for this thesis show that Foucault's translators have often opted for an exact reproduction in English of the Foucauldian syntax, with numerous subclauses and rhetorical devices of repetition, which arguably leads to confusion amongst English readers.

Tensions between writing style, the use of literary devices and figures of speech and the argumentative outline raise the question of the relationship between style and concepts, and this matters in Foucault because of central philosophical concepts that support his method and argumentation. Often the text is understood as a binary construction of style and concepts. At issue are arguments of style and concepts as opposites or as equal textual constituents. Some English- and French-language scholars have suggested that concepts form the core part of the text and are more important than style. For example, Immanuel Wallerstein argues that 'a social science text utilizes concepts as the central mode of communication'[101], and Peter Ghosh adds that 'concepts are the lynch-pins around which sequential argument is constructed',[102] and more generally demands the following:

> Translation should not be undertaken by a linguist, then to be checked or revised by a historian; it should be done by an historian *ab initio* and then, to be sure, revised by a linguist. Furthermore, the only properly equipped historian is an historian of ideas.[103]

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[98] Dominick LaCapra, 'Foucault, history and madness', *History of the Human Sciences* 3(1) 31-38 (p. 37).
[99] Megill, 'Foucault, ambiguity and the rhetoric of historiography', pp. 348, 356.
[100] Philp, 'Foucault on Power. A Problem in Radical Translation?', p. 50.
[101] Immanuel Wallerstein, 'Concepts in the Social Sciences: Problems of Translation', in *Translation Spectrum. Essays in Theory and Practice,* ed. by Marilyn Gaddis Rose (Albany: State University of New York Press, 1981), p. 88.
[102] Peter Ghosh, 'Translation as a Conceptual Act'*, Max Weber Studies* 2(1) (2001) 59-63 (p. 61).
[103] Ghosh, 'Translation as Conceptual Act', p. 61.

Ghosh here argues that the meaning of concepts needs to be considered in the time in which they emerged, were discussed, and also changed meaning. Furthermore, Ghosh places a disciplinary perimeter that privileges and demands an academic training in history and especially in the history of ideas. It would certainly be unwarranted to accuse Sheridan and Seitter of lacking historical knowledge or awareness for translating Foucault: Sheridan's monograph *Michel Foucault. The Will to Truth* (1980) expresses a serious engagement with the author and his works, and Seitter began at the time to build his academic career, too. Moreover, even if Foucault would certainly share Ghosh's caution to study concepts in their historical contexts, their very idea of history appears to diverge considerably. Ghosh understands that studies in intellectual history would determine the author's 'sequential argument'. It was particularly important for Foucault to account for the disruptions and inconsistencies in the emergence of material formations such as the prison – in this sense, a more traditionally trained historian of ideas would perhaps want to contradict Foucault, which would defeat the approach of the translator serving the author. Ghosh thus appears to posit some questionable expectations, instead of proposing a practicable method.

However, Michèle Leclerc-Olive attempts to do this by introducing a conceptual division for the analysis of intertextuality between 'les concepts opératoires' and 'les concepts thématiques':

> La distinction introduite […] permet précisément d'analyser les formes d'intertextualité qui affilient un texte à l'espace de débat dans lequel il apporte sa parole propre. On pourrait dire […] que les concepts thématiques soutiennent la contribution créative de l'auteur et que les concepts opératoires lui servent tout à la fois à expliciter l'originalité de sa pensée – penser sur – et à permettre l'accueil de celle-ci – penser avec – dans un environnement conceptuel hypothétiquement partagé, notamment par l'auteur et ses lecteurs.[104]

Thematic concepts express the general theme with which the author engages, whilst forming the original contribution the author makes to that theme. Operative concepts would then support the argumentative structure. But translating these two different types of concepts does not involve the same approach:

> La traduction des concepts opératoires ne fait pas toujours l'objet d'une enquête analogue à celle qui est menée pour les concepts thématiques: on pense parfois distribuer les nuances qu'on y projette dans le reste de la phrase alors même que c'est sur leur forme cristallisée que repose la pensée de

[104] Michèle Leclerc-Olive, 'Traduire les sciences humaines. Auteurs, traducteurs et incertitudes', *Meta* 61(1) (2016) 44-45.

> l'auteur. S'introduit ici une source d'incertitude propre au travail de la traduction et pour laquelle l'auteur n'est, par définition même, d'aucun secours. En effet, s'ouvre pour le traducteur un champ d'investigation que l'auteur n'a pas lui-même exploré.[105]

The split of operative and thematic concepts in Leclerc-Olive's model makes room for a theorisation of uncertainty in the work of translation. She suggests that this uncertainty cannot be resolved by the author themselves; instead, the translator is required to leave the author behind and to explore the possible discursive fields of the translation's theme. In short, the choices of translation are no longer made on the level of the text written by the author, but on the level of the discourse. In this sense, two things become clear following Leclerc-Olive. Firstly, the argument of uncertainty underlines that translation is ever hesitant towards these two conceptual camps and therefore cannot help solving questions about 'what the author really meant' or where meaning comes from. Burke states:

> Reading biographically is not a neutralising, simplifying activity. So far from functioning as an ideal figure, from figuring as a function of Cartesian certitude, the author operates as a principle of uncertainty in the text, like the scientist whose presence invariably disrupts the scientificity of the observation.[106]

In this sense, we may ask: how is Leclerc-Olive's division helpful? Precisely because it presents the work of translation and generally the encounter between languages as essentially unable to provide definite answers. In other words, translation does work towards an interpretive end. Nonetheless, the division of style and concept may correspond to a methodological difference: one can study the role of style in translation at the textual level (e.g., identifying figures of speech and specific expression etc.), and one can explore the role of the author's concepts in the discursive formations in which they circulate (debates about ideas). The latter is a study of the reception by others which sets out different questions and approaches. Both are equally important, but a different emphasis would change this project's outlook. In this sense, the couple style-concept ought to be thought of as an association and not a division, for concepts are as anchored in the style of the text. Exploring the style implies studying concepts (or vice versa) because the 'how' as the description of a reality, is tied to the conclusion one draws from it. Or to speak with Gilles Deleuze and Félix Guattari, if concepts are multiplicities that

[105] Leclerc-Olive, 'Traduire les sciences humaines. Auteurs, traducteurs et incertitudes', p. 46.
[106] Burke, *The Death and Return of the Author*, p. 183.

describe a sensory field experienced as the real world,[107] and if style can exceed this personal experience and demonstrate the multiplicities as comprehensible to others and outside of the subject,[108] the couple concept-style becomes indissociable. Their association forms 'une image de la pensée,' which underlines the cognitive power to create concepts, in which style is a necessary component of the conceptual multiplicity. [109] A concept always needs to be explained; concepts are not simply one-word entities belonging to a metalanguage that lies beneath style (and Foucault would certainly reject that himself to avoid being cast as structuralist). Roland Barthes writes that:

> Nous ne pouvons donc plus *voir* le texte comme l'agencement binaire d'un fond et d'une forme ; le texte n'est pas double, mais multiple ; dans le texte il n'y a que des formes, ou plus exactement, le texte n'est dans son ensemble qu'une multiplicité de formes – sans fond.[110]

This suggests that the relationship between style and concept is not vertical but horizontal, and furthermore that their interplay of style and concepts forms a specific relation. *Surveiller et punir* contains several images of events and figures – most prominently Damiens' *supplice*, the ideal figure of the soldier, the Panopticon, the punitive city, and the chain-gang – that carry conceptual significance. The images serve to illustrate the connection between the mental climate from which ideas and beliefs emerged (concepts) and the description of the immediately tangible experience of the material world (style).

A good example of how style and concepts interconnect in Foucault's writing concerns the way he uses negations. Two lines of analysis are present in the book. On the one hand, the institutionalised discourse upon which the mechanisms of modern penal laws are founded, and on the other Foucault's critical revision thereof. These two thematic series are intertwined via the alternation by negation and affirmation. It is common to find sentences constructed following this pattern: 'non pas… mais…', for example:

> Cette production de la délinquance et son investissement par l'appareil pénal, il faut les prendre pour ce qu'ils sont: non pas des résultats acquis une fois pour toutes mais des tactiques qui se déplacent dans la mesure où elles n'atteignent jamais tout à fait leur but.[111]

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[107] Gilles Deleuze and Félix Guattari, *Qu'est-ce que la philosophie?* (Paris: Minuit, 2019), pp. 24-25.
[108] Deleuze and Guattari, *Qu'est-ce que la philosophie?,* pp. 203-204.
[109] Deleuze and Guattari, *Qu'est-ce que la philosophie?*, pp. 78-79.
[110] Roland Barthes, 'Le style et son image', in *Œuvres complètes. Tome III 1968-1971*, ed. by Éric Marty (Paris: Seuil, 1993), p. 975.
[111] Foucault, *Surveiller et punir*, p. 333 (Pléiade, p. 583).

Foucault uses the above structure also in the form of anaphora: 'Non pas… mais... Non pas… mais… Non pas… mais…'[112]; and in other anaphoric forms such as 'Plus de… Plus de… Plus de…'[113]; 'pas de… pas de… pas de…'[114]; 'Différentes de… Différentes de… Différentes de…'[115] This is not only a stylistic amplification, but also a conceptual problematisation of how we look at policies, treatments, or judgments. Foucault reminds his reader to maintain a critical attitude towards any of the modern humanitarian accomplishments by using variations such as: 'Mais il ne faut pas s'y tromper…' or 'Mais il ne faut pas oublier…'[116] Instead, the mechanisms Foucault uncovers present a more pragmatic and calculated justification to produce and maintain power relations.

In Dialogue with the Author: Foucault on Translation

Foucault is not a philosopher of translation per se, but there are some texts that are telling about how he understood the task of translation. He translated philosophical, psychological, and physiological texts himself and below I present several points he makes in his introduction to his translation of Kant's *Anthropologie*. He also commented on translation in an article on Pierre Klossowski's translation of *L'Éneide*. Furthermore, Foucault occasionally discusses the question of identity and difference between original and translation in *L'Archéologie du savoir* and I propose to read these remarks in light of Cassin's philosophy of the Untranslatable.

It is useful to engage with Foucault's abovementioned writings on translation for it adds to an understanding of who he was as an author. Heidegger once wrote: 'Tell me what you think of translation, and I will tell you who you are.'[117] If we take this seriously, the following comments on what Foucault had to say about translation are important.

[112] Foucault, *Surveiller et punir*, pp. 198, 215 (Pléiade, pp. 443, 462).
[113] Foucault, *Surveiller et punir*, pp. 19, 236 (Pléiade, pp. 272, 483)
[114] Foucault, *Surveiller et punir*, p 234 (Pléiade, p. 480).
[115] Foucault, *Surveiller et punir*, p. 162 (Pléiade, pp. 401-402).
[116] Foucault, *Surveiller et punir*, pp. 38, 41, 42, 47, 66, 171, 197, 198, 227, 262, 263, 332 (Pléiade, pp. 291, 293, 298, 316, 414, 442, 443, 474, 509, 510, 582).
[117] Martin Heidegger, *Hölderlin's Hym The Ister*, trans. Willliam McNeill and Julia Davis (Bloomington & Indianapolis: Indiana University Press, 1996), p. 63.

Foucault translates Kant

In 1961 Foucault submitted as his *thèse complémentaire* a translation of Kant's *Anthropologie in pragmatischer Sicht* (1798) with a long introduction to the text. His translation was published in 1964, although with a shorter *notice historique*. It was not until 2008 that the introduction he wrote initially for his submission was published as *Anthropologie du point de vue pragmatique, précédé de Michel Foucault Introduction à l'Anthropologie.*[118] Foucault's introduction gives a valuable insight into the way he approached the task of translating the *Anthropologie*. However, this introduction is not a comment on translation but is telling about the way in which Foucault considered crucial the contextualisation of the foreign text for the purpose of translation. In a recent monograph, Elden provides a more detailed discussion of the translation of key concepts in the text.[119] A central task of Foucault's introduction consists of understanding 'l'Architectonique de l'œuvre'[120] to work out 'ce que veut dire l'Anthropologie'.[121] Foucault analyses the way in which this text, and more generally Kant's entire œuvre, emerged and what its core ideas and concerns are. Foucault speaks of a 'coefficient de stabilité' to detect regularities of intellectual development and thematic links within and between Kant's philosophy and others, but also to frame the central guiding idea in the text, which, according to Foucault is 'une certaine image concrète de l'homme.'[122] The aspects Foucault discusses in detail and that are important in relation to my previously made argument on the task of translating philosophical texts are: (1) the origin or emergence of the text; (2) the words, concepts and key terms; (3) Kant's philosophical language and (4) the network of ideas in which the text sits.

(1) *Origin or emergence of the text*: It is important for Foucault to date the emergence of the text. The publication of the *Anthropologie* was born out of lectures Kant gave over thirty years before deciding to turn them into a book at the end of his life. Foucault claims that there is no documentation left from before its official publication in 1798 – though today we know that he was wrong because the surviving lectures on anthropology have been published in the *Akademie Ausgabe* with a selection translated – and subsequently discusses

[118] Kant, *Anthropologie,* trans. Michel Foucault.
[119] Elden, *The Early Foucault* (Cambridge: Polity, 2021), pp. 154-166.
[120] Foucault, *Introduction à l'Anthropologie*, p. 20.
[121] Foucault, *Introduction à l'Anthropologie*, p. 48.
[122] Foucault, *Introduction à l'Anthropologie*, p. 12.

two other possible dates of emergence.[123] The dating of the text is significant insofar as it permits Foucault to determine which other writings by Kant can help decipher the broader meaning of the *Anthropologie*:

> En elle-même cette précision de date n'est ni tout à fait indifférente, ni tout à fait décisive. Elle prend son sens – et la mesure de ce sens – si on rapproche le texte rédigé à ce moment-là, non seulement de ceux qui lui sont contemporains, mais de ceux qui avoisinaient, dans le temps, les premiers cours d'*Anthropologie*.[124]

Foucault thus reads the *Anthropologie* alongside the *Critique of Pure Reason* to trace the intellectual development of Kant. Foucault nonetheless states that in any case 'aucun de ces deux [la Critique ou l'Anthropologie] cependant ne mérite aucune absolue confiance.'[125] He posits that the *Anthropologie* does therefore not allow for a conclusive reading for it rests on unknowable interpretive layers. He points to the uncertainties about the text's emergence and to the possible changes both within Kant's own thinking as well as the broader philosophical context in which the *Anthropologie* developed: 'De ce texte, formé et développé pendant vingt-cinq ans, transformé certainement à mesure que la pensée kantienne se dégageait dans de nouvelles formulations, nous n'avons donc qu'un état: le dernier.'[126] Foucault is thus aware in dealing with a text of which the final form has emerged from various unknown or no longer accessible sources and which cannot be read as definitely conclusive. He thus challenges the idea of 'the original' as a cohesive entity.

(2) *Words, concepts, and key terms*: In his introduction Foucault discusses the original German terms without translating or adding a translation in brackets. The two texts – introduction and translation – therefore are different. The difference of these two texts may be due to the audience for which it was written: Foucault's translation was read by a doctoral panel, and the later published introduction by a larger readership. Whilst the introduction exposes the German philosophical vocabulary, Foucault makes definite terminological choices for the French reader in the translation, though this might become problematical

[123] Foucault translated the second edition, Immanuel Kant, *Anthropologie aus pragmatischer Hinsicht abgefaßt,* Vol. 7 (Königsberg: Nicolovius, 1800). For his editorial work he also used the eleven-volume Cassirer edition of Kant's works, which Defert reports he bought in Germany, *Immanuel Kants Werke*, ed. by Ernst Cassirer (Berlin: Bruno Cassirer, 1912-23). The lectures translated into English are to be found in a later edition, Immanuel Kant, *Lectures on Anthropology,* ed. by Alan W. Wood and trans. Robert B. Louden (Cambridge: Cambridge University Press, 2012).
[124] Foucault, *Introduction à l'Anthropologie*, p. 17.
[125] Foucault, *Introduction à l'Anthropologie*, p. 12.
[126] Foucault, *Introduction à l'Anthropologie*, p. 12.

for example when it comes to translating *Gemüt*. Foucault identifies *Gemüt* as 'élément premier de son exploration [de l'Anthropologie]',[127] which must be understood in relation to *Geist* and not as a substitute or alternative term.[128] Foucault translates *Gemüt* principally as *esprit* which may in turn refer both to *Gemüt* and *Geist*.[129] Foucault twice translates *Gemüt* as *âme*.[130] But Kant also speaks of *Seele,* which Foucault subsequently renders *âme*. The important relation of body and soul for Foucault is possibly anticipated here already, yet only becomes apparent through a detailed and systematic comparison of the German original alongside Foucault's translation. In any case, Foucault perceives a conceptual network constituted of key words, or elements as he writes, that define the argument in the text.

(3) *Kant's philosophical language*: Foucault understands that Kant's ideas and writing style reflect the national tradition of eighteenth-century Germany despite Kant's efforts to expand to and consider other cultures:

> L'Anthropologie est donc enracinée dans un système d'expression et d'expérience qui est un système allemand. Sans doute Kant essaie-t-il de dépasser ce domaine donné par des analyses de pratiques étrangères, ou par des références à d'autres ensembles linguistiques. Sans doute se sert-il de ce qu'il y a de plus particulier dans son expérience pour en dominer les limites : Königsberg, capitale administrative, ville d'Université et de commerce, croisement de routes, proche de la mer, a une valeur constante d'enseignement pour comprendre l'homme comme citoyen du monde tout entier. Mais tout ceci n'empêche pas que l'Anthropologie dans son ensemble se déroule dans un domaine géographique et linguistique dont elle n'est, ni en fait, ni en droit, dissociable. C'est une réflexion sur et dans un système de signes constitués et enveloppants.[131]

This would mean that the study of other cultures always passes through the lens of one's own 'home' culture. It seems that Foucault describes here what Deleuze and Guattari termed 'géophilosophie' almost thirty years later:

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[127] Foucault, *Introduction à l'Anthropologie*, p. 34.
[128] Foucault, *Introduction à l'Anthropologie*, p. 39 : 'Telle est donc la fonction du *Geist:* non pas organiser le *Gemüt* de manière à en faire un être vivant, ou l'analogon de la vie organique, ou encore la vie de l'Absolu lui-même; mais le vivifier, faire naître dans la passivité du *Gemüt,* qui est celle de la détermination empirique, le mouvement fourmillant des idées – ces structures multiples d'une totalité en devenir, qui se font et se défont comme autant de vies partielles qui vivent et meurent dans l'esprit. Ainsi le *Gemüt* n'est pas simplement "ce qu'il est", mais "ce qu'il fait de lui-même".
[129] For example, Hegel's *Phänomenologie des Geistes* appeared eight years later in 1807 and was subsequently translated as *Phénoménologie de l'Esprit* in French, most famously by Jean Hyppolite who in 1946 translated this text and wrote a commentary, and he was furthermore Foucault's *rapporteur de thèse*. Yet Foucault clarifies that *Geist* and *Gemüt* are not the same. In English, *Geist* offers two possibilities: mind and spirit, both of which have been chosen for translation.
[130] Kant, *Anthropologie*, trans. Michel Foucault, pp. 100, 153.
[131] Foucault, *Introduction à l'Anthropologie*, p. 61.

> En effet, ce n'est pas seulement le philosophe qui a une nation en tant qu'homme, c'est la philosophie qui se reterritorialise sur l'État national et l'esprit du peuple (le plus souvent ceux du philosophe, mais pas toujours).[132]

In addition to this home culture, man actualises his potential as a citizen of the world through language:

> En fait, l'homme de l'*Anthropologie* est bien *Weltbürger*, mais non pas dans la mesure où il fait partie de tel groupe social ou de telle institution. Mais purement et simplement parce qu'il parle. C'est dans l'échange du langage que, tout à la fois, il atteint et accomplit lui-même l'universel concret. Sa résidence dans le monde est originairement séjour du langage.[133]

Language thus does not determine man, but rather man *is* in the world through language. Truth, then, does not exist before language, but is part of a movement in which languages and truth are involved:

> La vérité que met au jour l'*Anthropologie* n'est donc pas une vérité antérieure au langage et qu'il serait chargé de transmettre. C'est une vérité plus intérieure et plus complexe, puisqu'elle est dans le mouvement même de l'échange, et que l'échange accomplit la vérité universelle de l'homme.[134]

Linguistic exchange – we could say here translation – is necessary to actualise the truth of man. The relationship between man and language is such that the language that man develops, by speaking, in fact cements the idea that knowledge is universal. In short, language, by the very act of speaking, gives rise to the universal. This point is fundamentally different from Cassin's philosophy of the Untranslatable, to which I turn later, yet it is important to show that Foucault identifies Kant's conceptualisation of the *Weltbürger* as a way of doing philosophy that is conditioned by the national and cultural space that the philosopher inhabits. As Foucault writes, this also determines the *style* in which Kant writes as well as reinforces the argument that style and concepts are not separate entities in a text.

(4) *The network of ideas in which the text sits*: Foucault is interested in understanding 'la place possible de *l'Anthropologie*'[135] by which he means how philosophical ideas and debates of the time – 'les principaux et les plus récents soucis de la réflexion'[136] – was foundational for the development of a normative knowledge through the *Anthropologie* as *une science de*

[132] Deleuze and Guattari, *Qu'est-ce que la philosophie?*, p. 122.
[133] Foucault, *Introduction à l'Anthropologie*, pp. 64-65, original emphases.
[134] Foucault, *Introduction à l'Anthropologie*, p. 65.
[135] Foucault, *Introduction à l'Anthropologie*, p. 24.
[136] Foucault, *Introduction à l'Anthropologie*, p. 20.

l'homme. Foucault is intrigued by the philosophical question 'Was ist der Mensch?' and he wants to understand how the *Anthropologie* is linked to other texts of Kant's œuvre, but also to texts by other authors. On pages 20-31 Foucault writes a general overview of the philosophical problems of that period. On pages 31-34 Foucault detects 'un certain nombre de thèmes […] déjà en place', thereby anticipating the subsequent turns the history of ideas will take with and after Kant. Foucault also mentions other writings at the time that were likely to have influenced the emergence of the *Anthropologie*: '[…] l'antériorité de certains textes autorise à penser que Kant les a effectivement connus et utilisés dans son Anthropologie'[137]; but also more generally of Kant's thought: 'Enfin on peut, sans crainte de trop grandes erreurs relever l'influence de certains textes sur le développement même de l'œuvre de Kant.'[138] Foucault's argument here is that the text's emergence cannot be pinpointed to one single occurrence in history, but instead was born out of a multiplicity of events, practices, and subsequent questions in philosophy.

Foucault's introduction to his translation of Kant's *Anthropologie* is not a translator's comment, or note, in which the approach to the very task of translation in accordance with the vocabulary, style and general theme of the text is outlined. Instead, it is a critical introduction in which Foucault anticipates for the reader what the *Anthropologie* 'means' in relation to the entirety of Kant's œuvre. In addition, Foucault chose not to publish his *thèse complémentaire,* and it must be read as being destined to a select readership comprising Jean Hyppolite, Georges Canguilhem, Henri Gouhier, Daniel Lagache, and Maurice de Gandillac. Yet one also comes to realise what the *Anthropologie* means for Foucault. In this sense it cannot really be read as the outline of a theory of or methodology for translation. Although Foucault does not problematise biographical or otherwise personal aspects of Kant's life, his efforts of sketching out the conditions of possibility of the *Anthropologie* show already the role of the author function. Even if this work forms part of Foucault's doctoral training and therefore early intellectual development of his own methods and ways of thinking, reading this introduction alongside later texts such as 'Qu'est-ce qu'un auteur?' only reinforces the importance of the author from which Foucault cannot free others, let alone himself. Foucault wrote this introduction in preparation for a translation, and he discussed aspects such as the text's emergence, words and concepts, style and choices of expression, and the conceptual framework in which he situates Kant's Anthropologie. If Foucault judged these points as informative for the work of translation

[137] Foucault, *Introduction à l'Anthropologie*, p. 69.
[138] Foucault, *Introduction à l'Anthropologie*, p. 70.

and interpretation, I suggest they also must be considered in the analysis of translations of Foucault.

Disruptive Translation

In 1964 Foucault wrote a short commentary for the magazine *L'Express* entitled 'Les mots qui saignent', in which he discussed the new French translation of *The Aeneid* by Pierre Klossowski, *L'Éneide*.[139] The question of order and the power of translation to reorder a language remain at the core of this commentary, in which Foucault defines two ways of translation serving two different functions.

He considers 'good' the first kind of translation when it exactly mirrors the source text's identity through the sense and the value of its beauty. He assumes that there would be an order common either to both languages or to language in general that permits, in turn, the translator to preserve the source text's order as it is. In this first kind of translation, the two languages experience a process of gentle transfer and integration:

> Il faut bien admettre qu'il existe deux sortes de traductions; elles n'ont ni même fonction ni même nature. Les unes font passer dans une autre langue une chose qui doit rester identique (le sens, la valeur de beauté); elles sont bonnes quand elles vont 'du pareil au même'.[140]

In contrast, the second kind of translation should not reproduce the sense, but instead create confusion. The order of the target language is radically changed through such translation, its surface shattered. The two languages here enter a conflict in which they confront each other: they witness the collision in which they are both equally involved, acknowledge, and recognise the impact left and finally endeavour to trace and locate the point of entry. Foucault describes a violent encounter of the two languages that carries the power of destruction and reordering. Order is overthrown instead of being preserved, and established linguistic norms are contested:

> Et puis, il y a celles qui jettent un langage contre un autre, assistent au choc, constatent l'incidence et mesurent l'angle. Elles prennent pour projectile le texte original et traitent la langue d'arrivée comme une cible. Leur tâche n'est pas de ramener à soi un sens né d'ailleurs ; mais de dérouter, par la langue qu'on traduit, celle dans laquelle on traduit. On peut hacher la continuité de la prose française par la dispersion poétique d'Hölderlin. On peut aussi faire

[139] Michel Foucault, 'Les mots qui saignent', in *Dits et écrits I 1954-1975* (N° 27) (Paris: Quarto Gallimard, 2001), pp. 452-455.
[140] Foucault, 'Les mots qui saignent', pp. 453-454.

> éclater l'ordonnance du français en lui imposant la procession et la cérémonie du vers virgilien.[141]

The second type of translation is disruptive and removes all immediate familiarity from the text. The recognition of the original text within the translation is merely assumed at first sight before becoming clearly apparent. The impression of difference and confusion prevails. Foucault evokes the image of a negative reproduction of the original:

> Une traduction de ce genre vaut comme le négatif de l'œuvre: elle est sa trace creusée dans la langue qui la reçoit. Ce qu'elle délivre, ce n'est ni sa transcription ni son équivalent, mais la marque vide, et pour la première fois indubitable, de sa présence réelle.[142]

This form of disruptive translation reveals 'sa présence réelle': language becomes language itself, outside of man. In an essay in 1966 'La pensée du dehors' he writes that 'l'être du langage n'apparaît pour lui-même que dans la disparition du sujet.'[143] Perhaps his comment on Klossowski can be read as precursor to this essay as something like 'le dehors de la traduction': through the act of translation, the author of the original leaves the text and is outside of it. The text thus becomes the text itself. But where will this eventually lead us? Foucault himself is uncertain of this, too:

> Il faudra bien un jour essayer de définir les formes et les catégories fondamentales de cette 'pensée de dehors'. […] [C]ar, si dans une telle expérience il s'agit bien de passer 'hors de soi', c'est pour se retrouver finalement, s'envelopper et se recueillir dans l'intériorité éblouissante d'une pensée qui est de plein droit Être et Parole. Discours donc, même si elle est, au-delà de tout langage, silence, au-delà de tout être, néant.[144]

Foucault describes transformation of language into discourse. The writer leaves the text to ascend to a discourse in which they become author. This separation is both the birth of the author and the birth of discourse. The task of translation is situated at this point of rupture in which it must negotiate the text itself and the discourse in which it is situated and the author. But translation is also the disruption itself: a translation breaks with the original's discourse and author in their source language to create a new text and discourse. In this sense, translation is a discursive disruption whilst at the same time inciting new discourses. Nonetheless, as we have seen, the disruption can only be effective if the disruptive text (and this can be a translation) is attributed to the author.

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[141] Foucault, 'Les mots qui saignent', p. 454.
[142] Foucault, 'Les mots qui saignent', in *Dits et écrits I* (N° 27), 454.
[143] Michel Foucault, 'La pensée du dehors', in *Dits et écrits I 1954-1975* (N° 38) (Paris: Quarto Gallimard, 2001) 546-567 (p. 549).
[144] Foucault, 'La pensée du dehors', p. 549.

L'intraduisible répétable

Foucault's intellectual fame continues to live on, all the more so because efforts of translating and editing especially of unpublished lecture courses and other writings are ongoing. Critical readings and interpretations of Foucault's thought thus go on, yet must his works be ultimately considered untranslatable? The notion of the untranslatable goes back, within the history of theories and concepts on translation, to Walter Benjamin and Jacques Derrida. Today, Barbara Cassin is the most prominent exponent of this idea, and her work draws significantly on Benjamin's and Derrida's writing on translatability and untranslatability. Cassin's Untranslatable does not simply correspond to the impossibility of translating. Rather, it 'short-circuits the passage into philosophy'.[145] Cassin suggests that untranslatable words are those words that complicate translation for they must be considered by the translator-philosopher in every occurrence anew: translated in one text and context with one possible word, this word in translation is likely to change in another. Cassin thus argues that it is impossible to transfer one meaning, or conceptual network as she says, from one language to another in its entirety. She defines the Untranslatable as follows:

> C'est plutôt ce qu'on ne cesse pas de (ne pas) traduire. Mais cela signale que leur traduction, dans une langue ou dans une autre, fait problème, au point de susciter parfois un néologisme ou l'imposition d'un nouveau sens sur un vieux mot: c'est un indice de la manière dont, d'une langue à une autre, tant les mots que les réseaux conceptuels ne sont pas superposables…[146]

Cassin conceptualises a specific relationship – 'pratiquer la gymnastique du "entre"' – between words of different languages.[147] She argues that translating an Untranslatable can be transformative for it may change the word's conceptual network in the receiving language, but also generally be revelatory of the differences between languages. Her philosophy of the Untranslatable can accommodate a contradiction, making it work in a circular movement: both what can be translated and cannot be translated may be considered an Untranslatable. This contradiction though is solved by insisting on the homonymy of the words chosen for her *Dictionnaire des Intraduisibles*: 'Le choix des symptômes que sont les intraduisibles relève donc de l'attention aux homonymes, perçus dans une langue seulement à partir de, du point de vue, ou en fonction d'une autre

[145] Large, 'The Untranslatable in Philosophy', p. 56.
[146] Barbara Cassin, 'Présentation', *Vocabulaire européen des philosophies. Dictionnaire des Intraduisibles*, ed. by Barbara Cassin (Paris: Seuil/Le Robert, 2004), pp. xvii-xviii.
[147] Cassin, *Éloge de la traduction*, p. 25.

langue.'[148] It is through the eyes of another language that a word becomes Untranslatable. Cassin affirms the plurality not only of languages, but more importantly of linguistic ontologies. There is no one language, but languages: As such, it is a means of contesting the Universal as absolute and at the same time it becomes a political enterprise advocating linguistic diversity in Europe.

The definition of Cassin's Untranslatable problematises a form of repetition: whenever one encounters an Untranslatable, it must be decided which form of repetition is appropriate, either its translation or non-translation. Both options refer to a specific relationship to which the 'in-between' is central and suggests that neither side should be attributed full validity. Instead, the 'in-between' understands any produced translation as relative: a translation is thus only ever a possibility, never a finality. When an Untranslatable is repeated in translation or non-translation, the relationship between two words exposes not so much their identity as their non-identity.

The merit in keeping the outlook on translation and languages aligned to Cassin's philosophy lies in the discourse that I invoke in this thesis: the name 'Untranslatable' strengthens – rightly so – a political stance on linguistic diversity and language learning that I endorse. Yet it does not really propose a research 'method', enabling an easily applicable, replicable, and generalisable approach, offering solutions to the various translation problems of philosophical texts; instead, the untranslatable problematises, precisely, repetition in translation in order to expose the unique features of each text, context, and conceptual network. The untranslatable rests upon linguistic singularity within a plurilingual network of philosophical ideas. As Large notes, the notion of untranslatability may be more useful to the *practising* translator rather than researcher because it sustains motivation and optimism despite the risk of failure.[149]

Let me further comment on Cassin's points with the help of Foucault. According to Foucault, whilst an *énonciation* as spoken word is an event that cannot be repeated for there are as many *énonciations* as there are sentences one may say at different times, the *énoncé* as written word can be repeated: 'Or l'énoncé lui-même ne peut être réduit à ce pur évènement de l'énonciation, car malgré sa matérialité, il peut être répété.'[150] An *énonciation* is closely linked to the situation in which it is enunciated, whereas the materiality of an

[148] Cassin, *Éloge de la traduction*, p. 125.
[149] Large, 'The Untranslatable in Philosophy', pp. 59-60.
[150] Foucault, *L'Archéologie du savoir*, p. 134 (Pléiade, p. 108)

énoncé here refers, for example, to the form of a book. Translation allows for repeatable materiality insofar as it repeats the materiality of the original's *énoncé*. The change of identity of this *énoncé* happens depending on the level at which the equivalence is suggested; we can disassemble a sentence on the level of the word and assert that a translation does not produce an identical syntax, or compare within a broader field of the text's reception in the receiving culture to affirm that original and translation belong to the same 'ensemble énonciatif':

> Mais il est possible, sans doute, d'aller plus loin: on peut considérer qu'il n'y a qu'un seul et même énoncé là où pourtant les mots, la syntaxe, la langue elle-même ne sont pas identiques. Soit un discours et sa traduction simultanée; soit un texte scientifique en anglais et sa version française ; soit un avis sur trois colonnes en trois langues différentes: il n'y a pas autant d'énoncés que de langues mises en jeu, mais un seul et même ensemble d'énoncés dans des formes linguistiques différentes. Mieux encore: une information donnée peut-être retransmise avec d'autres mots, avec une syntaxe simplifiée, ou dans un code convenu; si le contenu informatif et les possibilités d'utilisation sont les mêmes, on pourra dire que c'est bien ici et là le même énoncé.[151]

Foucault's theory of the *énoncé* can be thought to ask an important question of Cassin's Untranslatable: what kind of identity exists between the Untranslatables? Foucault problematises this at the level at which a translation – the level of the entire text and the word – can be considered equivalent to the original. For example, a translation may be considered equivalent to its original on the discursive level: Foucault's fame in France and elsewhere accounts for the emergence of a relatively coherent discourse on the thinker across disciplines and countries. Yet, there can be some important differences on the textual level attesting to a non-identity between the translations. Then, it must be clarified what is meant by 'le même énoncé' at the discursive level. First, it does not equate with the textual level for it does not attest identity of the word order and meaning. 'Le même énoncé' at the discursive level refers to the way in which a text has been utilised and applied in debates. Understanding the construction of this identity then must be done on the side of these debates, not at the level of the translation. From this follows that such an investigation is that of the reception of a text. Therefore, it can be said that Cassin's philosophy of the Untranslatable intends to make the singularity of languages visible by removing the immediacy of translation: it invites the meaningful consideration of words in other languages. This form of consideration must be understood as an action – something that one does and continues doing so that the dialogue is kept alive and that

[151] Foucault, *L'Archéologie du savoir*, pp. 136-137 (Pléiade, p. 110).

meaning is not fixed or closed (or we could say *arrêté*, in both its senses of *cesser d'avancer, faire une halte, une station* and *fixer, déterminer quelque chose de manière à assurer la conclusion d'un débat, d'un travail, etc.,* TFLi). As such, the Untranslatable becomes nonetheless a method, marked with scare-quotes by Cassin to highlight its flexibility, of which the goal is to choose neither side:

> La 'méthode' pour faire face à la non-compréhension est de ne pas harmoniser, surtout pas trop ni trop vite, mais de se transporter en 'zone de traduction' et de demeurer aussi longtemps que possible dans cet *in-between*, entre deux ou plus de deux, jusqu'à devenir un peu meilleurs passeurs, *go-betweens*.[152]

It is less a concern for Cassin to establish identities between languages than to create a new space, the 'in-between', from which a new sense of non-identity can emerge. The Untranslatable is also a political project: 'Le *Dictionnaire des intraduisibles* n'est pas seulement un geste philosophique, dont les contours barbares et sophistiques commencent à se dessiner, c'est aussi un geste politique, comme l'indique l'adjectif "européen" dans son titre de *Vocabulaire européen des philosophies.*'[153] The dictionary is not a canonical project; instead, it is meant to be comparative and pluralist, allowing for the differences between languages to enter a political space. This space is also evocative of a reverential attitude towards other languages for Cassin states that 'les langues sont comme les dieux grecs: elles forment un panthéon, pas une église'.[154] This plurality of perspectives merits esteem for societal life: 'Pouvoir croire que l'autre est un dieu, supposer que toutes les langues valent, sont des manières assez sûres de fabriquer le respect.'[155] Whilst Cassin notes that her politico-ethical appeals do not draw on Christianity, they nonetheless form, it can be said, a type of spirituality that Derrida also identifies in his commentary 'Des Tours de Babel' on Benjamin's task of the translator. Derrida explains:

> La traduction, comme sainte croissance des langues, annonce le terme messianique, certes, mais le signe de ce terme et de *cette croissance* n'y est pas "présent" (gegenwärtig) que dans le "savoir de cette distance", dans l'Entfernung, *l'éloignement* qui nous y rapporte.'[156]

The certitude of discovering signification is crucial here in Cassin and Derrida: they propose that we, as speakers, thinkers, and translators, are unable to ever determine the

[152] Cassin, *Éloge de la traduction*, p. 79, her quote 'zone de traduction' refers to Emily Apter's book *The Translation Zone: A New Comparative Literature* (Princeton, New Jersey: Princeton University Press, 2005).
[153] Cassin, *Éloge de la traduction*, p. 53.
[154] Cassin *Éloge de la traduction,* p. 197.
[155] Cassin, *Éloge de la traduction,* p. 198.
[156] Derrida, 'Des Tours de Babel', p. 246.

ultimate meaning in translation, yet we can make the experience of this *éloignement,* that Derrida understands as a relation (*rapport*) in which a distance is maintained. Instead of a finite project, translation and the ambition of the Universal appear as a perpetual strategy – 'une stratégie plutôt qu'une valeur en soi définitive et ultime'[157] – in which Cassin wishes to make room for the plurality of languages and interpretations and therefore offer them a philosophical sanctuary. Translation, therefore, appears as an ethics in itself (that we could perhaps call: 'living in translation provides access to the good life'), in which the difficulties of translating make us consider the ethical implications of which Cassin points to the dangers of forcefully imposing meaning. Precisely, it is the point of showing that any claim to truth is constructed. Yet this means, in turn, that these constructions can be changed: 'Il est très dangereux de prétendre que [la vérité] n'est pas une construction, car cela risque d'impliquer qu'on ne peut pas en changer, la transformer, la faire évoluer dans sa définition et dans sa méthode.'[158] The plurality of languages is vibrant, alive, living, surviving ('lebend' and 'fortlebend', as suggested by Benjamin) and it must be for only that which is deceased is eternal.[159]

Whilst Cassin problematises the Ancient Greek idea of the *logos* as the capacity not only to speak but to speak within the perimeter of reason and truth, her own philosophy of the Untranslatable also works at the discursive level. To explain this, the word 'discourse' must be understood critically. If discourse means *logos,* it is a position of power – in fact an imposition of power and of the universal – against which Cassin holds the power of the Untranslatable. She thereby also takes up a position to contest and to complicate, as she says, universalist claims.[160] The point of her argument is to demonstrate that these claims are themselves in fact produced and therefore, in their essence, contestable:

> Un universel produit, qui *efface lui-même* pour lui-même tout moyen de voir qu'il est produit – telle est à mes yeux la plus forte définition de l'idéologie. […] Mon universel *contre* le tien, mais je vais te prouver que le tien n'existe pas et qu'il est, en tout cas, moins universel que le mien.[161]

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[157] Cassin, *Éloge de la traduction,* p. 172.
[158] Cassin, *Éloge de la traduction,* p. 171.
[159] See Hannah Arendt, *The Human Condition,* 2nd edn. (Chicago: University of Chicago Press, 2018), p. 20. Cassin also writes about her philosophical and intellectual kinship to Arendt's idea of the plurality of languages in *Éloge de la traduction,* pp. 147-150.
[160] Cassin, *Éloge de la traduction,* p. 16: 'Et, en Grèce ancienne, ceux qui ne parlent pas grec sont des barbares, bla bla bla, on ne les comprend pas, peut-être ne parlent-ils pas vraiment – ce ne sont pas des hommes "comme nous". Pourtant, c'est du *logos* grec, mot ô combien propre à signaler la prétention à l'universel – lui que les Latins traduisent par *ratio et oratio,* deux mots pour un: "raison" et "discours" –, que je propose de partir pour compliquer l'universel. C'est très exactement, et dans tous les sens du terme, mon "point de départ". À tenir, à quitter.'
[161] Cassin, *Éloge de la traduction,* p. 43, emphases added.

Cassin's lexis of 'effacer' as well as 'contre' illustrates her fear of a violent confrontation ending, not in a democratic dialogue, but in a situation of submission and inferiority that ultimately effaces the relation altogether. As we shall see in Chapter 4, Cassin's and Foucault's thoughts align in this case on their view of violence and its dangers, especially because it implies for both thinkers the complete annihilation of the relation. To counter this, it is necessary to oppose to the discourse understood as *logos* Cassin's discourse of the Untranslatable, precisely to reveal that discursive formations are products of power, as argued Foucault.

Cassin's approach to the Untranslatable understands that concepts cannot be expressed in abstract detachment from those words which serve to express them, and her dictionary presents these words as having the classificatory function that Foucault ascribes to the author. For Cassin, languages depend on their relationship with their speakers and their written texts. Machine translation and other forms of automatization threaten this flourishing: 'Le scénario catastrophe ne laisse subsister qu'une seule langue, sans auteur et sans œuvre: le *globish,* mot valise pour *global english,* et des dialectes.'[162] The question of individual authorship thus appears as fundamental to the use and development of languages. The entries in the dictionary do outline how one word has been used by various authors. Thus, as much as Cassin's *Dictionnaire des Intraduisibles* is a collection of words, it is also a collection of authors. What becomes observable in these methods of studying translation – be it Leclerc-Olive's thematic and operative concepts or Cassin's Untranslatables – is the way in which they all play with the two sides of the same coin representing a relatively straightforward idea, something that Schleiermacher already noted in his well-known essay:

> Every human being is, on the one hand, in the power of the language he speaks; he and his whole thinking are a product of it. He cannot, with complete certainty, think anything that lies outside of the limits of language. The form of his concepts, the way and means of connecting them, is outlined for him through the language in which he is born and educated; intellect and imagination are bound by it. On the other hand, however, every freethinking and intellectually spontaneous human being also forms the language himself.[163]

Schleiermacher observes that concepts are formed within set perimeters of every one language, allowing for some conceptual creativity. This suggests a systemic outlook on language and translation, and one that Cassin may be said to share in light of the emphasis

[162] Cassin, *Éloge de la traduction,* p. 55.
[163] Schleiermacher, 'On the Different Methods of Translating', p. 38.

on languages' structural flexibility.[164] Cassin relativises the rigidity of any systematisation of language reminding us of the internal instabilities of languages. In this sense, looking at Foucault's writing from the perspective of Cassin's Untranslatable does not demonstrate the impossibility of understanding Foucault in translation. Instead, it is about making visible those words and networks that cannot be exactly superposed, in Cassin's words, to another language. Foucault can be considered untranslatable to the extent that the conceptual network he formed and informed is singular because of the multilingual intellectual influences in his thinking.

[164] 'On peut aussi penser – c'est cela qui m'intéresse – que la seule manière de faire bouger la structure est de la montrer comme telle, comme un dispositif, comme une installation. C'est sans doute cela, une "révolution", la copernicienne par exemple. D'une certaine façon, c'est ce qu'ont essayé de faire inlassablement Foucault, Derrida, ainsi que, au plus haut point, le Deleuze de *Logique du sens* et de *Différence et Répétition,* le Lyotard du *Différend* et, bien sûr, Lacan. Ils (la *French Theory?*) n'ont pas cessé de s'y employer, en reformulant les descriptions en termes de politiques, de stratégie de la raison, d'idéologie, de généalogie, de forclusion – de dispositif.', Cassin, *Éloge de la traduction,* pp. 161-162.

Chapter 2

Supplice: Punishment, Spectacle, and Torture

Introduction

When a man was condemned to death in pre-revolutionary France, 'après tout, il semble qu'il n'y [avait] pas plusieurs façons de mourir'.[165] The *supplice* was an exceptional death penalty, one that was reserved for exceptional crimes such as murder and offences to the divine sovereign. It differed from other punishments, such as imprisonment or judicial torture especially, as this chapter will show, insofar as it constituted a cruel public spectacle that demonstrated the monarch's power. It was also exceptional for it happened rarely: 'Les supplices proprement dits ne constituaient pas, loin de là, les peines les plus fréquentes.'[166]

Following an attack with a penknife on Louis XV on 5 January 1757 causing the king only minor injuries, Robert-François Damiens was sentenced on 2 March and then subjected to the *supplice* on 28 March on the Place de Grève – today Place de l'Hôtel de Ville – in Paris. Damiens was the last but not the only (would-be) regicide of the Ancien Régime. Earlier assassins include Jacques Clément, who fatally wounded Henry III in 1589 and François Ravaillac, who killed Henry IV in 1610. The *supplices* of these regicides are thus rare and significant events in history, and the execution of Ravaillac partly served as a kind of template for punishment for Damiens' *supplice,* with which Foucault's *Surveiller et punir* opens. Foucault quotes from the trial's original documentation that tells of the disturbingly violent scenes and that are so difficult for us modern readers who are no longer used to such brutal spectacles of punishment. Foucault had been interested in Damiens' *supplice* prior to writing *Surveiller et punir* because it constituted a turning point in history where the body of a domestic servant opposed the all-powerful body of the king in a 'corps-à-corps', somewhat preceding the French Revolution which fundamentally reorganised political power.[167]

[165] Foucault, *La Société punitive*, p. 11.
[166] Foucault, *Surveiller et punir*, p. 42 (Pléiade, p. 293).
[167] Claire Fourier, *Tombeau pour Damiens. La journée sera rude* (Paris: Éditions du Canoë, 2018), p. 133.

Van Kley notes that Damiens' assassination attempt on the king was different from other regicides in previous centuries because it did not spark a political crisis – one already existed. Louis XV's reign had long been embroiled in controversies with the clergy and regional *parlements*. The years 1756-57 were furthermore marked by a subsistence crisis that led to severe food shortages and inflated corn prices, especially in the Northern French region of Artois where the harvest had suffered from bad weather, where Damiens was from. For the king, the year 1757 thus began with difficulty, and was further complicated, to say the least, on the early morning of 5 January when Damiens assaulted him as he descended from his carriage at Versailles. Serious political disagreements meant that many of the king's councillors and magistrates were on strike and in fact ready to resign by the time of the attack, and therefore few were available to administer justice in Damiens' case. The habitual institutions in which such cases would have been tried, the Parlement of Paris or the Grand'chambre, had effectively ceased to exist in the wake of the waves of dissent traversing the country. In response, Louis XV appointed in the 'Grand' chambre's remaining ten "loyal" presidents and approximately fifteen councillors, to which he added a number of retired or honorary councillors and princes and peers of the realm'.[168] Within this tense climate, suspicions quickly arose that Damiens' deed was the tip of the iceberg of imminent and violent insurrection against the king. The tenacity with which the royal officers tortured Damiens prior to his execution was fuelled by the conviction that the offender must have had and still had, most threatening of all, accomplices in many corners of the kingdom:

> The judges' first instinct was therefore to regard Damiens as only the most visible part of a much larger cause, the passive, venal agent of a dark and far-flung conspiracy. From the beginning of his trial to its very bitter end, their greatest efforts were accordingly devoted to persuading him to reveal his accomplices, the true and hidden authors of his crime.[169]

The exceptional degree of violence, both in torture and in execution, therefore, must also be understood as having been reinforced by the king's fear that he faced dangerous opposition from his people, putting both the king's reign and very life in danger. This event, emphasised by Foucault as he chooses it as the first scene of *Surveiller et punir,* thus does not only invoke aspects of the extraordinary, but indeed refers to a larger historico-political context involving constitutional, religious, and political controversies, that Van

[168] Dale K. Van Kley, *The Damiens Affair and the Unraveling of the Ancien Régime, 1750-1770* (Princeton, New Jersey: Princeton University Press, 1984), p. 56.
[169] Van Kley, *The Damiens Affair*, p. 14.

Kley terms 'les affaires du temps', in which Damiens' fate made history.[170] What matters for Foucault is, however, the quality of contrast:

> Le supplice de Damiens fut le dernier grand affrontement du roi et du peuple 'en personne' sur la scène de l'échafaud, avant celle du 21 Janvier [1793], où l'affrontement se fait en sens contraire: ce jour-là, le roi dépouillé de toute sa souveraineté fut soumis à la marque d'une pénalité égalitaire, cette décapitation – autrefois peine des nobles et qui était devenue la peine pour tous.[171]

The *supplice* was a carefully planned procedure of punishment and it was the final act of a preceding *enquête* during which the 'truth' of the crime was established in a spectacular display of political domination. The investigation involved the hearing of witnesses, interrogations of the accused under torture, and other assessments of proof. The public execution of the condemned continued the physical abuse of Damiens' body, during which he was killed slowly and painfully. In the three months after the attack, between the arrest and the day of his *supplice,* he was held prisoner and was subjected to *la torture* or *la question préparatoire,* in order to obtain information prior to the sentence. It was important that Damiens did not get a chance to commit suicide: 'Il ne fallait pas que le criminel porte atteinte à sa vie, il n'aurait pu avouer son secret.'[172] Indeed, the rationale for applying torture in the case of Damiens – to get him to confess about others involved – remains a central aspect of the kinds of torture applied by the French army in the Algerian War that I discuss in Chapter 5: I also demonstrate how the practice of torture took on a dimension of a general terrorisation of the population, beyond its role in punishment or in the criminal procedure. In the Ancien Régime, individuals such as Damiens were subjected to various forms of coercion, yet imprisonment and torture preceding the *supplice* cannot be considered part of the final sentence and hence should not be understood as official penalties.[173] In these terms, the translation of *supplice* is problematic insofar as it does not allow for a direct translation into English. Sheridan chooses to translate it mainly as 'torture'. However, *supplice* and 'torture' (*torture*), in both French and English, are to be distinguished for they correspond to two different phases in the process that led to the death penalty in eighteenth-century France.

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[170] Van Kley, *The Damiens Affair*, p. 56.
[171] Foucault, *La Société punitive,* pp. 12-13.
[172] Fourier, *Tombeau pour Damiens*, p. 32.
[173] 'Par le jugement de mort, il pourra être ordonné que le condamné sera préalablement appliqué à la question pour avoir révélation des complices.', Article 3, Titre XIX 'Des jugements et procès-verbaux de questions et tortures', in *Ordonnance criminelle du mois d'août 1670 :* https://ledroitcriminel.fr/la_legislation_criminelle/anciens_textes/ordonnance_criminelle_de_1670.htm [accessed 03-02-2019]

This chapter questions the supposed equivalence of *supplice* and 'torture', especially in the English translation, considering the *enquête* leading to the establishment of a truth to be displayed in a spectacular (*éclatant*) act of absolute power. I analyse what was understood by punishment in eighteenth-century France in contrast to the emergence of mechanisms of moral control primarily in nineteenth-century England and of which thinkers began to theorise the separation of 'pain' (*peine, douleur*) from punishment (*peine)*. I compare English and French translations of authors from these centuries such as Sir William Blackstone, Montesquieu, and Voltaire to show that conceptions of punishment changed over time. I explore the religious heritage, placing the emphasis on the sacred in pre-revolutionary France and I also draw on the German translation to show how these punitive methods have become institutionalised and hence secularised. My analyses will show that Foucault's *supplice* opens the way to a much more complex conceptualisation of eighteenth-century penal systems, the idea of punishment in general and the transition to modern political technologies that remain rooted in history. Most importantly, I will make the case that translating *supplice* with 'torture' is questionable.

Translating Eighteenth-Century Punishments

The Crime and its Investigation (enquête)

Damiens' attack only caused the king a minor injury from which he quickly recovered. As soon as Damiens was arrested, he was taken into custody by royal officers and was subjected to violence. As mentioned, the court was plagued by the fear of further rebellion and was therefore determined to get as much as information out of Damiens as possible. Foucault's references in *Surveiller et punir* include the short book *Damiens le Régicide* by Anne-Léo Zévaès, wife of the socialist politician and journalist Alexandre Zévàes (1873-1953), which claimed to be the first book 'consacré à la vie du régicide, à son geste, à son procès', based on the trial's official documentation, published brochures and memoirs at the time, in which she writes:

> Alors, dans le but de lui arracher par la souffrance quelque révélation, on lui brûle les extrémités avec des pinces rougies. Mais en dépit des tourments qu'il endure, il persiste dans ses dénégations: 'Non, non, je n'ai pas de complices.

> Même si vous me jetiez dans un feu ardent, je ne pourrais reconnaître que j'ai des complices'.[174]

The torture involved is a measured technique that was not applied to cause the accused's death. Foucault notes elsewhere that the *enquête* was a 'moyen de constater ou de restituer les faits, les évènements, les actes, les propriétés, les droits'[175] and, as such, is an 'instrument et forme technique d'un pouvoir d'information'.[176] The emphasis on information is key here, as it combines methods of investigation and torture in preparation for the official punishment. In the run-up to the final punishment – and in Damiens' case it was soon expected that this would be an opportunity to exercise a spectacular capital punishment if only to reconcile dissenting parties and to re-establish the king's authority in times of a political crisis – torture served the purpose of constructing the narrative of the assault and motivations, and of forcing the condemned to repentantly accept the punishment, that would ultimately be articulated as 'the truth' on the day of Damiens' execution. Because *le supplice* did not have the same function as *la torture,* the English translation is especially misleading. Foucault explains:

La torture (violence physique pour arracher une vérité, qui de toute façon, pour faire preuve, doit être répétée ensuite devant les juges, à titre d'aveu 'spontanée'). A la fin du XVIIIe siècle, **la torture** sera dénoncée comme le reste des barbaries d'un autre âge : marque d'une sauvagerie qu'on dénonce comme 'gothique.' Il est vrai que la pratique de **la torture** est d'origine lointaine: l'Inquisition bien sûr, et même sans doute au-delà **les supplices d'esclaves**. Mais elle ne figure pas dans le droit classique comme une trace ou une tache.[177]	**Judicial torture** (physical violence to obtain truth, which, in any case, had then to be repeated before the judges, as a 'spontaneous' confession, if it were to constitute proof). At the end of the eighteenth century, **torture** was to be denounced as a survival of the barbarities of another age: the mark of a savagery that was denounced as 'Gothic.' It is true that the practice of **torture** is of ancient origin: it goes back at least as far as the Inquisition, of course, and probably to the **torture of slaves**. But it did not figure in classical law as a survival or defect.[178]

La torture, therefore, is functional in obtaining information but also in the preparatory establishment of evidence. The fact that *la torture* happens *before* the official punishment is most important in critiquing Sheridan's translation of *supplice* as 'torture'. Having said this,

[174] Zévaès, *Damiens le Régicide*, p. 65.
[175] Foucault, *Théories et institutions pénales*, p. 232.
[176] Foucault, *Théories et institutions pénales*, p. 210.
[177] Foucault, *Surveiller et punir*, p. 49 (Pléiade, p. 300).
[178] Foucault, *Discipline and Punish*, p. 39.

it is all the more surprising to read that Sheridan knew about the difficulty of translating *le supplice,* for he explains the following in his Translator's Note:

> Another problem was posed by the French 'supplice', which heads the first part of the book. For the sake of brevity, I have entitled this first part 'Torture', but no single English word will cover the full range of the French. Here 'supplice' refers specifically to the public torture and execution of criminals that provided one of the most popular spectacles of eighteenth-century France. By extension the word can also refer to any prolonged torture, mental as well as physical. Depending on the context, I have translated the word by 'torture', 'public execution' or 'scaffold'.[179]

In his monograph, Sheridan does not further revisit this translation issue. However, he explains the *supplice* in his own words:

> The only sure way of extracting a confession was torture. The kind of 'torture' was called in French 'la question'. (The public torture that preceded execution was called 'la supplice' [sic]).[180]

His remarks are correct, and his justification based on aspects of brevity, as he says, attest to the care he also took of aspects of readability. But the differences in temporality and function remain. *La torture* began as Damiens was remanded into custody and put into the same prison cell as his predecessor François Ravaillac almost a century earlier. *La torture* ended with the pronouncement of the sentence and his punishment began when he stepped in front of the main door of the Church of Paris to make *amende honorable,* as Foucault writes in the first line of the book: 'Damiens avait été **condamné**…'.[181] Strictly speaking, then, it is also incorrect to speak of 'public torture' to designate the series of violent actions when Damiens already found himself on the scaffold for it meant that the official punishment had begun.

Although Sheridan understood the difference between these procedures of judicial torture, torture and *supplice*, he stuck with 'torture' as his principal translation choice in English and especially the title of this book's first part. But he also translated *torture* with 'torture' in English, suggesting a conceptual equivalence that the context does not justify. To define *le supplice,* Foucault quotes from Diderot and D'Alembert's *Encyclopédie:*

Qu'est-ce qu'un ***supplice***? 'Peine corporelle, douloureuse, plus ou moins atroce', disait Jaucourt ; et il ajoutait : 'C'est un phénomène inexplicable que	What is a ***supplice***? "Corporal punishment, painful to a more or less horrible degree," said Jaucourt in his Encyclopédie article and added: « It is an

[179] Sheridan, 'Translator's Note', in Foucault, *Discipline and Punish*, p. ix.
[180] Sheridan, *Michel Foucault. The Will to Truth*, p. 140.
[181] Foucault, *Surveiller et punir,* p. 9 (Pléiade, p. 263).

l'étendue de l'imagination des hommes en fait de barbarie et de cruauté.' Inexplicable, peut-être, mais certainement pas irrégulier ni sauvage. **Le supplice** est une technique et il ne doit pas être assimilé à l'extrémité d'une rage sans loi. Une peine, pour être **un supplice**, doit répondre à trois critères principaux : elle doit d'abord produire une certaine quantité de souffrance qu'on peut sinon mesurer exactement, du moins apprécier, comparer et hiérarchiser ; **la mort est un supplice** dans la mesure où elle n'est pas simplement privation du droit de vivre, mais où elle est l'occasion et le terme d'une gradation calculée de souffrances : depuis la décapitation – qui les ramène toutes à un seul geste et dans un seul instant : le degré zéro du **supplice** – jusqu'à l'écartèlement qui les porte presqu'à l'infini, en passant par la pendaison, le bûcher et la roue sur laquelle on agonise longtemps ; la **mort-supplice** est un art de retenir la vie dans la souffrance, en la subdivisant en 'mille morts' et en obtenant, avant que cesse l'existence 'the most exquisite agonies'. **Le supplice** repose sur tout un art quantitatif de la souffrance.[182]	inexplicable phenomenon that the extension of man's imagination creates out of the barbarous and the cruel. » Inexplicable, perhaps, but certainly neither irregular, nor primitive. **Torture** is a technique; it is not an extreme expression of lawless rage. To be **torture**, punishment must obey three principal criteria: first, it must produce a certain degree of pain, which may be measured exactly, or at least calculated, compared and hierarchized; **death is a torture** in so far as it is not simply a withdrawal of the right to live, but is the occasion and the culmination of a calculated gradation of pain: from decapitation (which reduces all pain to a single gesture , performed in a single moment – the zero degree of torture), through hanging, the stake and the wheel (all of which prolong the agony), to quartering, which carries pain almost to infinity; the **death-torture** is the art of maintaining life in pain, subdividing it into a 'thousand deaths', by achieving before life ceases 'the most exquisite agonies' (cf. Ollyffe). **Torture** rests on a whole quantitative art of pain.[183]

Reading both passages on *torture* and *supplice* in translation reveals that Sheridan mixes these two techniques that serve different purposes. As the first line of Jaucourt's definition reads, *le supplice* is a 'peine corporelle', a 'corporeal punishment', precisely, as Sheridan himself translates. In this sense, Damiens is not tortured to death, but he is executed in a series of violent actions prescribed by the court that results in his death. Neither the *supplice* nor *torture* constitute unregulated outbreaks of cruelty. They were systematic and measured applications of pain to the body. It is in these terms that Foucault insists on the importance of the *supplice* at the beginning of his book, and this is precisely why it matters to discuss the translation of this key term: '*Supplice* is absolutely crucial to the analysis because Foucault's first claim of what the book is about focuses on this term.'[184]

[182] Foucault, *Surveiller et punir*, pp. 42-43 (Pléiade, p. 294)
[183] Foucault, *Discipline and Punish*, pp. 33-34.
[184] Elden, *Foucault. The Birth of Power*, p. 143, original emphasis.

We may ask: if *le supplice* is a 'phénomène inexplicable' as Jaucourt finds, is it perhaps an untranslatable word? Inasmuch as Cassin's philosophy is a call to remain in between languages to contemplate their differences, the word *supplice* may indeed be difficult to translate, but the penal practice was not unknown in the English-speaking world. Executions of this kind for crimes such as high treason were described in terms of the objects used and the actions performed, for example 'drawing and quartering' or to be 'broken on the wheel', as several excerpts in the next section will show.

What makes the word *supplice* specific and difficult to translate is its inherent reference to religion, and this is why the German translation 'Marter' at first appears to be less problematic, because it links with the image of 'martyrdom' that Foucault mentions in *Surveiller et punir*. Despite this apparent link, the word 'Marter' remains closely connected to 'torture', as we shall see. The religious meaning of *supplice* is reflected in the dictionary entries, which explain the Latin origin of the word: *supplicium*.[185] In the Latin-French dictionary *Gaffiot,* we find for *supplicium*: '(1) action de ployer les genoux, […] (2) punition, peine châtiment, supplice',[186] and for *supplex*: 'qui plie les genoux, qui se prosterne, suppliant.'[187] *Supplice* appears also as an act of religious devotion, perhaps even religious punishment. The act of supplication is most obvious when Damiens must begin his ordeal by performing what is called 'amende honorable', a ritual of public prayer and forgiveness either in a church or on the steps of the church. In comparison, Latin-English dictionaries show the following. First, the *Tyronis thesaurus or Entick's new Latin-English dictionary* translates *supplex* as 'suppliant, humble, submissive, prostrate' and *supplicium* as 'a supplication, atonement, a prayer, a sacrifice, a general procession, punishment'.[188] Then, *An Elementary Latin Dictionary* defines *supplex* as follows: '(adj.) kneeling in entreaty, begging, entreating, humble, submissive, beseeching, suppliant; (subs.) a suppliant, humble, petitioner'.[189] In addition, *supplicium* is translated as:

> A kneeling, bowing down, humble, entreaty, petition, supplication; A humiliation, public prayer, supplication; the punishment of death, death-

[185] *Grand Dictionnaire Français-Latin*, 'supplice', https://www.grand-dictionnaire-latin.com/dictionnaire-francais-latin.php?parola=supplice [accessed 08-02-2019].
[186] *Dictionnaire Gaffiot Latin-Français*, 'supplicium', https://www.lexilogos.com/latin/gaffiot.php?q=supplicium [accessed 08-02-2019].
[187] *Dictionnaire Gaffiot Latin-Français*, 'supplex', https://www.lexilogos.com/latin/gaffiot.php?q=supplex [accessed 08-02-2019].
[188] Tyronis thesaurus, or, Entick's new Latin-English dictionary, 'supplex' and 'supplicium' [accessed 08-02-2019].
[189] *An Elementary Latin Dictionary*, ed. Charles T. Louis (Oxford: Oxford University Press, 2002), p. 834 (initially published in 1895, in a new edition from 2002.)

penalty, execution, slaughter; Punishment, penalty, torture, torment, pain, distress, suffering.[190]

The *Collins Latin Dictionary and Grammar* from 2005 proposes for *supplex*: 'suppliant, in entreaty' and for *supplicium* 'prayer, entreaty, sacrifice, punishment, execution, suffering'.[191] The TLFi defines *supplice* first as a 'peine corporelle, torture extrêmement douloureuse, entraînant généralement la mort'. As a matter of fact, the French-English dictionaries from Collins,[192] Cambridge,[193] and Hachette-Oxford[194] all translate *supplice* as 'torture'. Yet what must be understood is that the general idea of torture and its function as judicial torture in pre-revolutionary France differ, as I have argued.

Pascal Bastien distinguishes clearly between the British and French contexts in the history of capital punishment, insisting that 'la justice française portait une dimension morale et sacrée' that was of greater importance.[195] It is true that throughout the book Foucault insists on the role of religious practices, and *le supplice* takes an important place as the first scene. Mark D. Jordan, attentive to the word *supplice,* goes as far as saying that it 'evokes the Crucified One stretched out behind Damiens'.[196] It can be said that what was shown to the people of Paris was a martyrium that punishes Damiens, but the comparison to Jesus may be far-fetched. Van Kley notes that Damiens was indeed motivated by a religious sentiment because he expected the king to do something about the refusal by the archbishop of Paris to give sacraments to 'good people who were worthy of receiving them'.[197] But Damiens did not go around disseminating teachings nor did he unite kindred, rebellious spirits or threaten the king with his enterprise. The statements he gave under torture in fact were rather inconsistent and hard to make sense of so that he became to be seen as a 'solitary fou'.[198]

In terms of criminal procedure, Damiens' *supplice* was his official sentence, preceded by judicial torture. In terms of political tactics, *le supplice* was designed to display violence, whilst in *la torture* it is hidden from the public eye. Translating *le supplice* as 'torture'

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[190] *An Elementary Latin Dictionary,* p. 834, emphasis added.
[191] *Collins Latin Dictionary and Grammar* (Glasgow: HarperCollins Publishers, 2005), p. 212.
[192] *Collins Dictionary French-English*, 'supplice', https://www.collinsdictionary.com/dictionary/french-english/supplice [accessed 08-02-2019].
[193] *Cambridge Dictionary French-English*, 'supplice', https://dictionary.cambridge.org/dictionary/french-english/ [accessed 08-02-2019].
[194] *Le Grand Dictionnaire Hachette-Oxford*, 'supplice', (Oxford: Oxford University Press, 2007), p. 817.
[195] Bastien, *Une Histoire de la peine de mort*, p. 124.
[196] Mark D. Jordan, *Convulsing Bodies. Religion and Resistance in Foucault* (Stanford, California: Stanford University Press, 2014), p. 47.
[197] Van Kley, *The Damiens Affair*, p. 43.
[198] Van Kley, *The Damiens Affair*, p. 34.

therefore is incorrect because it displaces the argument Foucault makes about the function and measure of pain and violence. Mentalities began to change when concerns emerged about the utility of such spectacularly violent excesses of political power. New economic-rationalistic conceptualisations of the individual and society had to entail the elimination of pain in punishment altogether.

Pain in Punishment – La peine dans la punition

Le supplice was an exceptional punishment for a particularly severe offence. It therefore was an exceptionally violent and painful bodily punishment because it punished '[un] attentat contre la vie du roi, [un] crime de lèse-majesté humaine et aussi de lèse-majesté divine, puisque le roi est le représentant de la divinité sur terre.'[199] The function of pain is crucial and matters in translation because it was essential in *le supplice,* but also because *peine* both means 'pain' and 'punishment' in English. Foucault writes:

Ce qui fait la '**peine'** au cœur de la **punition**, ce n'est pas la sensation de **souffrance**, mais l'idée d'une **douleur**, d'un déplaisir, d'un inconvénient – la '**peine**' de l'idée de la '**peine'**. Donc la **punition** n'a pas à mettre en œuvre le corps, mais la représentation. Ou plutôt, si elle doit mettre en œuvre le corps, c'est dans la mesure où il est moins le sujet d'une souffrance, que l'objet d'une représentation ; le souvenir d'une **douleur** peut empêcher la récidive, tout comme le spectacle, fût-il artificiel, d'une **peine physique** peut prévenir la contagion d'un crime. Mais ce n'est pas **la douleur en elle-même** qui sera l'instrument de la technique punitive.[200]	This means that the '**pain**' at the heart of **punishment** is not the actual sensation of **pain**, but the idea of **pain**, displeasure, inconvenience – the '**pain**' of the idea of '**pain**'. **Punishment** has to make use not of the body, but of representation. Or rather, if it does make use of the body, it is not so much as the subject of a pain as the object of representation: the memory of **pain** must prevent a repetition of the crime, just as the spectacle, however artificial it may be, of a **physical punishment** may prevent the contagion of crime. But it is not **pain in itself** that will be the instrument of the technique of punishment.[201]

In this passage that is tricky to translate, Foucault differentiates between *peine* and *punition* which relates to the difficulty of translating *supplice.* As I have argued, since the first part

[199] Zévaès, *Damiens le Régicide*, p. 77.
[200] Foucault, *Surveiller et punir*, p. 112 (Pléiade, p. 357).
[201] Foucault, *Discipline and Punish*, p. 94.

of the book, 'Supplice', describes an official punishment and not *la torture:* it may therefore be asked if translating it as 'Punishment' would have clarified this important aspect. Yet Foucault's second part of the book is called 'Punition'. *Punition* means 'punishment' in English and Sheridan has translated the second part of the book with 'Punishment' in English. We can understand that he had to find a term for the first part that expressed the violence more explicitly, and his choice of translating *supplice* as 'torture' may thus be understandable. Nonetheless, it is not the case that Foucault begins to problematise the concept of punishment only in the second part. Instead, his account of Damiens' *supplice* already lays the ground for a discussion of the role of pain in punishment and violence in power; the latter of these elements I further explore in Chapter 4. I want to suggest that Foucault uses the word *supplice,* as title of the first part and as part of his argumentative foundation, as a thematic concept following Leclerc-Olive: he makes an original contribution to the debate on punishment precisely by not simply calling it a *peine* but a *supplice,* bringing to the discussion elements of visibility, measure, violence, religion, and the body that remain present throughout the book.

Pain constitutes punishment and it is especially reinforced – in display and degree – when it comes to punishing crimes affecting the sovereign king. It is for this reason that in French translations of English texts, such as by the English jurist and professor Sir William Blackstone or the American politician and reformer Benjamin Rush, the word 'punishment' is translated as *supplice* or *peine,* suggesting an equivalence between the two upon which I am insisting to differentiate it from *la torture.*

Foucault was interested in Blackstone because the latter both defined prevailing ideas of corporal punishments in the changing climate of the Enlightenment and opposed efforts to alleviate practices in favour of more gentle ways of punishing. Blackstone affirmed that 'the King can do no wrong,'[202] and as a defender of royal power Foucault describes him as a 'figure, à côté des grands réformateurs, comme un héraut du nouveau principe selon lequel le crime constitue une offense à la souveraineté du Roi.'[203] Blackstone held the first chair of English Law at Oxford in 1758 and authored, between 1765 and 1769, the *Commentaries on the Laws of England* that were based in his lectures. This work has been translated into French by Gabriel-François Coyer.[204] Foucault paraphrases Blackstone's

[202] Blackstone, cited in Richard A. Posner, 'Blackstone and Bentham', *The Journal of Law and Economics* 19(3) (1976), 569-606 (p. 585).
[203] Bernard E. Harcourt, 'Note 14', in Foucault, *La Société punitive*, p. 78.
[204] Sir William Blackstone, *Commentaires sur le code criminel anglais,* trans. M. L'abbé Coyer (Paris: Kappen, 1776).

Commentaires in Coyer's translation, pointing out that Coyer has added a brief comment to Blackstone's statements about the appropriate punishment for high treason, which reads: "'Dans **ce supplice** effrayant par le spectacle, le coupable ne souffre ni beaucoup, ni longuement.'"[205] The fact that Coyer adds to the text by using the word *supplice* to translate 'punishment' shows that Blackstone does not theorise 'torture' but 'punishment'. Here is the full passage of the French translation of Blackstone's *Commentaires,* to which I have added the English original terms in brackets:

> **La peine [punishment]** de la haute trahison et aussi solennelle qu'effrayante ; 1°. Le criminel n'est mené ni en voiture, ni à pied ; on le traine sur le pavé. Cependant pour lui épargner **l'extrême tourment [the extreme torment]** de battre le pavé avec sa tête & tout son corps, on le place sur une claie ; 2°. Il est pendu par le cou, & avant qu'il expire, on lui arrache les entrailles, qui sont jetées au feu ; on lui coupe la tête, & son corps est divisé en quatre quartiers, pour en disposer comme il voudra (b). Le Roi peut faire grâce de l'une ou de l'autre partie du **supplice [punishment]**, excepté de la décollation, & il le fait souvent, surtout pour des gens de qualité.
>
> (b) Dans ce **supplice** effrayant pour le spectacle, le coupable souffre ni barbarement, ni longuement.[206]

Coyer's commentary (b) must strike us as ironic but clarifies Blackstone's legal standpoint nonetheless. For him, the essence of capital punishment for crimes such as high treason consisted essentially in the infliction of pain as he considered it necessary to create fear in the wider population. Another example of when the word 'punishment' is translated as *supplice* occurs in a quotation given in *Surveiller et punir* from the American political reformer Benjamin Rush, who, in 1787, declared in front of the *Society for Promoting Political Inquiries* in Philadelphia that 'the gallows, the pillory, the flocks, the whipping-post, and the wheelbarrow (the usual engines of **public punishments**)' soon will be a matter of the past.[207] Foucault, giving a French translation of this line in *Surveiller et punir* for which

[205] Foucault, *Surveiller et punir*, p. 35 (Pléiade, p. 272).
[206] Blackstone, *Commentaires sur le code criminel d'Angleterre*, pp. 89-90. In the original, the sentence concerning the king's power of pardon is mentioned in a footnote, which the French translator inserted in the main text. Instead, the footnote in this passage marked with (b) is a commentary from the translator. Sheridan in *Discipline and Punish* does not mention this, and instead translates Coyer's remark into English: In this form of execution [supplice], which is so terrifying to see, the guilty man does not suffer much pain, of for long.' (*Discipline and Punish*, p. 309).
[207] Benjamin Rush, *An enquiry into the effects of public punishments upon criminals and upon society: read in the Society for Promoting Political Enquiries, convened at the house of His Excellency Benjamin Franklin, Esquire, in Philadelphia* (Philadelphia: Printed by Joseph James, in Chesnut-Street, 1787), p. 18.

he does not identify a translator, renders 'public punishments' as *supplices*.[208] Inflicting and witnessing pain and death in public formed the punishment.

La torture, either understood as preceding the punishment or as practiced in secret, is in any case hidden from the public eye. *Le supplice,* in contrast, is functional as a public execution in which the role of the audience is crucial for it was designed to speak to the people's minds and hearts to instill fear. Yet in turn, the people's presence also functioned as validation of the procedure:

> Il faut non seulement que les gens sachent, mais qu'ils voient de leurs yeux. Parce qu'il faut qu'ils aient peur; mais aussi parce qu'ils doivent être les témoins, comme les garants de la punition, et parce qu'ils doivent jusqu'à un certain point y prendre part.[209]

Le supplice eliminated the body of the condemned whilst utilising the people's testimony as both a means of warning and of incorporating it into the monarch's brutal expression of vengeance: 'Dans la vengeance du souverain, celle du peuple était appelée à se glisser.'[210] The moral understanding upon which the punitive practice of the *supplice* rested concerned the partnership between the monarch and his people that functioned as a public confrontation of the bodies of the king and the condemned. Displaying pain and violence was thought to be effective in maintaining power and in preventing criminality. This inference soon became challenged, and the political necessity and moral function of pain and violence questioned by theorists such as Jeremy Bentham.

Foucault asserts the importance of the English legal reformer and founder of utilitarianism Jeremy Bentham (1748-1832) for the development of modern society in his lecture courses before publishing *Surveiller et punir*: 'Je demande des excuses aux historiens de la philosophie pour cette affirmation, mais je crois que Bentham est plus important pour notre société que Kant ou Hegel.'[211] Bentham, an ambitious juridical thinker, theorist of governance, the modern state and bureaucracy, devoted much of his life to the principles and applications of the law, insisting on the need for codification and for founding the essence of sovereignty upon legislation in order to prevent what he considered misrule, abuse of authority, and corruption in government. Bentham was a student of Blackstone, yet he grew critical of his master and disagreed on fundamental questions regarding legislation and sovereignty and he 'utterly rejected' Blackstone's

[208] Foucault, *Surveiller et punir,* p. 17 (Pléiade, pp. 270-271).
[209] Foucault, *Surveiller et punir*, p. 70 (Pléiade, p. 320).
[210] Foucault, *Surveiller et punir*, p. 71 (Pléiade, p. 320).
[211] Foucault, *La Société punitive,* p. 594.

Commentaries'.[212] He accused Blackstone of an 'antipathy of reformation',[213] and further objected that Blackstone merely explained what the laws *were* and did not see the necessity of censuring or criticising them: 'the work of censure […] was to him but a *parergon* – a work of supererogation…'[214] One of the important features of Bentham's thought concerned the role of language in the formulation of the law. Following his critique of Blackstone that the latter merely had to register the laws, Bentham considered it necessary to formulate the laws clearly: 'It was a plea of "reason-giving" in legislation, that is for adding to the law "the principles and subordinate reasons on which the several positions of it have been grounded."'[215] It is no longer the king who embodies the law, but the laws that represent themselves. In *Surveiller et punir,* Foucault summarises: 'Dans la punition, plutôt que de voir la présence du souverain, on lira les lois elles-mêmes.'[216] In this context, the main issue of translation concerns the conceptual separation of 'pain' from 'punishment'. For Bentham, within the utilitarian system of thought he developed, the separation of pain from punishment was intended to target not so much the punished individual but instead all others to teach a moral lesson: 'Bentham's main concern here is in achieving the greatest apparent suffering with the least real suffering, that is, achieving the greatest effect of the punishment on others with the least inflicted pain.'[217] Both crime and punishment were evil, particularly because the latter is the absence or loss of pleasure.[218] For Bentham, in constitutional as well as penal theories, the meaning of pain goes beyond its function in punishment and generally explains *individual* human action. Pains and pleasures, although they most often occur in social settings, remain individual experiences that motivate actions.[219] Since every individual, at least in his theory, strives after pleasure and not pain, making their actions reasonable and self-serving, punishment

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[212] Posner, 'Blackstone and Bentham', p. 604.
[213] Jeremy Bentham, *A Fragment on Government; or, a Comment on the Commentaries* (London: E. Wilson, Royal Exchange and W. Pickering, Lincoln's Inn Fields, 1823), p. vii.
[214] Bentham, *A Fragment of Government*, p. xiv.
[215] L.J. Hume, *Bentham and Bureaucracy*, p. 61.
[216] Foucault, *Surveiller et punir*, p. 130 (Pléiade, p. 373).
[217] Miran Božovič, 'Introduction "An utterly dark spot"', in Jeremy Bentham, *The Panopticon Writings* (London: Verso, 1995), p. 5.
[218] Jeremy Bentham, *The Rationale of Punishment* (London: Robert Heward, 1830), p. 2. The book *The Rationale of Punishment* forms an interesting collaboration between Jeremy Bentham and Etienne Dumont: Bentham's *The Rationale for Punishment* is based upon work of two volumes by Dumont *Théorie des Peines et des Récompenses*. Bentham notes in the advertisement: 'In preparing the *Rationale of Punishment* (* The *Rationale of Reward* was published in 1825) for its appearance before the English public, the Editor has taken the second volume, published by M. Dumont, as the ground-work of his labours, but having availed himself, wherever he could, of the original manuscripts, his will in many instances not be found a literal translation of M. Dumont's work. EDITOR.', p. 11.
[219] Hume, *Bentham and Bureaucracy*, pp. 65-66.

is a condemnable and painful occurrence that breaks with Bentham's rationalistic logic of individualism. In *The Rationale for Punishment*, he remarks a distinction between the French *punition* and *peine*, both of which translate as 'punishment':

> Punishment, whatever shape it may assume, is an evil. […] 1. The act by which the evil is considered as being produced; and, 2. What is considered as being the result of that same act, the evil itself which is thus produced. The English language affords but one single worded appellative in common use for designating both these objects; viz. *Punishment*.*
>
> *In the French, there exists for the designation of the act one name, viz. *punition-acte de punition*; and for the designation of the evil, the result or produce of that act, another name, viz. *peine*. […] By the word *peine*, the result is indeed secured against being confounded with the act that caused it. But, on the other hand, the use of this word is not confined to the case in which the object designated by it is the result of an act emanating from the will of a sentient being; it is at least as frequently employed to designate the object itself, without regard to the cause by which it has been produced. Besides being too broad in one direction, the important of it is too narrow in another. It is synonymous to, and not more than coextensive with, *douleur*: it fails of including that modification of evil which is of the purely negative cast, consisting of the absence, certain or more or less probable, of this or that modification of pleasure.[220]

Bentham explains that the English word 'punishment' as both act and result is evil. He then argues that the two French words *punition/acte de punition* and *peine* correspond to the act and result separately: *punition* is the act of punishment, and *peine* is the result of punishment. In turn, both *peine* and *douleur* are insufficient to designate the absence of pleasure: whilst *peine* can be intentionally inflicted without a previous act of punishment, *douleur* is the mere experience of pain outside of punishment. Subsequently, *peine* must not conjoin with punishment, and *douleur* must not obey an ethics in which pain is regarded as either positive or negative. Maintaining this difference in translation is difficult, yet necessary to challenge Sheridan's translation. Pain in torture serves the purpose of obtaining information; pain in punishment serves the purpose of reinstating power and educating the people about the penal and violent consequences of committing offences. Foucault builds his argument on the latter.

Voltaire versus Montesquieu – Suffering, Revenge, and Retaliation

The relationship between *supplice* and *torture* asks a moral question of punitive legitimation, problematising the use of violence in both the inquiry and punishment, but it also more

[220] Bentham, *The Rationale of Punishment,* p. 1-2.

broadly questions the legitimacy of royal sovereignty. The translation of *supplice* into English in French documents of the eighteenth century, therefore, may differ depending on the political standpoint of the author: if the author, such as is the case with Montesquieu, advocates a penal classification in which crimes and their punishments mutually increase in severity, *supplice* does not translate as 'torture'. In this case, a *supplice* is a punishment for the most serious offences. In contrast, if the author, such as Voltaire, rebels against the authorities by denouncing the *supplice* as the cruellest act of putting someone to death in public, translations of *supplice* as 'torture' can be found for they are considered to be torturous in the modern sense of the word.

Voltaire's *Traité sur la Tolérance à l'occasion de la mort de Jean Calas* (1763) is a pamphlet that condemns the actions that the authorities took against Calas in Toulouse where the latter was sentenced to the *supplice* following an accusation of having murdered his own son. Voltaire's text is full of political indignation and he protests the wrongful practice and procedures of the authorities, the monarch's power of deciding over life and death of an accused man, and the violent means with which Calas was going to be executed by *supplice*. The word appears in this treatise on numerous occasions. The treatise was translated into English by Thomas Nugent, an Irish traveller and writer, one year after its publication in 1764. Nugent translates *supplice* with 'sentence', 'most cruel death', 'execution', 'cruel execution', or 'punishment'.[221] Then, two new translations appear, the first done by Brian Masters in 1994,[222] and a second in 2016 by Desmond M. Clarke.[223] At times, these two translations bear resemblances, such as for example the translation of *supplice* with 'fate', or 'should be executed', 'should die'.[224] Clarke translates *supplice* with 'death by torture',[225] but also finds 'the most appalling agony' or 'the most appalling and slowest method of execution'.[226] A growing tendency of using superlatives to translate *supplice* can be noticed here, putting further emphasis on Voltaire's indignation. From these translations, we can therefore see that Voltaire expresses his rebellion against what he considered inhumane,

[221] Voltaire, *A treatise on religious toleration, occasioned by the execution of the unfortunate John Calas injustly condemned and broken on the wheel at Toulouse for the supposed murder of his own son*, trans. Thomas Nugent (London: T. Beckett and P.A. de Hondt, 1764), pp. 12, 12, 15, 16, 22.
[222] Voltaire, *The Calas Affair. A Treatise on Tolerance*, trans. Brian Masters (London: The Folio Society, 1994).
[223] Voltaire, *A Treatise on Tolerance*, trans. Desmond M. Clarke (London: Penguin, 2016).
[224] Voltaire, *The Calas Affair,* trans. Brian Masters, pp. 1, 9, 14 and Voltaire, *A Treatise on Tolerance,* trans. Desmond M. Clarke, pp. 7, 10.
[225] Voltaire, *A Treatise on Tolerance,* trans. Desmond M. Clarke, p. 14.
[226] Voltaire, *A Treatise on Tolerance,* trans. Desmond M. Clarke, pp. 8, 18.

torturous, and excessive in punishment. Voltaire's text is politically and morally coloured, forming a strong critique of royal power and its violent rule.

In contrast, Montesquieu understands the *supplice* as a mechanism of retaliation for he justifies it as a punishment for the most serious crimes touching upon the safety of the government and the public. He shares this viewpoint with Blackstone. In Montesquieu's major work of political theory, *De l'Esprit des lois* (1748), translated in 1752 also by Thomas Nugent, he gives a definition of the *supplice*. It appears for the first time in Book IV *Conséquences sur les principes des divers gouvernements par rapport à la simplicité des lois civiles et criminelles, la formes des jugements et l'établissement des peines* and specifically in Chapter IX *De la sévérité des peines dans les divers gouvernements.*[227] Nugent translates the term with 'penalties', 'penal laws' and 'punishment.'[228] In Book XII *Des lois qui forment la liberté politique, dans son rapport avec le citoyen*, Chapter IV *Que la liberté favorisée par la nature des peines et leur proportion*, Montesquieu offers a classification of the nature of different punishments and a definition of the *supplice*:

> Les peines de ces derniers crimes [attaquant la sûreté] sont ce qu'on appelle des supplices. C'est une espèce de talion, qui fait que la société refuse la sûreté à un citoyen qui en a privé, ou qui a voulu en priver un autre. Cette peine est tirée de la nature de la chose, puisée dans la raison, et dans les sources du bien et du mal. Un citoyen mérite la mort, lorsqu'il a volé la sûreté au point qu'il a ôté la vie, ou qu'il a entrepris de l'ôter. Cette peine de mort est comme le remède de la société malade.[229]

For Montesquieu, the killing or attempt at killing a fellow citizen deserves to be punished with *supplice.* He argues that this type of punishment 'est puisée dans la raison', suggesting that *supplice* is, as Foucault insists, a measured and therefore reasonable action taken by the authorities. The first sentence is key here and Nugent translates: 'The punishments inflicted upon the latter crimes [attacking the security of the subject] are such as are properly distinguished by that name.'[230] Nugent adds to the text here to emphasise the degree of severity of the crimes that are punished with *supplice,* showing that he considered it necessary to explain that there are different understandings of what a punishment is and the types of crime that it responds to. The way in which Montesquieu understands penal laws aligns with Foucault's critical analysis of the distribution and degree of violence in punishment. The changes in the establishment of facts as well as the classification and

[227] Montesquieu, *De L'Esprit des Lois I* (Paris: GF Flammarion, 1979), p. 209.
[228] Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (Kitchener: Ontario, Batoche, 2001), p. 99.
[229] Montesquieu, *De l'Esprit des Lois I,* p. 331.
[230] Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent, p. 209.

determination of crimes that emerged in the late eighteenth century put into question the very nature of punishment, and this is reflected in these translations. In 1989 there appeared a second translation of *De l'esprit des lois* by Anne Cohler, Basia Miller and Harold Stone.[231] They note in a preface the following:

> In Montesquieu's apparent digressions the reader often finds echoes or applications of general principles Montesquieu has already enunciated, sometimes several hundred pages earlier. With this in mind, we have, as often as practicable, chosen the language of each part of the translation in terms of the entire book rather than in terms of the more limited context of the paragraph or chapter. This results in a stabilised core of terminology, which conveys some of the resonance of the original text. […] Accordingly, we have respected Montesquieu's use of various distinctions, for instance between *prononcer*, 'to pronounce', and *statuer*, 'to enact', **between *peine*, 'penalty', and *supplice*, 'punishment'**, between *ville*, 'town' and *cité*, 'city'.[232]

They establish a terminological difference between penalty (*peine*) and punishment (*supplice*). To be sure, for Montesquieu *supplice* constituted a *peine,* however a *peine* must not be a punishment for crimes attacking the subject's security, as he explains, but form a punishment for any offence defined by the authorities. *Supplice* differs in the degree of severity of the crime committed and of the punishment inflicted. These changes in translation indicate a significant development of *supplice.* From being the official name and practice of punishment in eighteenth-century France, it was gradually denounced as inhumane cruelty and thereby considered as torturous.[233] Nonetheless, Foucault does not argue that *le supplice* must be regarded, in his view anyway, as a form of torture. Sheridan's translation therefore must be considered, in any case, a translation revealing a modern-day moral condemnation of past penal practices, which is a viewpoint that Foucault wanted to avoid.

L'Éclat des supplices or the Production of Truth

Le supplice was an exceptional punishment, and not a 'torture', as has suggested Sheridan. It links to religion in important ways. Foucault calls it a 'martyrdom' once in the book, and the German translation of *supplice* as 'Marter' might suggest an overall well-placed

[231] Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia C. Miller, Harold S. Stone (Cambridge: Cambridge University Press, 2000).
[232] Montesquieu, *De L'Esprit des Lois*, p. xxxiv, emphases added.
[233] Foucault, *Surveiller et punir,* p. 49 (Pléiade, p. 300).

emphasis on this religious practice.[234] I return to this point at the end of this chapter to demonstrate that although 'Marter' appears unproblematic at first sight because it stems from the idea of 'martyrdom', 'Marter' is in fact a synonym for 'Folter' meaning 'torture'. Importantly, both the English and German translations miss aspects of the spectacle and theatre in *supplice,* which I discuss in this section.

The second chapter of the book, 'L'éclat des supplices', does not only discuss Damiens' *supplice* as a spectacle of punishment. In the word *éclat,* there are two other aspects that get lost in translation: the production and display of truth and the temporality of this type of punishment. Both Sheridan's and Seitter's translations place the emphasis on the theatrical and even festive dimension to translate the chapter title: 'The spectacle of the scaffold' and 'Das Fest der Martern'. Their choice can hardly be criticised because Foucault insists on the spectacular and performative aspects of this event that served the function of exemplarity and moral lesson.

Un supplice qui aurait été connu, mais dont le déroulement aurait été secret n'aurait guère eu de sens. L'exemple était recherché non seulement en suscitant la conscience que la moindre infraction risquait fort d'être punie ; mais en provoquant un effet de terreur par **le spectacle** du pouvoir faisant rage sur le coupable.[235]	An execution that was known to be taking place, but which did so in secret, would scarcely have had any meaning. The aim was to make an example, not only by making people aware that the slightest offence was likely to be punished, but by arousing feelings of terror by **the spectacle** of power letting its anger fall upon the guilty person.[236]	Eine Hinrichtung, von der man gewußt hätte, die aber im geheimen vollzogen worden wäre, hätte kaum Sinn gehabt. Mit der Statuierung des Exempels sollte ja nicht nur das Bewußtsein geweckt werden, daß jedem Vergehen Bestrafung drohte, sondern; sondern durch **das Schauspiel** der am Schuldigen wütenden Macht sollte ein Terrorwirkung hervorgerufen werden.[237]

Foucault's use of the word *éclat* but also his description of *le supplice* as a spectacle pose the question of how a regime of political power becomes visible as well as looking at the elements of its rule that it decides to render visible. The translations perhaps overstate the aspect of stage performance, ceremony, and festivity by having to use words such as

[234] Foucault, *Surveiller et punir*, pp. 56-57 (Pléiade, p. 307).
[235] Foucault, *Surveiller et punir,* p. 70 (Pléiade, p. 319).
[236] Foucault, *Discipline and Punish*, p. 58.
[237] Foucault, *Überwachen und Strafen*, p. 75.

'spectacle', 'festival' in English, and 'Fest', 'Spektakel', and 'Schauspiel' in German. Foucault does call this type of punishment 'le grand spectacle de la punition physique', yet the difficulty for translation does not lie with the vocabulary belonging to the theatre but with the word *éclat,* prioritising the aspect of truth production.[238]

The word *éclat* is used by Foucault not simply to refer to an object but corresponds, as far as the sense of sight is concerned as opposed to hearing, to the meaning of 'brilliance' in two ways: on the one hand it designates *le caractère lumineux* or *l'intensité lumineuse d'une chose ou d'un corps,* and on the other hand it refers to a form of manifestation of clarity as well as glory (TFLi). David Macey translates *éclat* as 'lustre' in his translation of *Il faut défendre la société,* where Foucault discusses the role of 'l'éclat de la gloire [des rois]' and the function of memory and memorisation in history.[239] The *supplice* together with the preceding *torture/question*, as part of the *enquête* were means to extract, establish, and publicly display the truth:

> L'enquête est précisément une forme politique, une forme de gestion, d'exercice de pouvoir, qui, à travers l'institution judiciaire, est devenue, dans la culture occidentale, une manière d'authentifier la vérité, d'acquérir des choses qui vont être considérées comme vraies, et de les transmettre. L'enquête est une forme de savoir-pouvoir.[240]

Two kinds of truth were established during *la torture/la question* and *supplice*. The former, as part of the ongoing *enquête*, established the events and verified if anyone else was involved (confession to reveal accomplices) and thereby constituted something like a preliminary truth, which would be confirmed in the procedure of the latter, during which the established deeds are transformed into a moment of truth (*moment de vérité*):

La recherche de la vérité par la 'question', c'est bien une manière de faire apparaître un indice, le plus grave de tous – **la confession** du coupable ; mais c'est aussi la bataille, et cette victoire d'un adversaire sur l'autre qui 'produit' rituellement la vérité. **Dans la torture pour faire avouer, il y a**	**The search for truth through judicial torture** was certainly a way of obtaining evidence, the most serious of all – **the confession** of the guilty person; it was also the battle, and this victory of one adversary over the other, that 'produced' truth according to a ritual. **In torture employed to**	**Die Wahrheitssuche durch die Folter** soll gewiß ein Indiz zum Vorschein bringen, das schwerwiegendste aller Indizien – das **Bekenntnis** des Schuldigen. Die rituelle ‚Hervorbringung' der Wahrheit spiegelt sich in einer Schlacht ab, in der einer über den anderen siegt. **Die Folter, die zum**

[238] Foucault, *Surveiller et punir,* p. 21 (Pléiade, p. 275).
[239] Foucault, *'Il faut défendre la société'*, p. 58-59; Michel Foucault, *Society must be defended. Lectures at the Collège de France 1975-1976*, trans. David Macey (London: Penguin, 2004), pp. 66-67.
[240] Foucault. 'La vérité et les formes juridiques', *Dits et écrits II* (N° 139), p. 1456

de l'enquête mais il y a du duel.[241] Cette manifestation actuelle et **éclatante de la vérité** dans l'exécution publique des peines …[242] Le vrai supplice a pour fonction **de faire éclater la vérité**; et en cela il poursuit, jusque sous les yeux du public, **le travail de la question**.[243] **Les souffrances du supplice prolongent celles de la question préparatoire**; dans celle-ci cependant le jeu n'était pas joué et on pouvait sauver sa vie ; maintenant on meurt à coup sûr il s'agit de sauver son âme.[244]	**extract a confession, there was an element of the investigation; there also was an element of the duel.**[245] This immediate, **striking manifestation of the truth** in the public implementation of the penalties…[246] The function of the public torture and execution was to **reveal the truth**; and in this respect it continued, in the public eye, **the work of the judicial torture** conducted in private.[247] **The sufferings of the condemned man are an extension of those of the judicial torture that precedes them**; in the judicial torture, however, the game was not yet over and one could still save one's life; now one will die, without any doubt, and it is one's soul that one must save.[248]	**Geständnis führen soll, ist nicht nur Untersuchung, sondern auch Zweikampf**.[249] Diese wirksame und **aufsehenerregende Kundgabe** der Wahrheit in der öffentlichen Vollstreckung der Strafen...[250] Die wahre Marter hat **die Wahrheit aufzusprengen**; und insofern führt sie vor den Augen des Publikums die **Arbeit der Folter** weiter.[251] **Die Schmerzen der Hinrichtung verlängern die Schmerzen der Folter**; war in dieser noch nicht alles ausgespielt und konnte man das Leben noch retten, so stirbt man jetzt gewiß, und es geht um die Rettung der Seele.[252]

The way in which Foucault conceptualises the production of truth both in the procedures of *la torture* or *la question* and in the punishment of *supplice* can be explained by looking at the translated excerpts above. To begin with, there is the verb *produire*. The hours of torture preceding the execution are described by Foucault as a form of duel. Whilst

[241] Foucault, *Surveiller et punir*, p. 52 (Pléiade, p. 302-303).
[242] Foucault, *Surveiller et punir*, p. 53 (Pléiade, p. 304).
[243] Foucault, *Surveiller et punir*, p. 54. (Pléiade, p. 305).
[244] Foucault, *Surveiller et punir,* p. 55 (Pléiade, p. 307).
[245] Foucault, *Discipline and Punish*, p. 41.
[246] Foucault, *Discipline and Punish*, p. 43.
[247] Foucault, *Discipline and Punish*, p. 44.
[248] Foucault, *Discipline and Punish*, p. 46.
[249] Foucault, *Überwachen und Strafen*, p. 56.
[250] Foucault, *Überwachen und Strafen*, p. 58.
[251] Foucault, *Überwachen und Strafen*, p. 59.
[252] Foucault, *Überwachen und Strafen*, p. 61.

Foucault's use of the verb *produire* forms an obvious connection to the fields of political economy and economic production, the verb in French – and this applies to English as well – is also used elsewhere meaning, for example, *faire exister ou créer ce qui n'existe pas encore, (se) présenter (par example présenter un document ou une pièce administrative; se présenter en public)* (TLFi). The English language generally shares these meanings: to bring forward, to present, to appear in public, to bring into a specified condition (OED). Especially in the *supplice,* the emphasis must be placed on the meaning of *produire* not so much as producing an object or good of consumption rather as creating a particular situation and, as Foucault argues, facts and truth. Seitter here translates 'Hervorbringung' and not 'Produktion', most likely to avoid misplacing the emphasis on political economy at this stage in the book. 'Hervorbringung' literally means to 'bring forward' or to 'bring out' something, highlighting the way in which *la torture* is a technique designed to get the accused to admit to the crime and to disclose other information by speaking out. Foucault then writes that this is a 'manifestation éclatante de la vérité', insisting on the role of the public character of *le supplice*. The adjective *éclatant* becomes 'striking' in English and 'aufsehenerregend' in German, and there is one important difference to note about them. Whilst the word 'striking' means to strike the attention of or to produce a vivid impression on an observer (OED), the German adjective Seitter chooses is made up of the noun 'Aufsehen' ('stir', 'sensation', 'commotion', among others) and the present participle 'erregend' ('provoking', 'causing', 'stimulating'). Yet 'Aufsehen' implies that the attention is caught not only by one observer, but by a group of people, or indeed the people. The word *éclat* today still is often used as referring to a *scandale* or *querelle* that is reported about publicly (TLFi). In this sense, 'la manifestation éclatante de la vérité' strikes the viewers not just individually, but collectively as part of the people as political entity and important actor in the *supplice*. In this perspective, it is Sheridan's translation of 'faire éclater la vérité' as 'reveal' that is most problematic in the next passage quoted above. It is precisely the point that Foucault presents the establishment of the facts and of the crime as a *production*, or a creation, and not as something that had to be, literally, uncovered. Foucault makes the point that there is no underlying, previously unknown or kept secret, truth that now is disclosed or indeed revealed. The showing of the condemned man and their execution in public, according to Foucault, primarily renews the power relations between the king, the condemned man, and the people. *Le supplice* violently imposes a domination, and Foucault's argument is that this power relation emerges from this confrontation instead of being justified by the mutual recognition of a pre-given truth. Seitter's translation of

'faire éclater la vérité' reads 'aufzusprengen', which means 'to explode' or even 'to blast/force something open'. It is used mainly in technical expressions and this translation thus fits well since it does not, misleadingly, place the emphasis on the gesture of disclosure or revelation, but on *supplice* as technical procedure. Sticking to the theme of explosion and festival, Seitter proposes a particularly felicitous translation in this memorable event:

Le supplice a donc une fonction juridico-politique. Il s'agit d'un cérémonial pour reconstituer la souveraineté un instant blessé. Il la restaure en la manifestant dans **tout son éclat.**[253]	The public execution, then, has a juridico-political function. It is a ceremonial by which a momentarily injured sovereignty is reconstituted. It restores that sovereignty by manifesting it **at its most spectacular**.[254]	Die Marter hat also eine rechtlich-politische Funktion. Es handelt sich um ein Zeremoniell zur Wiederherstellung der für einen Augenblick verletzten Souveränität. Sie erneuert sie, in dem sie **ein Feuerwerk ihrer Macht abbrennt**.[255]

By translating 'ein Feuerwerk der Macht' – literally 'a firework of power' – Seitter offers a very imaginative translation that is in fact a lot more figurative than Foucault himself formulates it. Yet Seitter's version here can be justified because of how it overcomes the difficulty of translating *éclat*. 'A firework of power' accentuates the spectacular and ceremonial aspect of the event that is reflected in its surroundings. It also carries the feature of being a carefully planned and timed representation of the king's power. Furthermore, the figurative element that Seitter thereby reinforces, links it not just to the practical application of the punishment but also associates it more metaphorically to danger and explosion as well as the heated tension and feared risk of rebellion on the part of the people against the king. Then, the verb 'abbrennen' ('to burn down something (until exhaustion)') describes the temporality of the action in which the beginning and end – Damiens' death and complete elimination of his body – were announced and were witnessed by all.

It is important to expand the word *éclat* to the fields of luminosity and brilliance because they play an important part in the production of truth of *le supplice*. This gets somewhat lost in translation for the benefit of 'spectacle' and other theatrical aspects. The discussion of *éclat* exposes the close relationship between style and concepts. The dramatization of

[253] Foucault, *Surveiller et punir*, p. 59 (Pléiade, p. 310).
[254] Foucault, *Discipline and Punish*, p. 48.
[255] Foucault, *Überwachen und Strafen*, p. 64.

Damiens' *supplice,* reinforced by its position at the very beginning of the book, does not merely serve stylistic purposes to depict the theatrical set-up of such scenes. The theatrical elements – the execution site at Place de Grève in central Paris; the figures Damiens, the executioner Samson, the clerk Le Betron, the officer Bouton, the priests Saint-Paul and de Marsilly, the spectators – all take part in the production of truth about Damiens' regicide and the king's power.

The Remains of *Supplice*

It can be said, in fact, that political power and violence really conjoin in the application of punishment because violence, causing pain and death, is openly legitimised and displayed as the essence of punishment. In Chapter 4, I will return to the question of violence to analyse how it has seemingly vanished to resurface in spaces hidden from the public eye. For now, I look in detail at Foucault's argument about the remains of *supplice,* rather than its memory.

'Un fond "suppliciant"'

Early in the first chapter, Foucault makes an important claim about the way in which *supplice* still haunts modern punishment.

La peine se dissocie mal d'un supplément de douleur physique. Que serait un châtiment incorporel? Demeure donc **un fond 'suppliciant'** dans les mécanismes modernes de la justice criminelle – **un fond** qui n'est pas tout à fait maîtrisé, mais qui est enveloppé, de plus en plus, par une pénalité de l'incorporel.[256]	It is difficult to dissociate punishment from additional physical pain. What would a non-corporal punishment be? There remains, therefore, **a trace of 'torture'** in the modern mechanisms of criminal justice – **a trace** that has not been entirely overcome, but which is enveloped, increasingly, by	Die Strafe lässt sich kaum von einem Zusatz körperlichen Schmerzes ablösen. Was sollte eine unkörperliche Züchtigung sein? Es bleibt also **ein 'peinlicher' Rest** in den modernen Mechanismen der Kriminaljustiz – **ein Rest**, der nicht ganz überwunden wird, der aber immer mehr in ein Strafsystem der

[256] Foucault, *Surveiller et punir*, p. 23 (Pléiade, pp. 276-277).

the non-corporal nature of the penal system.[257]	Körperlosen integriert wird.[258]

We have seen in the discussion of the difficulties of translating eighteenth-century conceptions of the nature and purpose of punishment that *supplice* must not always evoke the spectacular procedure Damiens had to endure. Instead, *supplice* was also often used to refer simply to a – in any event – physically painful punishment, regardless of the severity of the offence and the ordinary or extraordinary set-up of the punishment's execution. Foucault now argues that the endeavours of removing pain from punishment involved a shift towards a disconnection and dislocation of pain, which leads him to write that the elements upon which *supplice* were built remain present in the changes to the materiality of pain and the body. The challenge of making this argument clear can be seen in the translations of 'un fond "suppliciant"'.

Like the word *éclat,* the word *fond* allows Foucault to combine conceptual and figurative meanings. Aside from the figure of speech *de fond en comble* ('completely', 'from the bottom to top') appearing at times in the book, I want to suggest that the ways in which Foucault uses the noun *fond* in *Surveiller et punir* connect with the foundation, justification, and establishment as well as with the question of the origin of new values and practices in penal justice and punitive power. The TLFi defines *fond* as *endroit situé le plus bas dans une chose creuse ou profonde,* and in this sense it can also be the ground (*le sol*) of a lake or the soil's quality of a field. In this sense, *fond* fits well with Foucault's style of using geographical and geological vocabulary, not just to write *Surveiller et punir* but also in other earlier works such as *Les Mots et les choses.* The English and German translations of *fond* as 'trace' and 'Rest' may also imply a Derridarean vocabulary. Both translation choices can be justified in relation to the meanings of *fond,* yet it is worth noting here the meanings of *trace* and *reste* in Derrida's thought to illustrate the entanglements of ideas and words as they become apparent in translation.[259] In *Les Mots et les choses,* for example, Foucault writes of the need to 'recueillir toute l'épaisse couche des signes', of 'dépôt et sédimentation', and of 'une couche très cohérente et fort bien stratifiée' in order to depict the task of

[257] Foucault, *Discipline and Punish*, p. 16.
[258] Foucault, *Überwachen und Strafen*, p. 25.
[259] Derrida's understanding of *le reste* can perhaps best be understood in his essay 'Reste – le maître ou le supplément d'infini' in which he understands le reste as 'ni sujet ni objet', *Le Genre humain* 37 (2002) 25-64 (p. 26). Pleshette DeArmitt has written a concise and helpful article on this essay, 'Cascade of Remainders', in *Derrida Today* 9(2) (2016) 97-106. Derrida's *trace* is one of the most important concepts in his philosophy, serving as a critical tool to deconstruct Saussurian linguistics, but also to complicate the experience of presence in which *trace* implies a non-presence.

uncovering or literally 'excavating' thought and belief systems as they are embedded in modern day.[260] In *Surveiller et punir,* the reader finds less of this writing style, with the exception of one important phrase, 'l'enfouissement bureaucratique de la peine', to which I return in Chapter 5 to show how not just the violence of penal justice but also the conduct of war is relocated into a bureaucratic administration.[261]

Le fond denotes a materiality, a physical layer or foundation that, as Foucault argues, has integrated scientific discourse as an object that in turn provides the basis for a theorisation of the immaterial elements such pain, mental illnesses, and the techniques of disciplining the body. Sheridan translates 'un fond "suppliciant"' as 'a trace of "torture"', and this is problematical because Foucault uses the French word *la trace* elsewhere and differently in the book, namely at the end of the second part 'Punition';

Enfin dans le projet d'institution carcérale qui s'élabore, la punition est une technique de coercition des individus; enfin elle met en œuvre des procédés de dressage du corps – non des signes – **avec les traces qu'il laisse, sous forme d'habitudes, dans le comportement**; et elle suppose la mise en place d'un pouvoir spécifique de gestion de la peine. **Le souverain et sa force, le corps social, l'appareil administratif. La marque, le signe, la trace**. La cérémonie, la représentation, l'exercice. L'ennemi vaincu, le sujet de droit en voie de requalification, l'individu assujetti à une coercition immédiate. **Le corps qu'on supplicie, l'âme dont on manipule les**	Lastly, in the project for a prison institution that was then developing, punishment was seen as a technique for the coercion of individuals; it operated methods of training the body – not signs – **by the traces it leaves, in the form of habits, in behaviour**; and it presupposed the setting up of a specific power for the administration of the penalty. We have, then, **the sovereign and his force, the social body and the administrative apparatus; mark, sign, trace**; ceremony, representation, exercise; the vanquished enemy, the juridical subject in the process of requalification, the individual subjected to immediate coercion**; the tortured body, the soul with its manipulated representations, the**	Und im Projekt der Kerkerinstitution ist die Bestrafung eine Technik des Einzwängens der Individuen; sie arbeit mit Dressurmethoden, die am Körper nicht Zeichen**, sondern Spuren hinterlassen: die Gewohnheiten des Verhaltens**; und sie setzt die Etablierung einer eigens institutionalisierten Strafgewalt voraus. **Gewalt des Souveräns, Gesellschaftskörper, Verwaltungsapparat; Mal, Zeichen, Spur;** Zeremonie, Vorstellung, Übung; besiegter Feind, wiedereingebürgertes Rechtssubjekt, unmittelbarem Zwang unterworfenes Individuum; **gemarterter Körper, manipulierte Vorstellungen der Seele, dressierter Körper**...[264]

[260] Foucault, *Les Mots et les choses,* pp. 55, 109, 177 (Pléiade, pp. 1086, 1144, 1217-1218).
[261] Foucault, *Surveiller et punir,* p. 16 (Pléiade, p. 270).
[264] Foucault, *Überwachen und Strafen*, p. 170.

représentations, le corps qu'on dresse…[262]	**body subjected to training**…[263]

'Un fond "suppliciant"' is a material layer as it refers to the endeavours of doctors, psychologists, and educators to produce medical and psychological knowledge about the human body and soul as objects. And in this 'fond "suppliciant"', pain – both in the sense of *la douleur* and *la peine* – persists. *La trace,* in turn, designates the behaviour as produced by the disciplinary apparatus. The main difference between the two is the definition of pain: punishment is painful but coerced changes to behaviour cannot be, according to the conceptualisation of discipline, because it cures of the vices to be found in desires and instincts and renders the individual productive, docile, and useful. Some*thing* must be punished, and that thing is the body through which power relations pass in order to leave, indeed, traces of learnt behaviours. Seitter proposes 'peinlicher "Rest"', and translating *fond* with 'Rest' is a safe choice because it is used widely and commonly today to refer to that which remains/is left over from a whole yet divisible thing or matter (Grimm). In this sense, it can be material and/or immaterial. Furthermore, 'peinlich' is also a commonly used adjective in Old German legal language, e.g., 'peinliche Gerichtsordnung' would translate to 'criminal code/procedure for judgments'. It is interesting, however, that Seitter does not choose the noun 'Grund' ('ground', 'bottom', but also 'reason'/'cause') to play on the figurative meaning a little more. In any case, Seitter translates *trace* with 'Spur', and this shares the meaning with *trace* in French and English. However, the words *trace,* 'Spur', and 'Rest' also invoke Derridean philosophy by the time Foucault gets translated into German. The two thinkers are contemporaries, yet connections between their works should be carefully drawn based on a shared terminology.

Then, the translation especially of the present participle *suppliciant* with the adjective 'peinlich', places a different emphasis. 'Peinlich' can be used to signify 'painful', and the Grimm dictionary notes a historical meaning connecting 'peinlich' to the pain caused by judicial torture ('mit Folterschmerzen verbunden, unter Anwendung von Folter') as part of the legal language mentioned above. Then, 'peinlich' also means a pedantic, even exaggerated attitude towards detail in the completion of a task (doing something 'peinlich genau'). Today, it is most often used to mean 'embarrassing' or even 'shameful'. Whilst it is possible that these semantic fields go beyond what Foucault wanted to suggest at this

[262] Foucault, *Surveiller et punir*, p. 155 (Pléiade, p. 398)
[263] Foucault, *Discipline and Punish*, p. 131.

point in the book, 'peinlich' already anticipates two aspects that will become important: the shame of judgment and of the shameful state of the prisons as well as the role of detail in the development of discipline.

Thus far in this chapter, I have been insisting that the English translation of *supplice* with 'torture' is misleading, and Sheridan's translation of 'un fond "suppliciant"' with 'a trace of "torture"' remains questionable not just regarding *fond* versus *trace,* but also regarding the repetition of 'torture' in this expression. Yet, there is one way in which the translation 'a trace of "torture"' can be appreciated and this regards the way in which Foucault speaks about modern-day police and military actions.

Supplice is Torture. The Hidden Uses of Violence

Aside from the historical context in which *supplice* refers to capital punishment, it must not only be a *peine corporelle,* but can also be, by extension, a *torture extrêmement douloureuse, entraînant généralement la mort* (TLFi). Thus, *supplice* may also – and especially in modern-day uses – mean a form of *torture.* Whilst I have, in the previous parts, endeavoured to question the assumption that *supplice* and *torture* are synonyms in French, and have therefore criticised Sheridan's translation of *supplice* as 'torture', the connection between the two words re-emerges in Foucault's political critique of the police and military actions as they were conducted at the time of writing *Surveiller et punir.* Foucault writes several times in the book of 'la disparition des supplices', yet this must not be understood as the complete vanishing of systematic and calculated uses of violence in penal justice and disciplinary power more broadly.[265] In an interview in March 1975 on Radio France, he was asked about *Surveiller et punir,* and the following response states more clearly what he means:

> *Michel Foucault, depuis le supplice de Damiens le régicide, il y a eu tout de même progrès, et grand progrès ?*
>
> Vous voulez me faire dire qu'on ne supplicie plus maintenant. C'est vrai, on ne supplicie plus. Mais enfin vous savez bien que les supplices se sont déplacés maintenant et que la police, qui est également une institution nouvelle, date justement du moment où les supplices ont disparu. Alors la consigne a été : non plus quelques grands supplices éclatants, et on laisse courir les autres criminels, mais tout le monde doit être puni de façon systématique, que chaque crime soit puni. A partir de ce moment-là, il a fallu

[265] Foucault, *Surveiller et punir,* pp. 14, 17, 21, 138 (Pléiade, pp. 268, 270, 275, 282).

> que la justice se double d'une institution nouvelle qui a été la police. Or la police, elle, pour savoir la vérité, vous savez parfaitement qu'elle utilise, et de plus en plus, des moyens qui sont des moyens violents. La police supplicie. L'armée, quand elle fait des tâches de police – comme ç'a été le cas en Algérie sous le commandement de Massu, ou l'actuel ministre Bigeard –, l'armée a effectivement supplicié. Donc, vous avez eu un déplacement fonctionnel du supplice. Vous n'avez pas eu de disparition du supplice dans notre société.[266]

These are much more explicit denunciations than he makes in the book. In this interview, Foucault uses the noun *supplice* and verb *supplicier* to talk about three contexts. Firstly, Foucault affirms that 'on ne supplicie plus maintenant', saying that *supplice* as inflicting violence publicly upon the condemned is no longer part of today's penal justice system. But he comes to state, secondly, that 'la police supplicie' as well as 'l'armée a effectivement supplicié', by which he condemns the use of violence by the police and more specifically the use of torture in the Algerian War. Violence, as it had been carried out systematically by these institutions, has left the public sphere to reappear *inside* the prisons, interrogation rooms, street patrols, and in direct confrontations with civilians. I return to the Algerian War in Chapter 5, in which I argue in more detail for a rereading of *Surveiller et punir* which acknowledges the context of this war, especially in the language of strategy and military action that Foucault takes up in his own writing and that gets lost in translation. Both practices, *supplice* as capital punishment in the eighteenth century and *supplice* as a name for the horrors of *la torture* or *la question* by the police and army in the twentieth century, involve a systematic use of violence.

Many had been trying to raise awareness about this tactic of war, or to defend it, as for example had General Jacques Massu with the publication in 1971 of *La Vraie Bataille d'Alger,* which Pierre Vidal-Naquet cynically dismissed as a 'livre qui comprenait une sorte de petit manuel de la torture électrique propre que le général avait expérimentée sur lui-même, sans trop en souffir'.[267] By the time the war ended in 1962, the conflict had drawn international attention and this today presents us with a series of publications and their translations, in which authors at least resisted if not entirely went against confirmed attitudes and historiographies of colonial civilisationism. In (West) Germany, Hartmut Elsenhans published with Carl Hanser Munich in 1974 his doctoral thesis *Frankreichs Algerienkrieg 1954-1962 Entkolonisierungsversuch einer kapitalistischen Metropole. Zum Zusammenbruch der Kolonialreiche,* which was published in France more than twenty-five

[266] Michel Foucault, 'Radioscopie de Michel Foucault', in *Dits et écrits I 1954-1975* (N°161) (Paris: Quarto Gallimard, 2001), 1651-1670 (pp. 1663-1664).
[267] Vidal-Naquet, *Les crimes de l'Armée française. Algérie. 1954-1962*, p. 8.

years later under the title *La Guerre d'Algérie 1954-1962. La transition d'une France à une autre* (2000). Vidal-Naquet praises this book for clarifying that the war in Algeria was not 'une insurrection des barbares contre la civilisation occidentale' but a rebellion against colonialism.[268] The German political scientist Claus Leggewie concluded in 1984 that it was in fact the Algerian War instead of the Vietnam War that cemented the formation of an 'internationalism of the Left in West-Germany' in the 1960s and 1970s.[269] In this regard, it may be surprising that Seitter, responding to a question I asked about Foucault's political activism and the writing of *Surveiller et punir,* writes that 'I have not noticed a connection to the Algerian War, but with Tunisia where he lived and taught from 1966 to 1968'.[270] Keeping in mind that the French state covered up the war in Algeria for the time in which Foucault's works were translated, readers or indeed translators of *Surveiller et punir* may not have immediately connected it to the war. Yet the work of the GIP made clear that by 1960 one in five inmates in French prisons had a North-African background and were detained for reasons in relation to the Algerian War.[271] Moreover, at a press conference of the Comité Vérité Toul (CVT) on 5 January 1972, commenting the rapport by the psychiatrist Dr Edith Rose, Foucault compared her open accusation of the state and violence in the prisons to the disclosure of torture in the Algerian War:

> Souvenez-vous de la guerre d'Algérie. Une chose était de dire que l'armée en était venue à pratiquer la torture (sans doute, il était interdit de l'imprimer, mais ça se savait, ça se disait). Tout autre chose était de se lever, comme des hommes l'ont fait, pour crier: 'Le capitaine X a torturé Y; il est sorti tant de cadavres de tel commissariat.' Ceux qui prenaient ce risque mettaient leur vie en jeu.[272]

The fact that Seitter did not think of the Algeria War when translating Foucault's *Surveiller et punir* does not problematise his translation on similar grounds to Sheridan's translation of *supplice* as 'torture'. In fact, I will show in the next part that the German translation of *supplice* as 'Marter' places a useful yet still questionable emphasis on the religious symbolism of this punishment. Still, Sheridan's translation of *supplice* as 'torture', deservingly or misleadingly, must be understood in relation to the French political landscape of the late 1960s and early 1970s, as well as to Foucault's growing political

[268] Vidal-Naquet, *Les Crimes de l'Armée française*, p. 9.
[269] Claus Leggewie, 'Kofferträger. Das Algerien-Projekt in den 50er und 60er Jahren und die Ursprünge des "Internationalismus" in der Bundesrepublik', *Politische Vierteljahreschrift* 25(2) (1984) 169-187.
[270] Seitter, personal e-mail communication, 15-03-2021, my translation.
[271] *Le Groupe d'information sur les prisons. Archives d'une lutte 1970-1972*, p. 18.
[272] Michel Foucault, 'Le discours de Toul', in *Dits et écrits I 1975-1975* (N° 99) (Paris: Quarto Gallimard, 2001), 1104-1106 (p. 1105).

activism as part of the GIP as well as his standpoint towards the endeavours to disclose the crimes of the French army in Algeria. Does Sheridan's choice illustrate the case when a 'bad' translation stands in the way of a good one? Across the languages studied in this thesis, the opening of *Surveiller et punir* with Damiens' *supplice* is most often discussed in relation to its spectacular, dramatic dimensions in which power and violence are excessive. These aspects have their merit in emphasising the – torturous – cruelties of a past age. Yet to this must be added the many argumentative elements – questions of truth, reason, religion, and the way in which they are shifted to other spaces in present times – that resonate in the word *supplice* and that are lost in translation. In this sense, Sheridan's choice here can be considered 'bad' because it confuses Foucault's argument about measuring pain in punishment and violence in power. This judgment notwithstanding, translating it with 'torture' can be considered as forming part of the 'acte d'instauration' in the discourse of the author Foucault insofar as it allows us to situate Foucault's works in relation to the political activism especially by his friend and co-founding member of the GIP, Pierre Vidal-Naquet.

Following the publication of his *La Raison d'État* in 1962, Vidal-Naquet was asked to write about the Algerian War for the English publisher Penguin. Translated by a NATO general, the title was *Torture: Cancer of Democracy. France and Algeria 1954-1962* (1962).[273] The French text forming the basis for this English-language publication later came out with Minuit in 1972 as *La Torture dans la République*. The translation of *supplice* is thus further complicated beyond discussions about the historical accuracy (i.e., the exact definition of different types of punishment), by political activism and treatises of denunciation by French intellectuals in the twentieth century, and personal accounts of experiences of *la torture* described as a *supplice*. If *le supplice* and its *torture/question préparatoire* have disappeared from the penal code, the practice of *la torture* in a context of war still exists. Historically, as I have shown, *la torture/question* served the purpose of obtaining information about accomplices as well as getting the accused to confess to his crime. The revealing of information especially continues to be the essential feature of *la torture/question,* as Raphaëlle Branche notes about warfare in Algeria: 'La pratique de la torture appartenait en fait à un système répressif justifié par la recherche prioritaire de renseignements.'[274] Alluding to this historical practice, the journalist Henri Alleg's *La Question* (1958) is an early and important source to read about a personal experience of

[273] Vidal-Naquet, *Les Crimes de l'Armée française*, pp. 7-8.
[274] Branche, *La Torture et l'armée pendant la guerre d'Algérie*, p. 20.

enduring torture in Algeria.[275] In several places, Alleg describes this experience as *supplice:* 'Roulant ma chemise en boule, Jacques me l'enfonçât dans la bouche et le supplice recommença.'[276] His account denounces *la torture,* or indeed *la question* as the book title has it, emphasising the bloody value of information. In much the same way as the officers torturing Damiens prior to his sentence were determined to know about his accomplices, the army officer explains to Alleg: 'Vous êtes journaliste? Alors vous devez comprendre que nous voulons être informés.'[277] However, in contrast to the element of information, *la torture* as it was applied by the French army in Algeria was never called by this name for it was done in secret and the officers in charge endeavoured not to leave visible marks on the body of their victims. The violence of this repressive system was entirely concealed as it made its ways through the Algerian population. The difficulty for translation consists precisely in making this historical development clear because Foucault does not argue for the vanishing – though misleadingly he does speak of 'la disparition des supplices' as quoted above – but for a displacement of violence.

The first term *supplice* that I have explored in detail in this thesis shows that the meaning of concepts in Foucault's analysis changes. But the shifts in meaning that occurred over the period and the national contexts that Foucault analyses are different, too. Public executions in eighteenth-century England cannot be conflated with the political and religious rituals that Foucault presents in *le supplice de Damiens.* Nonetheless, it is necessary to debate the options of translating *supplice* into other languages to understand the ways in which different regimes of power define and justify the use of violence in punishment and social control. Divested of its function of punishment today, techniques of *supplice* remain a violent means of repression.

Punishing the Body. The German translation of supplice as 'Marter'

Thus far I have outlined that the remains of *supplice* in modern-day punitive power involve the emergence of a new material layer, 'un fond "suppliciant"' bringing together the body and soul as objects in the discourse of medical and human sciences, as well as the continuous practices of violence by the police and military. As far as religion is concerned,

[275] Henri Alleg, *La Question* (Paris: Minuit, 1958).
[276] Alleg, *La Question,* p. 24.
[277] Alleg, *La Question,* p. 21.

I have noted that the word *supplice* evokes a posture of supplication, especially when making *amende honorable*. The German translation is questionable too, though opens up to the important theme of religion by rendering *supplice* as 'Marter', linking it to martyrdom.

If *supplice* cannot be translated as 'torture' because it illustrates the function of pain and violence in official punishments, it seems that the German translation 'Marter', stemming from the Latin 'martyr', fits well to highlight the religious values of this thematic concept. Foucault also calls it a *martyre*: 'Mais les douleurs d'ici-bas peuvent valoir aussi comme une pénitence pour alléger les châtiments de l'au-delà : d'un tel martyre, s'il est supporté avec résignation, Dieu ne manquera pas de tenir compte.'[278] But can Damiens' *supplice* really be compared to a martyrdom as the German word 'Marter' would perhaps lead us to believe?

It must be noted that 'Marter' is not exactly a synonym to the German word 'Martyrium' or perhaps even 'Märtytertod' ('martyr's death', 'martyrdom'), as one would call it today. Yet it connects to three important semantic fields. 'Marter' referred to the person enduring a bloody ordeal to profess their faith as opposed to 'martyrium' meaning the experience of this suffering. It was therefore firstly used in the language of the Church. In this context, it is also synonymous to 'Blutzeuge' or 'Blutzeugenschaft', literally meaning 'blood witness' and 'blood testimonial'. Secondly, it was used as referring to 'a kind of torture of an offender' ('eine Art der Folterung eines Verbrechers'), and thirdly it means in everyday language a 'severe bodily pain' ('heftiger körperlicher Schmerz'). If *supplice* also means, as mentioned at the beginning of this chapter, 'kneeling or bowing down' in supplication evoking a particular posture of the body, 'Marter' depicts blood-covered human flesh and the suffering body as a sacred act. To link it clearly to Christianity and *supplice* as divine punishment, Foucault uses the word *supplice* twice in *Histoire de la folie* (1961).[279] Jonathan Murphy and Jean Khalfa translate this first as 'torture' when it is mentioned as resembling the Passion of Jesus and this may have been done so that it matches Sheridan's English translation. They omit it the second time Foucault uses it to write about the fear of one of Diemerbrock's patients of having to endure a *supplice* upon being handed over to Satan.[280] Evidently, these fields share similarities with Sheridan's mistranslation of *supplice* as 'torture'. Furthermore, the element of faith – either as profession or renunciation – appears in Damiens' *supplice* more as a formal prescription

[278] Foucault, *Surveiller et punir*, pp. 56-57 (Pléiade, p. 307).
[279] Foucault, *Histoire de la folie,* pp. 34, 299 (Pléiade, pp. 27, 268).
[280] Michel Foucault, *History of Madness,* ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London: Routledge, 2006), pp. 17, 234.

than the very grounds on which he is sentenced. It must then be said that Damiens did not die as a blood witness, which puts into question Seitter's translation of 'Marter'. As I have argued, Foucault's use of *supplice* is a thematic contribution to the concept of punishment and not to torture. 'Marter', at first, appears as deserving translation because of its resonances with religion, but it nonetheless remains a synonym for torture, too.

Because Foucault does not draw from German-language documents in this part of 'Supplice', selecting texts for a translational comparison is not as straightforward as with the English-language authors I have discussed earlier, such as Blackstone, Rush, or Bentham. The literature on torture and public executions is similarly vast. Like the French and English contexts, torture – called 'Folter', 'Tortur', or 'Marter' – was officially codified in German law by the Constitutio Criminalis Carolina in 1532 up until the year 1754, in which it was abolished by Frederick II. Generally, it was conducted in an isolated room to avoid prying eyes from the public and it did not form part of the punishment.[281] Punishments like Damiens' *supplice* are described in the German language, similarly to English, by the actions that are executed, such as burying alive, death by burning/immolation, drowning, breaking on the wheel, hanging, or decapitation.[282] To solve the problem of translating *supplice* into German, it would be possible to add to Seitter's translation, turning 'Marter' into 'Marterstrafe' – 'Strafe' meaning punishment – to emphasise that Damiens' *supplice* was an official sentence and to contrast it with the today commonly used in legal and everyday language 'Freiheitsstrafe' – literally 'freedom punishment' – which designates the custodial sentence, or simply imprisonment.

The translations of *supplice* as 'torture' and 'Marter' therefore resemble each other in their thematic displacement. But even if the term 'Marter' is evocative of the martyrdom must be questioned because it actually implies a specific religious practice and Foucault engaged with religion overall rather schematically. This can again be shown with the word *la cellule* and *la clôture,* to which I turn Chapter 5. Nonetheless, one important connection stands out in the word 'Marter': the human body.

Damiens' execution targeted the human flesh, conceived of as both living and sinful body that had attacked the king. Foucault rarely uses the word *la chair* in the book as he mostly speaks of *le corps*. In the next chapter, I offer a detailed discussion of *le corps* in translation to situate it within the language of philosophy. For now, I want to insist on the Christian

[281] Van Dülmen, *Theater des Schreckens,* p. 29-35.
[282] Van Dülmen, *Theater des Schreckens*, p. 118.

conceptualisation of the body as human flesh that Foucault emphasises in 'Supplice'. This is important because it opens the discussion on the German word 'Leib', which Seitter uses in the first part to translate *corps:*

Voilà donc un **supplice** et un emploi du temps.[283]	We have, then, a **public execution** and a time-table.[284]	Das eine Mal eine **Leibesmarter**, das andere Mal eine Zeitplanung.[285]

Seitter here translates a compound noun 'Leibesmarter', placing an emphasis on the body. In German, there are two words for the body: 'Körper' going back to the Latin 'corpus', and 'Leib' deriving from Middle High German meaning, broadly: life ('Leben'), person, and most commonly body. As the Grimm dictionary notes, 'Leib' forms part, in modern speech, of expressions and figures of speech in which are emphasised the violent loss of life as well as bodily harm; the personal relationship with one's own living body; the external shape of the human body with its limbs (synonym to 'Körper' and in this sense it enters philosophical discourse as the counterpart to the soul, mind, or spirit); the mortal nature of the body within the theological doctrine of terrestrial and eternal life; the state of the body as far much as infirmity, purity, virginity, but also nutrition is concerned; the inner life of the body with its organs but also its passions; the lower part of the body meaning the abdomen or the uterus ('Unterleib' or 'Mutterleib'); and finally the body of Christ ('der Leib Jesu'). These fields have in common that they theorise the ephemeral materiality of the body, alongside general matters of death, ailment, and sustainment. Here is another example when Seitter translates 'Leib', following his understanding of *corps* in the first part as designating a living organism that stands in contrast to what Foucault then calls a 'réalité sans corps':

Moment important. Les vieux partenaires du faste punitif, **le corps et le sang**, cèdent la place. Un nouveau personnage entre en scène, masqué. Finie une certaine tragédie ; une comédie commence avec des silhouettes d'ombre, des voix sans visage, des	It was an important moment. The old partners of the spectacle of punishment, **the body and the blood**, gave way. A new character came on the scene, masked. It was the end of a certain kind of tragedy; comedy began, with shadow play, faceless	Dies ist ein wichtiger Augenblick. Die alten Mitspieler des Straf-Festes, **der Leib und das Blut**, räumen den Platz. Auf die Bühne tritt eine neue Person – verschleiert. Eine gewisse Tragödie ist zu Ende, es beginnt eine Komödie mit

[283] Foucault, *Surveiller et punir*, p. 14 (Pléiade, p. 267).
[284] Foucault, *Discipline and Punish*, p. 7.
[285] Foucault, *Überwachen und Strafen*, p. 14.

entités impalpables. L'appareil de la justice punitive doit mordre maintenant sur **cette réalité sans corps**.[286]	voices, impalpable entities. The apparatus of punitive justice must now bite into **this bodiless reality**.[287]	schattenhaften Silhouetten, gesichtslosen Stimmen, unbetastbaren Wesen. Der Apparat der Strafjustiz hat es nun mit **dieser körperlosen Realität zu tun**.[288]

The new character entering the stage of punishment is the soul as a 'bodiless reality' because the bloodshed involving the body of the condemned man has ceased. The body as a living organism and as corporeal surface bearing the signs of torture no longer are the centrepiece in the scene of punishment. Naturally, Foucault's dramatized claim about this new 'bodiless reality' must not be taken literally because the body as material element remains yet is now 'doubled', as he argues, with the modern soul. Punishment no longer causes physical pain or harm, but it becomes a treatment curing vice and other behaviour deemed immoral, insane, wasteful, disobedient, criminal, or otherwise illicit.

[286] Foucault, *Surveiller et punir*, p. 24 (Pléiade, p. 277).
[287] Foucault, *Discipline and Punish,* pp. 16-17.
[288] Foucault, *Überwachen und Strafen*, p. 26.

Chapter 3
(Un)Translating the Body

Introduction

From mutilating and killing it in *le supplice,* the body enters a new age of penality in which it gets theorised no longer as the connecting element between God's and the king's justice, but as that which constitutes its vitality, namely its strength, forces, desires, and passions. These remain part of 'un fond "suppliciant"', as I have suggested, and reappear as a new material layer upon which punitive power acts. *Surveiller et punir* is populated by a multitude of bodily figures: they are marked, tortured, disciplined, obedient, well-trained, and forceful bodies that Foucault understands as representing, in fact materially embodying, different regimes of power.

From the words *la chair* and *le corps* that designate the body in French, Foucault chose *le corps* to theorise the history of the disciplined body. Whilst *corps* is an uncomplicated word to translate into English, Seitter had available to him 'Körper' and 'Leib'. Seitter mainly translates 'Körper' and chooses 'Leib' only in passages in which he translates fixed expressions in German. However, the concept of 'Leib' matters because it is prominent in Nietzsche's writings which Foucault draws from, especially regarding the body, Nietzsche introduces 'Leib' as an important conceptual distinction in order to write against rationalistic philosophy, religion, and morality. Yet the way in which Nietzsche's vocabulary prioritizes the body, to dismantle the efforts throughout the history of philosophy to determine what the body is and to make the mind gain control over it, disappears in French and English translation. Renewing their well-known connection, the inspiration Foucault drew from Nietzsche must be reconsidered in the context of translating the concept of the body. In response to an e-mail in which I asked about his choices, Seitter explained that he is aware of the duality 'Körper-Leib' in philosophy but argues that their difference, especially in Nietzsche, does not matter because Nietzsche does not advance a novel physiological theory of the body. Nietzsche's 'Leib' thereby gets lost in translation. Questioning this judgment, I argue that the semantic difference in Nietzsche must be taken seriously. To begin with, I present the function of the body in

Surveiller et punir, which is linked to the theoretical framework Foucault outlines in his essay, 'Nietzsche, la généalogie, l'histoire'. I then explain what Nietzsche denotes by using the word 'Leib', insisting that his vocabulary and conceptualisation of the body matters and should not be dismissed. A further discussion of Seitter's choice through the lens of translation studies will reinforce my argument. Finally, I conclude the chapter by discussing three bodily figures – *le corps exposé, le corps docile,* and *le corps du délinquant* – to illustrate the way in which Nietzsche complicates and Foucault problematises the duality between body and soul, and to argue that it would have been preferable for Seitter to translate 'Leib' in the examples in *Surveiller et punir* that I invoke.

The body as central element in *Surveiller et punir*

The body, both as object and metaphor, is a key element in the book. Foucault uses the word to describe several entities as a *corps:* the prison as a political body or *le corps de la prison*, society as *corps social,* or the political system as *corps politique.* Foucault's point is not to compare these forms of social and political organisation to the appearance and workings of the human body, but to present how the body of the prison violently represses and abuses human bodies. The revolts in French, Italian, and American prisons beginning in the 1960s and 1970s, as well as Foucault's activism as a founding member of the GIP from 1971 onwards prompted a discussion about the very nature and purpose of the prison. These protests showed a physical, visible rebellion of human bodies:

Il s'agissait bien d'une révolte, au niveau **des corps***,* contre **le corps** même de la prison.[289]	In fact, they were revolts, **at the level of the body**, against **the very body of the prison**.[290]	In Wirklichkeit handelte es sich um eine Revolte **auf der Ebene der Körper** gegen den **Körper des Gefängnisses**.[291]

[289] Foucault, *Surveiller et punir,* p. 39 (Pléiade, p. 291-292).
[290] Foucault, *Discipline and Punish*, p. 30.
[291] Foucault, *Überwachen und Strafen*, p. 42.

Figure 1 Front matter of *La Cause du peuple-J'accuse,* N° 15, 18 December 1971, showing the Prison centrale Ney on 9 December 1971, in *Le Groupe d'information sur les prisons : Archives d'une lutte,* ed. Philippe Artières, p. 164.

Despite the implied reference to manifestations of prisoners on the prisons' rooftops – as Figure 1 shows here in Toul – Sheridan's translation remains on the level of abstraction by avoiding adjusting the grammatical number. Whilst this translation choice facilitates entering the discussion about the place and meaning of the body in the language of philosophy to which I will turn later, it diverts attention from the GIP's mission to make prisoners audible in public debate, as well as from Foucault's materialist conceptualisation of the punished, imprisoned, and finally disciplined body. Foucault perceives the prisons revolts as having been caused by a form of corporeal repression and coercion, or quite simply by 'la misère physique' in prison that are 'le froid, […] l'étouffement et l'entassement, […] des murs vétustes, […] la faim, […] les coups'. To this he adds, then, 'les tranquillisants, l'isolement, […] le service médical ou éducatif' that define modern punitive power passing through the human body to produce the modern individual with its soul.[292] The body is placed and held in a particular material surrounding that is a cold, badly ventilated, small, and decrepit cellular space, in which the prisoners are subjected to a bad dietary regimen, given sedating medication and bad medical care, regularly separated from others to be put in an isolation cell (*le mitard*) as a disciplinary measure. In *Surveiller et punir,* Foucault in fact traces the history of a tension between the visceral, biological reality of the body as complex, unruly, living organism versus the 'ideal', mechanically constructed, productive body that Foucault perhaps best illustrates at the beginning of the chapter 'Les corps dociles' in Part III 'Discipline' with 'la figure idéale du soldat' for whom 'son corps, c'est le blason de sa force et de sa vaillance'.[293]

To introduce the debate about this contrast between 'Körper' and 'Leib' following Nietzsche, and furthermore the variously shaped and legitimised attempts to

[292] Foucault, *Surveiller et punir,* p. 39 (Pléiade, p. 291).
[293] Foucault, *Surveiller et punir*, p. 159 (Pléiade, p. 399).

conceptualise the body following medico-scientific statutes dividing its workings and state of health into infirm and faulty versus strong and functional, Seitter in the German translation could have translated 'au niveau des corps' as 'auf der Ebene der Leiber' instead of 'Körper'. I return later to the reasons why he has not done this, but I want to suggest at this point that Foucault's understanding of the prison revolts does bring out bodily features of sustenance, illness, and death, too, that in German are most associated with expressions using the word 'Leib'. Using the two German words for the body in this passage would therefore not only have made sense on the level of everyday language use and fixed expressions. It would have also allowed to introduce the use of the word 'Leib' as it takes such a central function in Nietzsche's philosophical language.

Foucault's idea of the body following Nietzsche

To problematise the opposition between the ideal, disciplined body and the defective, idle, 'untrained' body, Foucault draws from Nietzsche, most explicitly in his essay 'Nietzsche, la généalogie, l'histoire' (1971), in which he 'proposes a mode of reading and historical analysis, rather than a topic of inquiry', and more specifically a theory of the body as historically legible object.[294] Foucault writes:

Le corps : surface d'inscription des événements (alors que le langage les marque et les idées les dissolvent), **lieu de dissociation du Moi** (auquel il essaie de prêter la chimère d'une unité substantielle), **volume en**	**The body is the inscribed surface of events** (traced by language and dissolved by ideas), the locus of a **dissociated self** (adopting the illusion of a substantial unity), and **a volume in perpetual disintegration**.[296]	**The body is the surface of inscription of events** (traced by language and dissolved by ideas), the locus of the **dissociation of the Me** (to which it tries to impart the chimera of a substantial unity), and **a volume in perpetual disintegration**.[297]	**Dem Leib prägen sich die Ereignisse ein** (während die Sprache sie notiert und die Ideen sie auflösen). **Am Leib löst sich das Ich auf** (das sich eine substantielle Einheit vorgaukeln möchte). **Er ist eine Masse, die**

[294] Elden, *Foucault. The Birth of Power*, p. 37.
[296] Michel Foucault, 'Nietzsche, Genealogy, History', trans. Donald F. Bouchard and Sherry Simon, in *The Foucault Reader*, ed. by Paul Rabinow (London: Penguin, 1984) 76-100 (p. 83).
[297] Michel Foucault, 'Nietzsche, Genealogy, History', trans. Robert Hurley and others, in *Essential Works of Foucault 1954-1984. Aesthetics. Volume 2*, ed. James D. Faubion (London: Penguin, 1998) 369-391 (p. 375)

perpétuel effritement.[295]			**ständig abbröckelt.**[298]

This excerpt permits me to outline three methodological points Foucault notes about the body following Nietzsche. Seitter makes this especially clear, not only by translating *corps* as 'Leib', but also by using a vocabulary in German that can be found in Nietzsche's writing and that further specifies Foucault's approach.

The first is 'le corps: surface d'inscription', involving the body as a material object that makes past events visible and legible for the historian. Foucault understands the body's constitution, outer appearance, and the different material representations and uses of the body as showing the political regime in which it is placed. Seitter translates 'le corps: surface d'inscription' as 'Dem Leib prägen sich die Ereignisse ein'. This implies a change of syntax and a change of words, and he must proceed as such to add verbal parts to the nominal sentence Foucault writes here because German (like English) does not allow such constructions. Seitter's version changes the subject of the French phrase, *le corps,* into the indirect dative object 'dem Leib'. This indicates, in turn, that the body is passive and the recipient of the action. The verb that Seitter adds, 'einprägen' which means to stamp, to imprint, to impress, to emboss a paper with a pattern, but also to remember/memorise something, agrees with the events: the events inscribe/impress the body.[299] Is the body an active or passive object in a given historical context? By rendering it a passive object, Seitter anticipates something that Foucault came to state himself more clearly in an interview in 1977:

> Ce que je cherche, c'est à essayer de montrer comment les rapports de pouvoir peuvent passer matériellement dans l'épaisseur même des corps sans avoir à être relayés par la représentation des sujets. Si le pouvoir atteint le corps, ce n'est pas parce qu'il a d'abord été intériorisé dans la conscience des gens.[300]

Seitter therefore emphasises the body as passive object, which stresses Foucault's general interest not in the history of the subject as such, but in forms of subjectivation. The meaning of the verb 'einprägen' is semantically relatively close to the noun *inscription.* The

[295] Michel Foucault, 'Nietzsche, la généalogie, l'histoire', *Œuvres*, vol. 2, ed. Frédéric Gros (Paris: Gallimard, Bibliothèque de la Pléiade), 1281-1304 (p. 1288).
[298] Michel Foucault, 'Nietzsche, die Genealogie, die Historie', in *Von der Subversion des Wissens*, trans. and ed. Walter Seitter (Munich: Hanser, 1974), pp. 91-92.
[299] https://www.collinsdictionary.com/dictionary/german-english/einpragen [accessed 25-05-2020].
[300] Michel Foucault, 'Les rapports de pouvoir passent à l'intérieur des corps', in *Dits et écrits II 1976-1988* (N° 197) (Paris: Quarto Gallimard, 2017), 228-236 (p. 231).

use of a verb instead of noun in German is preferable in this instance for compound nouns such as 'Einschreibungsoberfläche' or 'Prägungsoberfläche' would hardly have been intelligible. Though it is interesting to note that Nietzsche does use the verb 'einprägen' at the beginning of the second essay in the *On the Genealogy of Morals* in which he says that the history of mankind has shown that for a long-time moral values and behaviours were preserved by means of the display and experience of physical pain and suffering:

Wie macht man dem Menschen-Thiere ein Gedächtnis? Wie **prägt** man diesem theils stumpfen, theils faseligen Augenblicks-Verstande, dieser leibhaften Vergesslichkeit Etwas so **ein**, dass es gegenwärtig bleibt?[301]	Comment former dans l'animal-homme une mémoire ? Comment **imprimer** quelque chose d'ineffaçable **à** cet entendement du moment présent, à la fois étourdi et obtus, à cet oubli incarné ?[302]	How can one create a memory for the human animal? How can one **impress** something **upon** this partly obtuse, partly flighty mind, attuned only to the passing moment, in such a way that it will stay there?[303]

The public execution that is used to 'imprint' a moral lesson upon the people's mind is what Foucault explains in the mechanisms of *supplice* at the beginning of *Surveiller et punir*. Seitter published his translation of the Nietzsche essay in an anthology called *Michel Foucault. Von der Subversion des Wissens* in 1974 and notes in a brief postface that he is grateful to Foucault for having given important advice for the design of the book.[304] Seitter's collection thus was published one year after Foucault lectured on *La Société punitive* at the Collège de France. At the very beginning of this calendar year, on 3 January 1973, Foucault spoke already of public executions and the body as an object that is inscribed by power:

> Dans la pratique du marquage, il est de voir combien la mort est une opération physique spécifiée, un travail au corps, une manière ritualisée d'*inscrire* les marques du pouvoir sur le corps de l'individu, son statut de coupable, ou d'*inscrire* au moins dans l'effroi du spectateur la mémoire de la faute.[305]

[301] Friedrich Nietzsche, *Zur Genealogie der Moral. Götzendämmerung*, Philosophische Bibliothek Band 6, ed. Claus-Artur Schreier (Hamburg: Felix Meiner Verlag, 2013), 'Zweite Abhandlung', 3, p. 51.
[302] Friedrich Nietzsche, *La Généalogie de la morale*, trans. Isabelle Hildenbrand and Jean Gratien (Paris: Gallimard, 1971), 'La "faute", la "mauvaise" conscience', 3, 63.
[303] Friedrich Nietzsche, *On the Genealogy of Morals. Ecce Homo*, trans. Walter Kaufmann and R.J. Hollingdale, ed. with a commentary by Walter Kaufmann (New York: Vintage Books, 1989), 'Second Essay', Section 3, p. 60.
[304] Seitter, 'Nachbemerkung des Herausgebers', *Michel Foucault. Von der Subversion des Wissens,* p. 178.
[305] Foucault, *La Société punitive*, p. 12, emphases added.

In the French translation by Jean Gratien and Isabelle Hildenbrand of (part of the French translation of the *Œuvres philosophiques complètes* published by Gallimard throughout the 1960s and 1970s), they translate Nietzsche's 'einprägen' as *imprimer*. It may therefore be considered excessive that Seitter translates the words *inscrire* and *inscription* in Foucault to echo, as I argue, relevant passages in Nietzsche, though this observation will reinforce my argument about the disproportionate use of Nietzschean terminology in the essay as opposed to *Surveiller et punir,* which problematises the loss of Nietzsche's 'Leib' in German translations of Foucault. The idea of the physical marking of the body in punishment is not only relevant for Foucault's discussions in terms of the corporeal visibility of torture, suffering, and death. In *Surveiller et punir,* he presents other forms of *inscription:* in the sense of omnipresent 'affiches, écriteaux, signes, symboles' turning punishment into the 'livre de lecture' of which the reformists dreamt; the rise of bureaucracy as 'le pouvoir d'écriture'; and the training of handwriting as 'une bonne écriture' which he sees as 'une gymnastique' of the body.[306] The problems of physically 'inscribing/imprinting' the body are also important for Foucault's discussion of the penal theories developed by Enlightenment thinkers. In fact, Foucault explains that it did not suffice to make punitive power operate by representations and the idea of punishment only. To effectively obey the kind of disciplinary power Foucault theorises, the network of control must be tighter, and the effects be felt about one's own body. This feature of disciplinary power seizes the corporeal intimacy and personal relationship with the body that the German word 'Leib', as explicated by Nietzsche can clearly show.

The body is a 'lieu de dissociation du Moi (auquel il prête la chimère d'une unité substantielle'.[307] Foucault understands the body as a manipulable entity through which a sense of self is produced. The different philosophical principles with which mankind has attempted to understand cognitive, sensuous, and physical processes – e.g., mind, spirit, soul, and the body – in the quest for knowledge and truth do not culminate, as Foucault says here, in a 'unité substantielle'. In essence, this means that each of these elements can be directed or controlled by the other elements or from the outside. I suggest that this shows that Foucault's understanding of the body echoes Nietzsche's critique since it analyses the different philosophical arguments that have been made about the relationship between mind, spirit, soul, and the body. For Foucault, they always express a power relation instead of representing a uniform system. They are a hierarchical set-up that in

[306] Foucault, *Surveiller et punir,* pp. 131, 222, 178 (Pléiade, pp. 374, 496, 422).
[307] Foucault, 'Nietzsche, la généalogie, l'histoire', p. 1288.

turn characterise the regimes of political power from which these ideas emerged. Seitter uses the preposition 'am', which means 'by/at/on the side of something': 'Am Leib löst sich das Ich auf'. This preposition usually locates the action by the object. Although this indicates a direction or placing, Seitter thereby omits *lieu*. Hence, in German, the body appears to be no longer the place in which this 'dissociation du Moi' happens, but instead becomes a kind of bystander to this action. These two parts of the translation hence suggest that events happen to the body ('dem Leib'), near the body ('am Leib'). The body is supposedly not active in this moment of reception. To compare Seitter's translation, it is interesting to note what Nietzsche writes in *Thus Spoke Zarathustra:*

Und Seele ist nur ein Wort für ein Etwas **am Leibe**.[308]	And soul is only a word for something **about the body**.[309]

Nietzsche prioritises the body, using the adverb 'nur' ('only') to indicate that its power is inferior to the power of the body. Nietzsche does indeed not really explain what exactly the soul is or does, apart from being 'a word for something about the body', which is hardly clarifying. The German-language academic philosopher Volker Gerhardt finds Nietzsche's formulation 'am Leibe' at first 'strange'.[310] But he reminds us of a figure of speech. In German, the phrase 'etwas am Leibe haben' refers to specific characteristics of a person, such as the way they laugh, walk, or speak, and it may also include their posture, position, outer appearance that can give indications about their behaviour, social position, and general mindset. Gerhardt writes that 'die Verfassung eines lebendigen Wesens kann sich nirgendswo anders zeigen als "an" seinem Leib' (The constitution of a living being finds no better expression other than "by" their body').[311] It appears that the conflict between body and soul in Nietzsche involves the domination of the one over the other, and the way in which the one can manipulate the other: is the mental health of a person reflected in their physical constitution? Or does the body determine the wellbeing or ill-health of the soul/psyche/mind/spirit? When reading Foucault, it seems that both viewpoints apply, for he insists that the ways in which the modern human sciences

[308] Friedrich Nietzsche, *Also Sprach Zarathustra.* Kritische Studienausgabe 4, eds. Giorgio Colli and Mazzino Montinari (Munich: dtv, 2016), p. 39.
[309] Friedrich Nietzsche, *Thus Spoke Zarathustra,* transl. and with a preface by Walter Kaufmann (New York: Penguin, 1978), p. 34.
[310] Volker Gerhardt, 'Die "grosse Vernunft" des Leibes. Ein Versuch über Zarathustras vierte Rede', in *Die Funken des Freien Geistes. Neuere Aufsätze zu Nietzsches Philosophie der Zukunft* (Berlin: De Gruyter, 2011) 50-86 (p. 68), my translation.
[311] Gerhardt, 'Die "grosse Vernunft" des Leibes', p. 68, my translation.

theorise the soul and its relationship to be body, these two entities have become instrumentalised in the government of individuals and their bodies:

Il ne faudrait pas dire que l'âme est une illusion, ou un effet idéologique. Mais bien qu'elle existe, qu'elle a une réalité, qu'elle est produite en permanence, **autour, à la surface, à l'intérieur du corps** par le fonctionnement d'un pouvoir qui s'exerce sur ceux qui qu'on punit – d'une façon plus générale sur ceux qu'on surveille, qu'on dresse et corrige, sur les fous, les enfants, les écoliers, les colonisés, sur ceux qu'on fixe à un appareil de production et qu'on contrôle tout au long de leur existence.[312]	It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently **around, on, within the body** by the functioning of a power that is exercised on those punished – and, in a more general way, on those who one supervises, trains, and corrects, over madmen, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives.[313]	Man sage nicht, die Seele sei eine Illusion oder ein ideologischer Begriff. Sie existiert, sie hat eine Wirklichkeit, sie wird ständig produziert – **um den Körper, am Körper, im Körper** – durch die Machtausübung an jenen, die man bestraft, um in einem allgemeineren Sinn an jenen, die man überwacht, dressiert und korrigiert, an den Wahnsinnigen, den Kindern, den Schülern, den Kolonisierten, an denen die man an einen Produktionsapparat bindet und ein Leben lang kontrolliert.[314]

Nietzsche, who against his own stipulation in *The Gay Science* writes that philosophers are not permitted to divide between soul and body, nonetheless places the body in prime position, discarding the soul as a secondary element.[315] This is different from Foucault who perceives the philosophical division of a human being into the components of mind, soul, and the body as the formation of a rational framework that does not construct a harmonious, wholesome association of these elements. Instead, as both thinkers agree, the body is caught in a network of relations that repress and discipline it. To reinforce that Nietzsche and Foucault share this view of the body, it could have been possible for Seitter to translate in the above passage 'um den Leib, am Leib, im Leib'.

The quotation from Foucault's essay about Nietzsche closes with the body as 'volume en perpétuel effritement' that Seitter translates as: 'Er ist eine Masse, die ständig abbröckelt'. The verb 'abbröckeln' means 'to crumble away' or 'to fall off'.[316] Here Seitter also uses

[312] Foucault, *Surveiller et punir*, p. 38 (Pléiade, p. 290).
[313] Foucault, *Discipline and Punish*, p. 29.
[314] Foucault, *Überwachen und Strafen*, p. 41.
[315] Friedrich Nietzsche, *The Gay Science*, trans. with commentary by Walter Kaufmann (London: Vintage, 1974), p. 11.
[316] https://www.collinsdictionary.com/dictionary/german-english/abbrockeln [accessed 26-05-2020].

the verb 'sein' for the first time, concluding this passage with a somewhat ontological statement that in English would literally be: 'The body *is* a volume that permanently crumbles away.' But 'abbröckeln' is also evocative of the disintegration of a stone-like substance – a 'Brocken' is a chunk or scrap – which could question the extent to which the body can be considered a fixed entity with an essence. In this sense, *effritement* shares meanings with the German to refer to biological and agricultural phenomena. Though I want to suggest that the Foucauldian body as a 'masse en perpétuel effritement' rather figuratively evokes the idea of decay and ephemerality, which Walter Kaufmann here underlines by translating 'crumbling'. In his notebooks, Nietzsche uses the word that Seitter uses to translate *effritement*:

Thatsächlich bringt jedes große Wachsthum auch ein ungeheures **Abbröckeln** und Vergehen mit sich: das Leiden, die Symptome des Niedergangs, gehören in die Zeiten ungeheuren Vorwärtsgehens.[317]	En réalité toute grande croissance entraîne un **effritement** et une disparition dans des proportions non moins énormes : la souffrance, les symptômes du déclin appartiennent aux époques d'un énorme aller de l'avant.[318]	Actually, every major growth is accompanied by a tremendous **crumbling** and passing away: suffering, the symptoms of decline belong in the time of tremendous advances.[319]

Quoting from *The Will to Power* requires indicating the complicated editorial history that these writings went through after Nietzsche's death. I also return to this in Chapter 4 (p. 159). For now, I want to show with the example of the above passage, that Nietzsche's diagnosis of the ills of modern time lie also in the way in which the translation of ideas of health, aptitude, wellbeing, and productivity into scientific principle, medical knowledge and care produce, at the same time, a catalogue of effects of ailments, inadequacies, and disorders. Any kind of valuation is accompanied by the beginning of its decays. Foucault's analysis of the body in punishment is characterised by this conception: once a specific idea of the body's health and force is determined, it soon becomes subjected to all sorts of procedures that maintain this value. But this also results

[317] Nietzsche, *Nachgelassene Fragmente Herbst 1887*, eKGWB 10[22], <http://www.nietzschesource.org/#eKGWB/NF-1887,10[22]> [accessed 24 March 2022].
[318] Nietzsche, *Œuvres philosophiques complètes. Teil 13: Fragments Posthumes. Automne 1887 – Mars 1888*, trans. Pierre Klossowski and Henri-Alexis Baatsch (Berlin: De Gruyter, 1976), (155) 10 [22], p. 120
[319] Nietzsche, *The Will to Power*, A New Translation by Walter Kaufmann and R.J. Hollingdale (New York: Vintage Books, 1968), 112, p. 69.

in exclusion, suffering, and repression. *Surveiller et punir* is a rebellion against this because it also takes a critical stance on any exclusive and conceptual determination of the body in philosophy, showing how rationalistic systems of thought develop into repressive frameworks of governance. As Sforzini suggests: 'Mais l'histoire généalogique constitue aussi un instrument critique, un exercice de *dissolution* des grands mythes philosophiques du savoir (origine pure, identité immobile, fins rationnelles, vérité absolue).'[320] Whether this critical stand examining the body is described as *dissolution* or the body can be seen throughout history to succumb to *effritements,* the history of the body (in punishment) shows not one reality or essence, but a multiplicity of tactics, strategies and techniques that both construct, mark or pass through it as well as that 'produit du réel'.[321] The variety of representations and uses demonstrates that the body is not a metaphysical but a historical object for Foucault.

There is also a third way of naming and problematising the body: *la chair chrétienne* ('the Christian flesh', 'das christliche Fleisch'), which already played a role in the previous chapter on *supplice*. Discussions about the distinction in French between *chair* and *corps* have recently re-emerged with the posthumous publication of the fourth volume of the History of Sexuality, *Les Aveux de la chair* (2018). In 1976, after he published the first volume, Foucault announced that there would be a second volume preceding the subsequent four he planned to write (the perverse man, the hysterical woman, the masturbating child, and the married couple), under the title *Le corps et la chair*. None of these were published.[322] In English, the title of the fourth volume was translated as *Confessions of the Flesh*.[323] In German, this has been translated as *Die Geständnisse des Fleisches*.[324] This is important because, aside from 'Fleisch', *chair* may also be translated to 'Leib' in German. Yet the choice of translating *corps* as either 'Körper' or 'Leib' differs from the choice of translating *chair* as either 'Leib' or 'Fleisch': the terminological distinction 'Körper-Leib' implies a general problem in philosophy whilst the relation between the terms 'Körper', 'Leib', and 'Fleisch' implies Christian ideas about the body, which are also important in *Surveiller et punir*. These words – *corps, chair,* Körper, Leib,

[320] Arianna Sforzini, *Michel Foucault. Une pensée du corps* (Paris: PUF, 2014), p. 35, emphasis added.
[321] Foucault, *Surveiller et punir*, p. 227 (Pléiade, p. 474).
[322] Stuart Elden, 'Review: Michel Foucault, Histoire de la sexualité 4. Les aveux de la chair', *Theory, Culture and Society* 35(7-8) (2018) 293-311 (p. 294).
[323] Michel Foucault, *Confessions of the Flesh. The History of Sexuality Volume 4*, trans. Robert Hurley (London: Penguin, 2021).
[324] Michel Foucault, *Die Geständnisse des Fleisches. Sexualität und Wahrheit 4,* trans. Andrea Hemminger (Frankfurt/Main: Suhrkamp, 2019).

body, flesh – are ways to account for the materiality of the human body, of determining its function but most importantly of judging its (moral) value in relation to immaterial entities such as mind, spirit, and the soul. In translation, meanings of the body thus easily overlap, and they cannot always be clearly distinguished from each other. Nonetheless, I want to suggest that Foucault had the Nietzschean idea of 'Leib' in mind, and therefore the merit of locating the Nietzschean distinction between 'Körper' and 'Leib' in Foucault's *Surveiller et punir* lies in retracing the history of the soul that, as Foucault argues, comes to double the body as scientific object through which modern human sciences produce and govern the individual.

The other German word for the body and Nietzsche's critique of 'Leib'

Thus far, I have already been using the other German word for the body, 'Leib', arguing that it is prominent, most importantly, in Nietzsche's writings and this should be reflected in Foucault's German translation. I now want to further outline what it means and how Nietzsche uses it. At the end of Chapter 2, I noted that it belongs to several fixed expressions in the German language that mainly revolve around ideas of the body's health and life (pp. 93-94). In addition, it takes an important place in German-language philosophy, mainly in phenomenology and in Nietzsche's writings.

Debates in German-language phenomenology are less relevant for our purposes here, yet it is worth nothing in passing because, as we will see, Seitter briefly comments on this when justifying his choices of translating *corps* in Foucault.[325] In what follows, I do not

[325] For example for Edmund Husserl, the dissociation in phenomenology of 'Leib' and 'Körper' serves the purpose of, on the one hand, disqualifying 'Körper' as capable of perception because 'Körper' are things that may have a corporeality or bodily character ('Körperlichkeit'). Yet it is for this reason that they can only be objects to perception. On the other hand, 'Leib' is the only 'Körper' with a perceiving consciousness. This is to say that while we are surrounded by 'Körper' and may be seen by others as a 'Körper' amongst many, the word 'Leib' designates our unique personal experience of what Husserl calls life-world ('Lebenswelt'). Then, Husserl writes that 'to it, the world of actually experiencing intuition, belongs to the form of space-time together with all the bodily ('körperlich') shapes [Gestalten] incorporated in it; it is in this world that we ourselves live, in accord with our bodily ('leiblich'), personal way of being.' In short, we may say that 'as 'Leib', I perceive other 'Körper'.' Husserl furthermore explains that 'thus, purely in terms of perception, physical body and living body ('Körper und Leib') are essentially different; living body, that is, (understood) as the only one which is actually given (to me as such) in perception: my own living body.' Edmund Husserl, *The Crisis of*

discuss whether 'Leib' provides a valid theory of the body in philosophy. But I want to take Nietzsche's vocabulary seriously – as the translator ought to do if they want to serve the author – because this involves important decisions, and to show that Foucault drew from the Nietzschean prioritisation of the body nonetheless. By way of comparing passages from 'Nietzsche, la généalogie, l'histoire' in translation with passages from Nietzsche's works, I have already shown an intellectual connection that is not only reflected in the use of certain concepts – such as the body – but that is also mirrored more generally in their use of language. In addition, the way in which Nietzsche thinks about the soul as inferior to and an accessory of the body illustrates the history Foucault traces about the psychological reification of the modern soul. Therefore, a rereading of *Surveiller et punir* in light of the function of the body that Foucault develops following Nietzsche's distinction between 'Körper' and 'Leib', exposes two different ways of thinking about the body. To begin with, I draw from the *Dictionnaire des intraduisibles* in which Depraz notes:

> Lorsque *Körper* intervient dans un contexte humain, il signifie structure organique ou complexion (*Körper-Anlage-Beschaffenheit*), stature ou conformation (*-bau*), port, tenue (*-tenue*), en tout cas sa configuration statique fonctionnelle et quantifiable (*-gewicht*, *-größe*, *-kraft*).[326]

These structural elements evoke such things as posture, composition, size, weight, and the bodily force of a human body, but they are easily transferable to the outlines of a corporeal, geometrical shape. In contrast, Depraz then notes, 'Leib' refers to 'l'intimité corporelle dans ce qu'elle a de vital'.[327] This now involves the intimate life of the human body, its passions, desires and interests, and generally the experience of being alive. This contrast shows what is at stake in the body for Nietzsche. He is sceptical towards metaphysical conceptualisations of the body and of the separation of body, mind, and soul. For Nietzsche, the entire project of philosophy has been,

eine Auslegung **des Leibes** und ein Missverständnis **des Leibes**.[328]	an interpretation of **the body** and a misunderstanding of **the body**.[329]

European Sciences and Transcendental Phenomenology. An introduction to Phenomenological Philosophy, trans. with an introduction, by David Carr (Evanston, Illinois: Northwestern University Press, 1970), pp. 50, 107. The reference to the German original is Edmund Husserl, *Die Krisis der europäischen Wissenschaften und die transzendentale Phänomenologie*, 2nd edition, ed. Walter Biemel (The Hague: Martinus Nijhoff, 1976).

[326] Natalie Depraz, 'Leib', *Dictionnaire des intraduisibles*, p. 706.

[327] Depraz, 'Leib', *Dictionnaire des intraduisbles*, p. 706.

[328] Friedrich Nietzsche, *Die Fröhliche Wissenschaft* (Ditzingen: Reclam Universal-Bibliothek Nr. 7115, 2018), p. 10.

[329] Nietzsche, *The Gay Science*, trans. Walter Kaufmann, pp. 34-35.

For him the body, mind, and soul form a whole rather than being separated, and the body plays a different role than in the dominant school of Cartesian metaphysics. Nietzsche inverts the Cartesian order of mind over body. For Nietzsche, 'Leib' should resist mechanical, scientific, and philosophical frameworks that impose an ontological determination of the human body. I want to suggest that in *Surveiller et punir,* the body can be considered to give a material shape to the Nietzschean idea as the tortured, dying, militarily and educationally trained, economically useful and politically functioning, medically treated body that is held against the image of a body brought up to perfection by discipline. Nietzsche writes against this coercion:

Der Leib ist eine grosse Vernunft, eine Vielheit mit Einem Sinne, ein Krieg und ein Frieden, eine Herde und ein Hirt. Werkzeug **deines Leibes** ist auch deine kleine Vernunft, mein Bruder, die du 'Geist' nennst, ein kleines Werk- und Spielzeug deiner grossen Vernunft.[330]	**The body** is a great reason, a plurality with one sense, a war and a peace, a herd and a shepherd. An instrument of **your body** is also your little reason, my brother, which you call 'spirit' – a little instrument and toy of your great reason.[331]

Nietzsche inverts the relationship, insisting that there is not one experience or meaning of the body, but a multitude of sensations that govern the 'spirit'. Despite this claim, Nietzsche deplores throughout his works that the human body is broken by the power of rationalistic philosophy that stipulates fixed, ontological statements about what the body is. This standpoint also stresses a violent dimension, especially in his model of the will to power, which I discuss in Chapter 4. Strictly speaking following Nietzsche, then, the distinction between 'Körper' and 'Leib' represents the confrontation of an ontology of the body with Nietzsche's idea of a visceral, ephemeral, transformative plurality. For Martin Heidegger, quoting Nietzsche below, this implied a change of method:

Das Zugrunde-liegende ist für Nietzsche – angeblich – jedenfalls – nichts das 'Ich', sondern der 'Leib': 'Der Glaube an den Leib ist fundamentaler, als der Glaube an die Seele' (XVI, 17, n. 491); und: 'Das Phänomen des Leibes ist das reichere, deutlichere, faßbarere Phänomen: methodisch voranzustellen, ohne etwas auszumachen über seine letzte Bedeutung'. (ibid., 16, n. 489). [...] **Der Leib ist 'methodisch'**	For Nietzsche, what underlies is not the 'I' but the 'body': 'Belief in the body is more fundamental than belief in the soul' (WM, 491); and 'The phenomenon of the body is the richer, clearer, more comprehensible phenomenon: to be placed first methodologically, without stipulating anything about its ultimate significance' (WM, 489). […] **The body is to be placed first 'methodologically' [sic].** It is a question of method. We

[330] Nietzsche, *Also Sprach Zarathustra*, p. 39
[331] Nietzsche, *Thus Spoke Zarathustra*, trans. Walter Kaufmann, p. 34.

voranzustellen. Auf die Methode kommt es an, Wir wissen, was das bedeutet: auf die Art des Vorgehens in der Bestimmung dessen, worauf überhaupt alles Fest-stellbare zurückgestellt wird.[332]	know what this means: it is a question of a procedure for defining what everything determinable is referred back to.[333]

Before commenting on the implications of this change of method for Nietzsche, a note on translation is required. The adverb 'methodisch' is translated with 'methodologically' in both the above quoted *Nietzsche Vol. IV Nihilism* by Heidegger as well as in Nietzsche's *Nachlass* notesbooks quoted in the German original by Heidegger above.[334] It would have been preferable to translate 'methodisch' as 'methodical(ly)'. The reason for this is that Heidegger clarifies the difference between methodology and method a few pages prior to discussing the importance of 'Leib' in Nietzsche: '"Methode" ist hier nicht "methodologisch" als Weise des Untersuchens und Forschens zu nennen, sondern metaphysisch als Weg zu seiner Wesensbestimmung der Wahrheit als solcher'.[335] Methodology refers to the teaching and reflection upon ways of scientific examination and research whereas method poses the central question of metaphysics itself, namely that of the way towards the determination of the essence of truth as such. Nietzsche, then, dismisses the Cartesian method and criticises the fact that in it, the body as 'Körper' appears as an abstract construction which renders explanation impossible:

Wir operiren mit lauter Dingen, die es nicht giebt, mit Linien, Flächen, **Körpern**, Atomen, theilbaren Zeiten, theilbaren Räumen – , wie soll Erklärung auch nur möglich sein, wenn wir Alles erst zum Bilde machen, zu unserem Bilde![336]	We operate only with things that do not exist: lines, planes, **bodies**, atoms, divisible time spans, divisible spaces. How should explanations be at all possible when we first turn everything into an image, our image![337]

'Körper', conceived of as geometrical shapes, do not exist – Nietzsche repeats this a few pages later by saying that we merely 'assume' the existence of '**Körpern**, Linien, Flächen, Ursachen und Wirkungen, Bewegung und Ruhe, Gestalt und Inhalt' ('**bodies**, lines,

[332] Martin Heidegger, *Nietzsche: Der Europäische Nihilismus*, Gesamtausgabe Band 48 (Frankfurt am Main: Vittorio Klostermann, 1986), p. 247.
[333] Martin Heidegger, *Nietzsche. Vol. IV. Nihilism*, trans. Frank A. Capuzzi, ed. David F. Krell (San Francisco: Harper and Row, 1982), p. 133.
[334] Nietzsche, *The Will to Power*, trans. Walter Kaufmann, 489, p. 270.
[335] Heidegger, *Nietzsche: Der Europäische Nihilismus*, p. 165.
[336] Nietzsche, *Die Fröhliche Wissenschaft*, 112, p. 133.
[337] Nietzsche, *The Gay Science*, trans. Walter Kaufmann, 112, p. 172.

planes, causes and effects, motion and rest, form and content'[338]) so that we are able to explain the world in which we live.[339] In part 112 of *The Gay Science*, Nietzsche argues that a description does not allow for an explanation of material things. Furthermore, he notes that a dichotomy of cause and effect does not exist. The essence of a material thing cannot be determined by breaking it down to all its constituting elements between which a mutual dependence is assumed. Material things are part of a 'continuum' that cannot be dissected into smaller parts. If the mind manages to isolate and determine one material thing, it misses countless others because of the abundance of sudden movements and things that escape the perception of the mind. A description of the physiological workings of the body therefore does not explain the meaning of the body because,

Wir sind keine denkenden Frösche, keine Objetivir- und Registrir-Apparate mit kalt gestellten Eingeweiden…[340]	We are not thinking frogs, nor objectifying and registering mechanisms with their innards removed…[341]

The body as 'Leib' cannot be objectified, nor does it operate as a registering device in the world, nor can its internal organs be considered to be 'cold' and perhaps not 'removed' as the translation has it: a human subject is not 'unfeeling' and cannot solely exist through its mind; the body as 'Leib' with all its viscera is constitutive of the human subject and its experience in the world. Nietzsche used 'Leib' to contest the idea of the body as inferior to the soul and as unable to reason. Nietzsche's philosophy of the body thus forms an opposition to previous debates as he campaigned for the acknowledgment that 'there is more reason in your body than in your best wisdom'.[342] Therefore, we need to accept the terminology that Nietzsche uses to distinguish his critique of the body from classical philosophy, an argumentative move that implies not only a change of words but also a change of method.

Translating Foucault's *corps* into German

How has Foucault's *corps* been translated into German, the one language in which the link to Nietzsche can be made most obvious? In the previous chapter, I noted that in *Surveiller et punir* Seitter only uses 'Leib' to translate fixed expressions in the German languages

[338] Nietzsche, *The Gay Science*, trans. Walter Kaufmann, 121, p. 177.
[339] Nietzsche, *Die Fröhliche Wissenschaft*, 121, p. 138.
[340] Nietzsche, *Die Fröhliche Wissenschaft*, p. 11.
[341] Nietzsche, *The Gay Science*, trans. Walter Kaufmann, p. 35.
[342] Nietzsche, *Thus Spoke Zarathustra*, trans. Walter Kaufmann, pp. 34-35.

involving the body, and to highlight the human body as living body that is put to death in capital punishment. It may seem therefore that Seitter's translation choice prioritised the overall readability in German because he avoids introducing a conceptual difference or translating 'Leib' in lieu of 'Körper' in places in which it would have read oddly in German. This stands in contrast to his translation of Foucault's 'Nietzsche, la généalogie, l'histoire', in which Seitter mainly translates *corps* as 'Leib'. To translate this essay, it does make sense to bring out the Nietzschean vocabulary further and to translate *corps* as 'Leib'. Nonetheless, decisions about readability do not necessarily account for conceptual clarification between 'Körper' and 'Leib' in Nietzsche and in Foucault translations. In my e-mail exchange with Seitter, I asked him specifically about the difference between 'Leib' and 'Körper'. He replied:

> The encounter of the two dualities Nietzsche-Foucault and Körper-Leib indeed pose a problem. It is obvious that Nietzsche prefers the German idiosyncratic, as it were, expression 'Leib'. But it would have never crossed Foucault's mind to translate this with the word 'chair', only to distinguish it clearly from 'Körper', as this happened with the phenomenologists. For Nietzsche, 'Leib' is in fact an elevation [Erhöhung] of the body, but the fundamental determination ['Grundbestimmung'] of 'Körper' is not dissolved or resolved. Spinoza insists on this with 'Omnia corpora in quibusdam conveniunt'. This fundamental determination comprises all possible privations. In this sense, a translation of 'Leib' with 'Körper' would also be justifiable.[343]

Seitter here makes a claim of which the grounds will need to be thoroughly discussed by a philosopher elsewhere; what matters, for now, are the implications for translation. In essence, Seitter declares that Nietzsche's choice of vocabulary in 'Leib' is irrelevant for Nietzsche and therefore for Foucault. It is merely a form of stylistic emphasis Nietzsche chooses to make his critique stand out against others; Seitter calls it an 'elevation', by which he refers to the way in which Nietzsche prioritizes the powers of the body over the mind. Seitter then writes that Nietzsche does not undo existing theories of the body nor does he propose a new physical theory, which is the reason why, as he writes in the last line, one could 'translate' – meaning that one can use them synonymously – 'Leib' with 'Körper' even in German. Seitter here disqualifies Nietzsche's 'Leib' because it fails, according to him, to offer a new physical theory. Seitter thus assumes great agency in making this decision about Nietzsche's philosophy because his choice removes the interpretive layer that would allow the translator, as this chapter argues, to insist on the Nietzschean conceptualisation of the body in *Surveiller et punir*. Clearly, 'Leib' is lost in

[343] Seitter, personal e-mail communication, 06-01-2021, my translation.

translation. Seitter's claim needs to be discussed from the perspective of the translation theories and philosophies presented in Chapter 1.

Looking at the body through the lens of translation theories

Seitter's judgment about Nietzsche's philosophy of the body is problematical in light of the serving position of the translator that I endorse in this thesis. If Seitter's choice is questionable, does his choice turn the German translation of *Surveiller et punir* into a first 'bad' translation? My argument is that Nietzsche's 'Leib' gets lost in translation in Foucault's writing in which it can be shown that Foucault draws from Nietzsche's idea. Having said this, I am hesitant to qualify Seitter's translation as faulty on this account because these two texts arguably speak to different readerships. In contrast to 'Nietzsche, la généalogie, l'histoire', which had initially appeared as a text in a volume of tributes to Jean Hyppolite, *Surveiller et punir* was written for a wide audience, including prisoners themselves.[344] It therefore seems sensible to work with a vocabulary that problematises elements such as the body in an accessible way, avoiding overcomplications. In this sense, translating 'Leib' in lieu of 'Körper' in the passages that I have quoted earlier might perplex the reader. Yet the merits of studying the translations today in the manner that I propose, insisting on the multilingual and 'multi-conceptual' dialogue in which they need to be placed, expose the grounds upon which Seitter passed his judgment about Nietzsche's theory of the body. This foregrounds his agency as a translator and contributes to a debate about how the translator, especially of such impactful writings like *Surveiller et punir,* should approach their task. Lastly, recovering the lost connection in Foucault to Nietzsche's critique of the body permits the original to live on in the debate surrounding the Foucault-Nietzsche connection.

It must be said that Seitter appears to betray his own standpoint of wanting to 'act like a helper, like a subordinate' to the author he translates (p. 38). But his disregard of the word 'Leib' raises the question of the creation of new concepts, which is vital to the continuation of philosophy as activity and discipline, as have noted Deleuze and Guattari:

> Et d'abord les concepts sont et restent signés, substance d'Aristote, cogito de Kant, puissance de Schelling, durée de Bergson… Mais aussi certains éléments réclament un mot extraordinaire, parfois barbare ou choquant, qui

[344] *Hommage à Jean Hyppolite,* ed. Suzanne Bachelard (Paris: PUF, 1971).

> doit le désigner, tandis que d'autres se contentent d'un mot courant très ordinaire qui se gonfle d'harmoniques si lointaines qu'elles risquent d'être imperceptibles à une oreille non philosophique. Certains sollicitent des archaïsmes, d'autres des néologismes, traversés d'exercices étymologiques presque fous: l'étymologie comme athlétisme proprement philosophiques. Il doit y avoir dans chaque cas une étrange nécessité de ces mots et de leurs choix, comme élément de style.[345]

Even though Deleuze and Guattari do not consider the complications that occur when the authors they refer to are translated, I want to add Nietzsche's 'Leib' to this list of examples. As Seitter suggested, Nietzsche turns the ordinary German word 'Leib' into an idiosyncrasy by extending its meaning beyond everyday expressions into a concept of contestation. In this sense, 'Leib' is a concept signed by Nietzsche and his signature must also be valid in translation.

Nietzsche's distinction between 'Körper' and 'Leib' is a good example to which to apply Leclerc-Olive's theory of thematic and operative concepts for the work of translation. 'Leib' can be considered a thematic concept because it expresses the general theme with which Nietzsche engages – the body – and the terminology he chooses with which to write his critique forms his original contribution. 'Körper', then, is the operative concept with which he must build his argumentative structure since he takes a clear stance against previous theories of the body (or 'Körper' in German translations of the relevant references). I concluded in Chapter 1 that the merits of her model lie less in its theoretical clarification of the two types of concepts she distinguishes, but rather in showing the extent to which the encounter between languages and philosophies complicate her proposed conceptual division. In this sense, I ask what should one do if such a conceptual difference disappears in translation? It seems that, in much the same way as Deleuze and Guattari understand concepts as 'signed', that conceptual division works in *one* language (or indeed across translated texts in which the differences are dismissed, harmonised, or otherwise levelled), but not *across different* languages.

Cassin's *Dictionnaire des intraduisibles* includes 'Leib' and this underlines the important place that the term holds in discussion of the difficulties of translating philosophy. Unsurprisingly perhaps, Seitter never found Foucault's writing to be untranslatable or otherwise too difficult, mainly because Foucault was trained and wrote in a 'national language' that allowed for 'fortunate solutions' in German translation.[346] He explains that

[345] Deleuze and Guattari, *Qu'est-ce que la philosophie?,* pp. 14-15.
[346] Seitter, personal e-mail communication, 03-10-2020, my translation.

even if French, German, and English are separate national-linguistic cultures, they are 'perhaps not as autonomous, autarchic, autistic, as they want to be. Since the beginning of their respective constitutive processes, I mean for the last one thousand years, they are entangled in one another'.[347] Seitter here argues at the level of language, and not author, suggesting that they have much in common. Yet this does not prevent thinkers in these languages from developing specific vocabularies and therefore arguments, which ought not easily to be subsumed into a kind of European metalanguage.

When we look at the element of the body from a translational perspective that endorses the translator as serving the author, Seitter's decision not to make the Nietzschean 'Leib' more evident in *Surveiller et punir* must be questioned. Whilst it can be accepted that he likely had good reasons, in particular when we consider the different audiences of the essay and the book, he removes an important conceptual, linguistic, and methodical layer.

Nietzsche's inversion of the soul-body duality and Foucault's modern soul as the prison of the body

If Nietzsche leaves his reader uncertain about the location and powers of the soul and spirit/mind, he nonetheless insists on the inversion of the soul-body duality, arguing that the body must come first methodically in sensuous experiences and in the determination of truth. As such, Nietzsche appears to downgrade the function of the soul, yet he does not dismiss it entirely. Foucault, accepting the central role of the body in the study of history following Nietzsche, problematises this further, stipulating that his study of the birth of the prison forms a genealogy of the modern soul as it comes to be the dominating object in medicine and the human sciences. In this sense, the soul does not vanish in the shadows of the powerful 'Leib' as it does in Nietzsche but is rediscovered as a scientific object. In the following, I attempt to demonstrate the way in which Foucault and Nietzsche both advance ideas about the soul as an entity annexed to the body, by which it becomes 'something about/by the body' ('etwas am Leibe') for Nietzsche, and 'autour, à la surface, à l'intérieur du corps' in the form of a *dédoublement* for Foucault. He complicates the body-soul relationship for he does not discuss it as philosophical truth, but as historical formation. This means a conceptual shift of the soul as substance to

[347] Seitter, personal e-mail communication, 16-11-2020, my translation.

instrument. In other words, from being an impenetrable and God-given entity it becomes an object which is tangible to and shapeable by the sciences:

> Mais il ne faut pas s'y tromper: on n'a pas substitué à l'âme, illusion des théologiens, un homme réel, objet de savoir, de réflexion philosophique ou d'intervention technique. L'homme dont on nous parle et qu'on invite à libérer est déjà en lui-même l'effet d'un assujettissement bien plus profond que lui. Une âme l'habite et le porte à l'existence, qui est elle-même une pièce dans la maîtrise que le pouvoir exerce sur le corps. L'âme, effet et instrument d'une anatomie politique: l'âme, prison du corps.[348]

The soul is the prison of the body, or in other words: the body captures the soul. This may be read as a summary of the genealogy that Foucault sets out to write and in which the main point is that the soul was gradually brought to leave the body to become constituted as scientific object. This then changed into a process through which the soul became the gateway to the body, but also its 'prison'. In *Surveiller et punir,* Foucault demonstrates how the relationship with the object itself changes. The soul has come to double the body in crime and punishment. The soul is now effectively located *by* the body, 'die Seele […] ein Etwas *am* Leibe':

> En somme, d'essayer d'étudier la métamorphose des méthodes punitives à partir d'une technologie politique du corps où pourrait se lire une histoire commune des rapports de pouvoir et de relations d'objet. De sorte que par l'analyse de la douceur pénale comme technique de pouvoir, on pourrait comprendre à la fois comment *l'homme, l'âme, l'individu normal ou anormal sont venus doubler le crime comme objets de l'intervention pénale*; et de quelle manière un mode spécifique d'assujettissement a pu donner naissance à l'homme comme objet de savoir pour un discours à statut 'scientifique'.[349]

The modern medico-scientific dissociation of body and soul is the history of a slow movement in which the soul gradually leaves the body to be positioned by – alongside – the body. I therefore propose to understand Foucault's 'dédoublement […] d'un incorporel' as the process by which the soul is placed *by* the body.[350]

In the following three parts, I explore how the emergence of disciplinary power has indeed been preoccupied with strategies and technologies concerned with how to best dominate the complex organism of the body, as Foucault suggests. The history Foucault traces by way of bodily figures – most importantly *le corps exposé, les corps dociles,* and *le corps du délinquant* – shed light on the difficult relationship between body and soul, resulting in the formation of the soul as one regulatory mechanism to produce the modern individual.

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[348] Foucault, *Surveiller et punir,* p. 38 (Pléiade, p. 291).
[349] Foucault, *Surveiller et punir,* pp. 31-32 (Pléiade, 284), emphasis added.
[350] Foucault, *Surveiller et punir,* p. 38 (Pléiade, p. 290).

I argue that the passages in which Foucault depicts these bodies can be translated into German as 'Leib' instead of 'Körper' following Nietzsche.

Le corps exposé ('Punition')

In the second part of the book, 'Punition', Foucault analyses the socio-economic transformations that shaped theories of punishment in the second half of the eighteenth century. With this, the understanding and use of the punished body began to change. During this time, substantial shifts to the economy incited political and legal theorists to combat a growing number of novel illicit activities. During this period, the gradual increase of population, the changes of the means of production, and wealth meant that the areas in which criminal offences happened changed. Assaults were no longer bloody; instead, they targeted property:

> Avec les nouvelles formes d'accumulation du capital, des rapports de production et de statut juridique de la propriété, toutes les pratiques populaires qui relevaient soit sous une forme silencieuse, quotidienne, tolérée, soit sous une forme violente, de l'illégalisme des droits sont rabattues de force sur l'illégalisme de biens.[351]

Capital punishments such as *le supplice* began to be critiqued as excessive, unnecessarily brutal, and therefore costly in their application. This led to the conclusion that the power of the king should be distributed differently across a far-reaching network of juridical authorities that were able to respond to these new types of criminal offences. With these reforms, any serious offence no longer attacked the figure of the king, but society as a whole. 'Le droit de punir a été déplacé de la vengeance du souverain à la défense de la société.'[352] The second half of the eighteenth century forms the beginning of what Foucault describes as considerably denser coverage and investigation of *le corps social,* i.e., the idea of society as an interrelated and tightly knit entity in which each individual subscribes to the social contract. Any individual who breaches this contract is considered a monster:

> L'infraction oppose en effet un individu au corps social tout entier; contre lui, pour le punir, la société a le droit de se dresser tout entière. Lutte inégale : d'un seul côté, toutes les forces, toute la puissance, tous les droits. Et il faut bien qu'il en soit ainsi puisqu'il y va de la défense de chacun. Un formidable

[351] Foucault, *Surveiller et punir,* p. 103 (Pléiade, p. 348).
[352] Foucault, *Surveiller et punir,* p. 107 (Pléiade, p. 352).

> droit de punir se constitue ainsi puisque l'infraction devient l'ennemi commun. Pire qu'un ennemi, même car c'est de l'intérieur de la société qu'il lui porte ses coups – un traître. Un 'monstre'.[353]

Calling the criminal a monster is not new, but a shift that can illustrate another important point in the way in which the concept of the body was appropriated and used by emerging political and legal theories and practices. If in the brutal procedure of *le supplice* the condemned man confronts the body politic of the sovereign in a dual *corps à corps* in which the extinction of his life as well as the exposure and attack of his physical intimacy play the main part, conceiving of the whole society as social body founded upon the universal values of the laws and reason meant that the offence constituted a pathology: committing a crime comes to mean acting against reason, and this is a sign of (mental) illness. The social body is a construct according to which the organisation and collaboration between all individuals subscribing to the laws guarantees prosperity, safety, and the reign of reason. Pursuing personal interests that go against the benefits of all is unreasonable and requires punishment. Exposing the body of such an 'unreasonable individual' serves as reminder of the bonds of the social contract and restores society as a system beneficial to all.

With the growing calls by reformists to refrain from scarring the body of the condemned and instead put in place mechanisms which oblige prisoners to do forced labour that served the public good, the body of the imprisoned became a sign of a different kind: 'Le coupable, ainsi, paye deux fois; par le labeur qu'il fournit et par les signes qu'il produit.'[354] This new form of moral instruction played on the power of imagination, the apprehension of physical consequences and the propensity of the mind to imagine the terror of punishment:

L''esprit' comme surface d'inscription pour le pouvoir, avec la sémiologie comme **instrument**; la soumission des **corps** par le contrôle des idées; l'analyse des représentations, comme principe dans une politique des **corps** bien plus efficace que	**The 'mind' as a surface of inscription for power**, with semiology as its **tool**; the submission of **bodies** through the control of idea; the analysis of representations as a principle in a politics of **bodies** that was much more effective than the	**Der 'Geist' als Schrifttafel in der Hand der Macht,** mit der Semiologie als **Griffel**; die Unterwerfung der **Körper** durch die Kontrolle der Ideen; die Analyse der Vorstellungen als Prinzip einer Politik der **Körper**, die wirksamer ist als die

[353] Foucault, *Surveiller et punir,* p. 107 (Pléiade, p. 352.).
[354] Foucault, *Surveiller et punir,* p. 129 (Pléiade, p. 373).

l'anatomie rituelle des supplices.[355]	ritual anatomy of torture and execution.[356]	rituelle Anatomie der Martern.[357]

This excerpt mirrors Foucault's formulation in the Nietzsche essay in which he writes 'le corps: surface d'inscription' (p. 101). Seitter seemingly does not draw on his German translation of this essay. He instead chooses quite a figurative lexis. A 'Schrifttafel' is a relatively old-fashioned term for a 'tablet' or even a 'slate'. Then, 'Griffel' is also an old-fashioned German word meaning 'pencil' or 'stylus'. This technical vocabulary is different from that of the Nietzsche essay, which is much more connected to the semantic field of memory and memorisation. Since Foucault insists throughout *Surveiller et punir* on the development of political technologies, this choice of words seems quite creative, yet distracts from the connection to Nietzsche. The above French formulation, which parallels the Nietzsche essay, reveals how the body is understood in an Enlightened political climate: the irrationalities of the body must be governed by the mind ('les idées') to combat recidivism. In this sense, I suggest that it is possible, at least in the first part of this passage, to translate 'la soumission des corps' to 'die Unterwerfung der Leiber' to highlight the inversion of the mind controlling the body. Moreover, in this part Foucault speaks of 'l'esprit comme surface d'inscription pour le pouvoir', introducing a contrast to the idea of 'le corps comme surface d'inscription pour les évènements' in the old regime. The second part of the book explains the historical transition from the spectacle of public punishment towards the beginnings of incarceration. This part now interlocks these two extremes of inscribing the body and inscribing the mind within the development towards the prison as exclusive method of punishment. Foucault explains that the confrontation between these two techniques does not question the fundamental right to punish, but the method by which it is done:

> Là où se fait la différence, c'est dans la procédure d'accès à l'individu, la manière dont le pouvoir punitif se donne prise sur lui, les instruments qu'il met en œuvre pour assurer cette transformation; c'est dans la technologie de la peine, non pas dans son fondement théorique; dans le rapport qu'elle établit au corps et à l'âme, et non pas dans la manière dont elle s'insère à l'intérieur du système de droit.[358]

The Enlightenment marks the commencement of the soul governing the body. If in *le supplice,* the soul is a theological entity that survives the annihilation of the body in the

[355] Foucault, *Surveiller et punir,* p. 121 (Pléiade, p. 366).
[356] Foucault, *Discipline and Punish*, p. 102.
[357] Foucault, *Überwachen und Strafen*, p. 131.
[358] Foucault, *Surveiller et punir,* p. 151 (Pléiade, p. 394).

hope to ascend to the heavens, the Enlightened penal theorists interlocked ideas of theological morality with the powers of the reasonable mind, discovering the soul as having the capacity to make people refrain from committing offences. The body and punishment were envisaged as an object of representation that inscribed themselves on people's minds. This conception of the soul as having this power of prevention marks the beginnings of the soul as being able to influence and shape individual conduct. The soul now has a behavioural reality. The development of the body as sign and object of representation with a soul that shapes individual behaviour brought about two different conceptions regarding the addressee: should the exposed body primarily speak to the souls of the fellow citizens as spectators? Or ought imprisonment and forced labour also bring about a moral re-education of the prisoner himself? The second half of the eighteenth century had to negotiate this question in which the body, soul, and mind were arranged in various relationships in order to function within a political system: 'la marque, le signe, la trace. La cérémonie, la représentation, l'exercice.'[359] It is at the end of the part 'Punition' that Foucault asks: 'Le problème est alors celui-ci: comment se fait-il que le troisième se soit finalement imposé?'[360] The answer can be found in *les corps dociles*.

Les corps dociles ('Discipline')

Les corps dociles is an understanding of the body as a multiplicity: both individually as a complex organism and as part of a group of several bodies. With these bodily figures, Foucault begins to develop the main argument of the book: modern society is a disciplinary society, and our bodies are produced by disciplinary mechanisms:

La discipline ainsi fabrique des **corps** soumis et exercés**, des corps 'dociles'.**[361]	Thus discipline produces subjected and practised **bodies, 'docile' bodies**.[362]	Die Disziplin fabriziert auf diese Weise unterworfene und geübte **Körper, fügsame und gelehrige Körper**.[363]

[359] Foucault, *Surveiller et punir,* p. 155 (Pléiade, p. 398).
[360] Foucault, *Surveiller et punir,* p. 155 (Pléiade, p. 398).
[361] Foucault, *Surveiller et punir,* p. 162 (Pléiade, p. 402).
[362] Foucault, *Discipline and Punish*, p. 138.
[363] Foucault, *Überwachen und Strafen*, p. 177.

To begin with, I propose to pause on the adjective *docile* for it accentuates the fact that discipline operates mechanisms targeting the body to render it economically useful. The techniques by which a body is made docile can be assigned to four areas that furthermore individualise it: 'architecture, anatomie, méchanique, économie du corps disciplinaire.'[364] All four achieve a form of physical and mental subjection of the individual. The adjective *docile* derives from the Latin 'docilis' and 'docere' which means 'to teach'. Seitter underlines this aspect of Foucault's argument by translating 'gelehrig' in which we can also see the root word 'lehren': 'to teach'. I return to the aspect of teaching and schooling in relation to *la surveillance* in Chapter 5, but I note here that the French word *docile* could have also been translated with 'zahm' ('tame') and this would allow to associate Foucault more closely with Nietzsche who in *On the Genealogy of Morals* writes that 'the *meaning of all culture* is the reduction of the beast of prey "man" to a tame and civilised animal, a *domestic animal*…'.[365] Various references to and figures of animals run through Nietzsche's writings,[366] and it is perhaps telling to observe that when presenting the most perfect utopian model of discipline – Bentham's Panopticon – Foucault argues that Bentham actually drew inspiration from *la ménagerie* as designed and constructed by the architect Louis Le Vaux as part of the Château de Versailles in the mid-seventeenth century. This menagerie was built to accommodate a collection of captive animals, and Foucault writes: 'Le Panopticon est une ménagerie royale; *l'animal est remplacé par l'homme*, par le groupement spécifique la distribution individuelle et le roi par la machinerie d'un pouvoir furtif.'[367] Comparing man to animal is a way of highlighting the forces of man's will and instincts. This comparison will also become important when Foucault describes this as a form of power that he called *dressage,* to which I turn in Chapter 4. Nietzsche denounces the suppression that this taming of man involves, yet Foucault goes beyond this and shows how these forces are put to economic use and civic obedience by disciplinary mechanisms. *Les corps dociles* are not simply suppressed bodies, they are rather a set of physical forces that are all carefully and productively augmented and managed. This begins to complicate the choice in German translation between 'Leib' and 'Körper' in the above passage because Foucault here describes an outcome, arguing that the human body has become conceptualised as a determined element with fixed, interlocked functions,

[364] Foucault, *Surveiller et punir,* p. 197 (Pléiade, p. 442).
[365] Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R.J. Hollingdale, p. 42, original emphases.
[366] See for example, *Nietzsche's Animal Philosophy: culture, politics, and the animality of the human being,* ed. Vanessa Lemm (New York: Fordham University Press, 2009).
[367] Foucault, *Surveiller et punir,* p. 237 (Pléiade, p. 485), emphasis added.

which is an idea that the word 'Körper' expresses as it stands in contrast to 'Leib' as the elusive complexity of Nietzsche's idea of the body. I would therefore conclude that the expression *les corps dociles* is best translated using 'Körper' rather than 'Leib'.

Discipline operates within a closed space that is furthermore *quadrillé* in order to assign each individual body a space in which it can be observed and not mingle with others. This closed space, as Foucault explains, is a Christian inheritance of *la cellule des couvents:* an enclosure in which the individual experiences solitude for the purpose of strengthening their faith: 'Solitude nécessaire du corps et l'âme disait un certain ascétisme: ils doivent par moments au moins affronter seuls la tentation et peut-être la sévérité de Dieu.'[368] Solitude is a means by which the individual concentrates on the relationship they have with their own body and mind. Being isolated from others is considered effective in making the individual renounce their own body and will in order to improve their intellectual faculties. The way Foucault draws also from military and religious concepts to further problematise the way in which space informs the exercise of power will be further discussed in Chapter 5 to show the importance that these aspects take in the development of discipline, in addition to their flourishing in a medical context where the closed space of discipline serves to keep bodies healthy and safe from infection and other disease transmission:

Peu à peu un espace administratif et politique s'articule en espace thérapeutique ; il tend à individualiser les **corps**, les maladies, les symptômes, les vies et les morts: il constitue un tableau réel de singularités juxtaposés et soigneusement distincte. Naît de la discipline, un espace médicalement utile.[369]	Gradually, an administrative and political space was articulated upon a therapeutic space; it tended to individualise **bodies**, diseases, symptoms, lives and deaths; it constituted a real table of juxtaposed and carefully distinct singularities. Out of discipline, a medically useful space was born.[370]	Allmählich verfeinert sich ein administrativer und politischer Raum zu einem therapeutischen Raum, der **die Körper**, die Krankheiten, die Symptome, die Leben und die Tode zu individualisieren sucht und ein wirkliches Tableau von aneinandergereihten und sorgfältig voneinander geschiedenen Besonderheiten bildet.[371]

In this passage, Foucault clearly discusses the disciplinary management of the body's shortcomings – its diseases, symptoms, vitality, and death – and therefore translating the

[368] Foucault, *Surveiller et punir,* p. 168 (Pléiade, p. 410).
[369] Foucault, *Surveiller et punir,* p. 169 (Pléiade, pp. 411-412).
[370] Foucault, *Discipline and Punish*, p. 144.
[371] Foucault, *Überwachen und Strafen*, p. 185.

plural form 'Leiber' would have been fitting both to link it to Nietzsche and to the uses of 'Leib' in everyday language. The growing interest in the preservation of health is not only motivated to maintain the body's physical forces. Nietzsche writes that with the spreading of Christian principles life itself and the body have become an object of disgust: '[Man] disapprovingly catalogues his own repellent aspects ("impure begetting, disgusting means of nutrition in his mother's womb, baseness of the matter out of which man evolves, hideous stink, secretion of saliva, urine, and filth").'[372] The body enters a medical space in which its individual forces and infirmities are classified in order to be reconciled with the ideal, disciplined body.

Discipline seizes all anatomical features of the human body to impose a specific posture. This is achieved by precisely timetabling every day as well as every action to perfect the handling of an object such as the rifle in the example of the soldier. Body and object conjoin seamlessly:

Se définit une sorte de schéma anatomochronologique du comportement. L'acte est décomposé en ses éléments; **la position du corps**, des membres, des articulations, est définie ; à chaque mouvement sont assignés une direction, une amplitude, une durée; leur ordre de succession est prescrit.[373]	A sort of anatomo-chronological schema of behaviour is defined. The act is broken down into its elements; **the position of the body**, limbs, articulations is defined; to each movement are assigned a direction, an aptitude, a duration; their duration of succession is prescribed.[374]	Es formiert sich so etwas wie ein anatomisch-chronologisches Verhaltensschema. Der Akt wird in seine Elemente zerlegt; **die Haltung des Körpers**, der Glieder, der Gelenke wird festgelegt; jeder Bewegung wird eine Richtung, ein Ausschlag, eine Dauer zugeordnet; ihre Reihenfolge wird vorgeschrieben.[375]

The physical forces of the body exclusively serve activities that are tactically economically worthwhile. Their appropriation and coordination by the power of discipline exemplifies an exploitation of the natural properties of the body, the latter of which Nietzsche holds in higher esteem than the powers of the mind. In fact, in *The Will to Power,* Nietzsche argues that we do not need to understand the inner and outer motions of the body, in fact we must 'gain valuation of *not-knowing*' their meaning. This forms part of the, right 'rule' of the body, as Nietzsche calls it. It suffices to ignore what the motions of the body

[372] Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R.J. Hollingdale, p. 67.
[373] Foucault, *Surveiller et punir,* p. 178 (Pléiade, p. 422).
[374] Foucault, *Discipline and Punish*, p. 152.
[375] Foucault, *Überwachen und Strafen*, p. 195.

mean or want if we consider it equally important to our cognitive reasoning.[376] Still, endeavours in philosophy to dissect and determine the functions of the body, driven by the belief in the progress of the sciences, show that the body has become an object of domination. Although Nietzsche's contestation links to the above passage, translating 'la position du corps' as 'die Haltung des Körpers' highlights the enforcement of a particular representation and function of the body.

As a result, the body works as a machine but is also conceptualised as a segment of a wider productive apparatus including numerous human bodies: 'le corps se constitue comme pièce d'une machine multisegmentaire.'[377] The individual human body is set up to function mechanically, as the system in which it is placed. For Nietzsche, this mechanisation of the body is a method to distract individuals from suffering or tendencies to become otherwise alienated from themselves:

> Mechanical activity and what goes with it – such as absolute regularity, punctilious and unthinking obedience, a mode of life fixed once and for all, fully occupied time, a certain permission indeed training for 'impersonality', for 'self-forgetfulness', for '*incuria sui*' [lack of care of self]: how thoroughly, how subtly the ascetic priest has known how to employ them in the struggle against pain!'[378]

This body-machine serves an economic purpose but also the art of warfare: the soldier is the representation of the perfectly disciplined body, every action is carefully exercised, the rifle handled perfectly in such a way that the soldier is both individual force and target. To maximise individual and collective forces, it is necessary to 'inventer une machinerie dont le principe n'est plus la masse, mais une géométrie de segments divisibles dont l'unité de base est le soldat mobile avec son fusil.'[379] At this point, Foucault comes to a well-known statement about disciplinary society as being based on the model of the army, and on politics as being the continuation of war.

To anticipate an issue to which I turn to in Chapter 4, the following excerpt is valuable to include at this point. Docile bodies, individually as well as collectively, are trained to apply means of violence, or at least represent the threat of violence, and turn it into the effective deployment of forces. Discipline is a way of distributing and managing violence,

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[376] Nietzsche, *The Will to Power*, trans. Walter Kaufmann, 492, p. 271, original emphasis.
[377] Foucault, *Surveiller et punir,* p. 193 (Pléiade, p. 438).
[378] Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R.J. Hollingdale, p. 134, original emphasis.
[379] Foucault, *Surveiller et punir,* p. 191 (Pléiade, p. 437).

or so it seems when considering the image of society as an army. Tellingly, in this context, Seitter translates:

Dans les grands États du XVIII[e] siècle, l'armée garantit la paix civile sans doute parce qu'elle est **une force réelle**, un glaive toujours menaçant, mais aussi parce qu'elle est une technique et un savoir qui peuvent projeter leur schéma sur le corps social.[380]	In the eighteenth-century states, the army guaranteed civil peace no doubt because it was **a real force**, an ever-threatening sword, but also because it was a technique and a body of knowledge that could project their schema over the social body.[381]	In den großen Staaten des 18. Jahrhunderts garantiert die Armee den zivilen Frieden nicht nur, weil sie **eine wirkliche Gewalt**, ein drohendes Schwert, ist, sondern auch weil sie eine Technik ist und ein Wissen, die den gesamten Gesellschaftskörper erfassen können.[382]

There are two ways to philosophise about the body as uniting multiple phenomena. On the one hand, Nietzsche posits that the many motions of the body can be understood as an awesome complexity about which mankind must remain in ignorance. The body as multiplicity here is valued as a guiding yet convoluted phenomenon. On the other hand, the body's complex workings are appropriated by power in order to be put to maximum use in the production apparatus. These two positions are denoted, in Nietzsche, with the two words: 'Leib' versus 'Körper'. Since Foucault writes the history of the body in punishment and political domination, this semantic and therefore conceptual difference must be emphasised. In the context of *les corps dociles,* I have suggested that 'Körper' is generally a better choice because in this part, Foucault draws from representations of a disciplinary ideal, such as the body and posture of the soldier. In contrast to *le corps exposé* which highlighted the development of theoretical thinking and policies which began to seize the body as a living being, *les corps dociles* foregrounds the precise, functional image of the ideal body.

Le corps du délinquant ('Prison')

As I noted at the beginning of this chapter, Foucault insisted on the material forms of repression in prisons: 'le froid, […] l'étouffement et l'entassement, […] des murs vétustes,

[380] Foucault, *Surveiller et punir,* p. 197 (Pléiade, p. 442).
[381] Foucault, *Discipline and Punish*, p. 168.
[382] Foucault, *Überwachen und Strafen*, p. 217.

[…] la faim, […] les coups', as well as 'les tranquillisants, l'isolement, […] le service médical ou éducatif'.[383] In this part, I want to further explore how the body as 'Leib' is sustained by food, demonstrating that diet control and bad foodstuffs constitute the body of the prisoner as well as the body of the delinquent. The French jurist Charles Lucas writes in his *De la réforme des prisons* (1838) that the measures to achieve this moral improvement and training of the prisoners include things like 'le temps de veille et de sommeil, de l'activité du repos, le nombre et la durée du repas, la qualité et la ration des aliments, la nature est le produit du travail, le temps de la prière, l'usage de la parole et pour ainsi dire jusqu'à celui de la pensée'.[384] The care that the penitentiary system takes of the body not only reflects and inscribes a morality, but actually make the prisoner incorporate a moral conduct and consciousness. In this context, nutrition is more a means of control than of physical well-being. The importance of the appropriate diet in prison is a point that reappears in another source Foucault quotes, namely in the French translation of Prussian physician and reformist Nikolaus Heinrich Julius' *Leçons sur les prisons* (1831) that Seitter quotes in the German original (1828):

'Le travail alternant avec **les repas** accompagne le détenu jusqu'à la prière du soir; alors un nouveau sommeil lui donne un repos agréable que ne viennent point troubler les fantômes d'une imagination déréglée.'[385]	'Darauf, nachdem er **leibliche Stärkung** genossen, beginnt die Arbeit, die mit jener abwechselnd, ihn wieder bis zum Gebete des Abends als treuer Gefährte begleitet, worauf er von neuem in einen sanften, durch keine Schreckbilder der Einbildungskraft gestörten Schlaf versinkt.'[386]	'Work alternating with **meals** accompanies the convict to evening prayer; then a new sleep gives him an agreeable rest that is not disturbed by the phantoms of an unregulated imagination.'[387]

Seitter does not translate here but quotes directly from the German original text. Julius' presentation of the prison is twisted, so that the prison appears as some sort of fostering, cosy space in which inmates receive 'leibliche Stärkung'. This is a fixed expression in German, meaning literally 'bodily strengthening' by way of food. Sheridan translates the

[383] Foucault, *Surveiller et punir,* p. 39 (Pléiade, p. 291).
[384] Foucault, *Surveiller et punir,* p. 273-274 (Pléiade, p. 518).
[385] N.H. Julius, *Leçons sur les prisons,* trad. française, 1831, I, p. 417-418, cited in Foucault, *Surveiller et punir,* p. 278 (Pléiade, p. 520).
[386] N. H. Julius, *Vorlesungen über die Gefängnis-Kunde*, Berlin 1828, p. 129, cited in Foucault, *Überwachen und Strafen*, p. 307.
[387] N.H. Julius, *Leçons sur les prisons,* trad. française, 1831, I. p. 417-418, cited in Foucault, *Discipline and Punish,* p. 239, trans. Alan Sheridan.

French translation because he does not reference another English translation, and this explain the word 'meals' as a translation of *repas*. The passage is a good example to show how two ideas relating to the body, designated in German with the noun 'Leib' or the adjective 'leiblich', clash. Placing the body in a disciplinary regime is presented in the above passage as a type of subtle yet coercive care that is presented to be beneficial for the prisoners. This is not the case. Instead, it must be said that controlling food and diet characterises the form of power to which the body is subjected. This reminds us of what Foucault writes in the Nietzsche essay: 'Le corps – et tout ce qui tient au corps, **l'alimentation**, le climat, le sol – c'est le lieu de la *Herkunft:* sur le corps on trouve les stigmates des évènements passés…'[388] Asking and informing about the dietary regime in prisons formed part of the GIP's activism. The prisoners' responses to their questionnaire indicate that food was so bad that it caused them 'perte de cheveux et yeux malades'; one prisoner notes that 'j'ai perdu pratiquement toutes mes dents' and yet another inmate answers: 'La nourriture est plus que moyenne et rare. Celui qui ne cantine[389] pas ne peut pas garder une santé qui lui permet de travailler plus tard.'[390] The provision of food is by no means intended to be invigorating as Julius roguishly suggests by using the expression 'leibliche Stärkung'.

As the prison turns into an observatory for human behaviour, the study of the body and its motions and emotions becomes its central mission. Nietzsche found them so mesmerising and complex that he concluded it was impossible to know what they meant for or wanted from the mind and its capacity to reason. The object of study for these institutions – the prison, but also for example the school or the workplace – is the body in its infirmities, abnormalities, and other shortcomings. Foucault writes about Mettray's disciplinary mission:

Le modelage du corps donne lieu à une connaissance de l'individu, l'apprentissage des techniques induit des modes de comportement et l'acquisition d'aptitudes s'enchevêtre avec la	**The modelling of the body** produces a knowledge of the individual, the apprenticeship of the techniques induces modes of behaviour and the acquisition of the skills is	**Die Modellierung des Körpers** bringt eine Erkenntnis des Individuums mit sich, die Erlernung von Techniken führt zur Annahme von Verhaltensweisen, und die Aneignung von

[388] Foucault, 'Nietzsche, la généalogie, l'histoire', p. 1288, emphasis added.
[389] The TLFi notes, firstly, that the noun *cantine* means *service subventionné chargé de préparer et de distribuer les repas dans une collectivité; les locaux qui l'abritent*, and secondly the following: *on rencontre dans la documentation le verbe transitif cantiner, arg. Faire des achats à la cantine d'une prison.*
[390] *Groupe d'information sur les prisons. Intolérable*, 'Intolérable I', pp. 24, 33, 59.

fixation de rapport de pouvoir; on forme de bons agriculteurs vigoureux et habiles; dans ce travail même, pourvu qu'ils soient techniquement contrôlé, on fabrique des sujets soumis, et on constitue sur eux un savoir auquel on peut se fier. Double effet de cette technique disciplinaire qui s'exerce sur les corps: une 'âme' à connaître et un assujettissement à maintenir.[391]	inextricably linked with the establishment of power relations; strong, skilled agricultural workers are produce; in this very work, provided it is technically supervised, submissive subjects are produced and a dependable body of knowledge built up about them. The disciplinary technique exercised upon the body had a double effect: a 'soul' to be known and subjection to be maintained.[392]	Fähigkeiten verstrickt sich mit der Fixierung von Machverhältnissen. Man bildet kräftige und geschickte Landwirte aus, und mit dieser technisch kontrollierten Arbeit produziert man untergebene Subjekte sowie ein verläßliches Wissen über sie. Die am Körper angewendete Disziplinartechnik hat zwei Effekte: eine Seele, de zu erkennen und eine Unterwerfung, die zu vertiefen ist.[393]

In line with my argument in this chapter, translating 'le modelage du corps' as 'die Modellierung des Leibes' would be preferable in this passage, too. *Modelage* implies imperfection and the need for adjustment and correction; the body is conceptualised as a kind of 'raw material' or 'par masse, en gros, comme il était une unité dissociable, mais de le travailler en détail'.[394] The ideal body is not a natural state, but an achievement of discipline. As I will show in Chapter 5, disciplinary measures not only imply a *modelage* but also a *dressage* of the body and behaviour. It is in this sense that Nietzsche also refuses the word 'Körper', for it belongs to a philosophical vocabulary stipulating the *being* of things. For him, however, the body *is* not, but *becomes, transforms,* as he writes against the power of morality to condemn the body's impulse and passions. Prison endeavours to control the body as 'Leib' – its physical intimacy, personal experience and overall subjectivity associated with it – in order to make it fit into the disciplinary template for which the metaphysical and rationalistic-philosophical developments laid the foundation. 'Leib' is pathologized. Discipline and the prison prescribe and impose a relationship that the individual should maintain with their body to display a good moral conduct. To speak with Nietzsche, the idealisation, recognition, and imposition of discipline as ascetic ideal that is widespread across society is nothing but an attempt to

> employ force to block up the wells of force: here physiological well-being itself is viewed askance, and especially the outward expression of this well-

[391] Foucault, *Surveiller et punir,* p. 345 (Pléiade, p. 594).
[392] Foucault, *Discipline and Punish,* pp. 294-295.
[393] Foucault, *Überwachen und Strafen*, p. 381.
[394] Foucault, *Surveiller et punir*, p. 161 (Pléiade, p. 401).

> being, beauty and joy; while pleasure is felt and sought in ill-constitutedness, decay, pain, mischance, ugliness, voluntary deprivation, self-mortification, self-flagellation, self-sacrifice.[395]

Clearly, the two German words 'Körper' and 'Leib' illustrate a broader philosophical conflict, and in the case of Foucault and Nietzsche, this concerns the repercussions of the rationalistic understanding of the body throughout history. Seitter's dismissal of Nietzsche's theory of the body as he calls it 'Leib' seems unwarranted, both for translation and in the wider debate on the meaning of the body in philosophy. It must however be granted to Seitter that there are some important argumentative deficiencies to note about Nietzsche's 'Leib'. In his model, the body is some sort of untouchable, enchanting entity of which the powers are uncertain and unknowable to the mind. This of course is problematic because it presents the body as a kind of purified mass, of which the interests, passions, and impulses would function outside of the frameworks of morality against which Nietzsche so vigorously argued. Nonetheless, his theory of the body must be taken seriously because it takes a stance against deterministic systems of thoughts, producing the values to which a society adheres. Foucauldian bodies, however, cannot be placed firmly in the theoretical bracket of one thinker only because,

> ce qui intéresse Foucault, ce n'est ni le corps comme objet d'un discours de vérité (problème du positivisme scientifique), ni le corps comme sujet originaire d'un rapport vrai au monde (problème de la phénoménologie). C'est un corps travaillé, traversé, compliqué par la vérité.[396]

Indeed, since Foucault is not a phenomenologist, he only really has one word to work with in this native French: *le corps*. Is the question of the body a matter of non-translation? Perhaps the difficulty of translating *le corps* raises the issue of translating a concept that is strictly speaking not an issue of interlingual translation in English and French, but one of 'intra-conceptual' translation: of course, *corps,* 'Körper', 'Leib'*,* and *la chair chrétienne* are all concepts based on the human body. Thus, what can an approach involving translation contribute to this issue? Such an analysis shows that the translation of philosophy goes far beyond 'just' translating words. Translating the body is not merely a matter of translating a word, but it is about operating within conceptual networks in which it becomes apparent that the meaning of words, the practices attached to it as well as their moral (dis)qualifications changed throughout history.

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[395] Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R.J. Hollingdale, 11, p. 118.
[396] Sforzini, *Foucault. Une pensée du corps*, p. 9.

Chapter 4
The Translation of Violence

Introduction

Surveiller et punir began with a scene of violence that I discussed in Chapter 2, in which I have shown that excessive violence constituted an essential part of the punishment of *supplice*. The emphasis on violence will diminish in the subsequent parts of the book, shifting away from the role of corporal punishments to the disciplinary mechanisms training bodies and governing people's interests and passions. This shift implies changes in what Foucault calls *pouvoir*.

The title of this chapter is a little bit provocative, and deliberately so. It might have been expected to be called 'The Translation of Power' because Foucault is a well-known thinker of power (*pouvoir*) and arguably less a thinker of violence. The word *violence* points straight away to the problem that I discuss in this chapter. *Pouvoir* evidently translates as 'power' in English, as does *puissance.* In German, *pouvoir* can be translated both as 'Macht' ('power') and 'Gewalt' ('political power' and 'violence'). Other words, such as *force* or *violence,* are also in play and they will be explored in close relation to *pouvoir*. Together with Chapter 3, this present chapter discusses the second crucial problem arising in Seitter's German translation, namely that of the word 'Gewalt'. It is an ambiguous word, for it refers to two distinct fields. The first is the field of *violence* in which 'Gewalt' is understood as physical harm, and the second concerns constitutional law in which 'Gewalt' designates *pouvoir* ('power') in terms of the three branches of government (cf. the separation of powers translates to 'Gewaltenteilung' in German). Seitter's German translation of Foucault coupled with a closer inspection of Foucault's German-language influences expose the fact that any analysis of 'Gewalt' as political power must inevitably entail a negotiation of 'Gewalt' as violence. For this reason, the German translation is problematical because the distinction cannot always be made clear. In Seitter's translation, forms of power that Foucault terms *le pouvoir de punir* are frequently translated as 'Strafgewalt', 'Bestrafungsgewalt', and 'Disziplinargewalt'. Then, when Foucault writes 'le pouvoir disciplinaire est un pouvoir…', Seitter translates 'Die Disziplinargewalt ist eine

Macht…', seemingly suggesting that political power ('Gewalt'), violence ('Gewalt'), and generally power ('Macht') all are mutually dependant.[397]

To further explore their connection, I return to Foucault's translation of Kant's *Anthropologie aus pragmatischer Hinsicht* that involves a third meaning of 'Gewalt'. Kant uses the expressions 'in seiner Gewalt haben' and 'über etwas Gewalt haben'. Foucault translates these differently, including, for example: *avoir/tenir en son pouvoir, avoir sous contrôle, être maître de, maîtriser,* and *avoir de puissance.* He does at no point translate these expressions as *violence.* Kant refers much more to techniques of (self-)control or governance. To complete the analysis of Foucault's German-language influences, it is also necessary to return to Nietzsche's model of the will to power that is fundamental to Foucault's philosophy of power. I demonstrate that Nietzsche's will to power portrays the relationship between humans, animals, and things as inherently violent and aggressive. In close connection to Chapter 3, I then must ask if Seitter's frequent renderings of *pouvoir* as 'Gewalt' can be explained based on the influence of Nietzsche on Foucault?

My argument in this chapter is twofold. Foucault begins the book by depicting an extremely violent scene of public execution with which he already anticipated that whilst this type of punishment disappeared, the violence has not. Crucially, Foucault posits that punitive power acts violently in the prisons, hidden away from the public eye. It is in this sense that I want to suggest that translating frequently *le pouvoir disciplinaire* as 'Disziplinargewalt' creates an imbalance in the argument Foucault puts forward because it foregrounds the idea of *violence* too strongly. Foucault's main concern about disciplinary

[397] Within the semantic field of 'Gewalt', it is necessary to account for the difficulty of translating another German word, 'walten'. Jacques Derrida in his lecture course *La Bête et le souverain* discusses 'walten' to problematise both its meaning in German as used by Martin Heidegger especially in his lecture course on *Die Grundbegriffe der Metaphysik* (1929/30) as well as the French translation (Jacques Derrida, *Séminaire. La Bête et le souverain. Volume II (2002-2003)* (Paris: Galilée, 2010), pp. 62-63). Habitually translated into French with *régner* ('to reign', 'to rule') and *gouverner* ('to govern'), Derrida notes that: 'on abandonne [ce mot] en français à sa neutralité, voire à sa non-violence, à une certaine innocence abstraite, comme quand on parle du règne animal, du calme qui règne dans un lieu désert, du silence qui règne dans une salle, etc., en dissociant ce qu'il peut y avoir de force et de violence imposée (de *Gewalt,* justement), d'autorité, de pouvoir, de puissance régnante et souveraine dans *Walten* et *Gewalt.*' In contrast to 'Gewalt', '[l]e *Walten* est puissance dominante, gouvernante, en tant que souveraineté autoformée, en tant que force autonome, autarcique, se commandant et se formant elle-même de la totalité de l'étant.' (Derrida, *La Bête et le souverain,* p. 72). For our purposes of studying Foucault's *pouvoir* and its possible German translation with 'Gewalt', it is important to note that the question, if not determination, of 'Walten' was for Heidegger an ontological concern. Contrary to 'Walten' appearing as '[la] figure du pouvoir absolu, de la souveraineté *avant même sa détermination politique*' (Derrida, *La Bête et le souverain,* p. 73, emphasis added), Foucault's *pouvoir* is a political question asking about the disappearance of physical violence. In this context, and despite their semantic kinship, 'Walten' must not be considered an alternative option for the German translator of Foucault to translate *pouvoir*.

power involves the mechanisms of control that primarily forge habits and behaviour, and not the use of violence.

This chapter discusses the role of *violence,* in close relation to 'Gewalt', in four parts. The first introduces the problem of the ambiguity of this German word to show that it exceeds the limits within which Foucault understood *violence* in relation to *pouvoir*. I then offer a close reading of Foucault's translation of Kant and turn to Nietzsche to expand on the possible meanings and use of the word 'Gewalt' in German-language philosophy. The third part asks the question whether disciplinary power can or should be considered a form of violence drawing on the concept of the 'investissement politique du corps' that Foucault introduces, concluding that the presentation of the power of discipline as violent is misleading. Finally, I demonstrate that violence in the sense of physical harm has been shifted to the carceral space: although designed to prevent violent actions amongst prisoners and to punish with leniency, the prison is a space in which violence still is experienced.

The Problem of the ambiguity of 'Gewalt'

In the first lines of the chapter 'Les moyens du bon dressement' in the third part 'Discipline', Foucault introduces disciplinary power as follows:

Le pouvoir disciplinaire en effet est un pouvoir qui, au lieu de soutirer et de prélever, a pour fonction majeure de 'dresser'; ou sans doute, de dresser pour mieux prélever et soutirer davantage.[398]	**The chief function of the disciplinary power** is to 'train', rather than to select and to levy; or, no doubt, to train in order to levy and select all the more.[399]	**Die Zuchtgewalt ist in der Tat eine Macht**, die anstatt zu entziehen und zu entnehmen, vor allem aufrichtet, herrichtet, zurichtet – um dann allerdings um so mehr entziehen und entnehmen zu können.[400]

The double use of *pouvoir* at the beginning of this chapter is both a form of emphasis as well as a statement of how he understands disciplinary power to work: he assumes a wide

[398] Foucault, *Surveiller et punir*, p. 200 (Pléiade, p. 444).
[399] Foucault, *Discipline and Punish*, p. 170.
[400] Foucault, *Überwachen und Strafen*, p. 220.

field of action and effect and he introduces an order of effectiveness by writing that disciplinary power has a 'fonction majeure de "dresser"'. But he does more than repeating his point because the locution 'en effet' reinforces the reality of disciplinary power that Foucault himself experienced: writing *Surveiller et punir* in the aftermath of the Algerian War, May '68, and his activism as founding member of the GIP, Foucault may have also invoked a series of happenings in the streets, gatherings and meetings, as well as violent confrontations of protesters with the police and armed forces. 'Le pouvoir disciplinaire' does not merely construct a theoretical framework in which Foucault develops his critique, but he directly denounces those actions and practices maintaining more broadly the policing function. Sheridan has interpreted this phrase as a form of emphasis by condensing the repetition in French into a single formulation. Seitter has done the opposite. Nonetheless, reading this as a form of emphasis instead of conceptual explanation matters because Foucault does not turn the question of violence into a primary constitutive concern for political power. However, this appears to be the case when Seitter translates 'Die Zuchtgewalt ist in der Tat eine Macht…' Disciplinary power remains a *pouvoir*, and Foucault does not suggest by using the word twice that it involves violence. To be sure, even the entry on *pouvoir* in the TFLi does not once mention *violence*. *Pouvoir* is exclusively defined in the general terms of capacity and possibility that are also crucial to Foucault. I will now discuss the above excerpt in order to make two points: to introduce the scope of the convergence of 'Macht' and 'Gewalt' in translations of Foucault, and to illustrate that this levelling in German goes beyond the mere use of the two concepts because it is mirrored in other translated words.

The Relationship of 'Gewalt' and Discipline

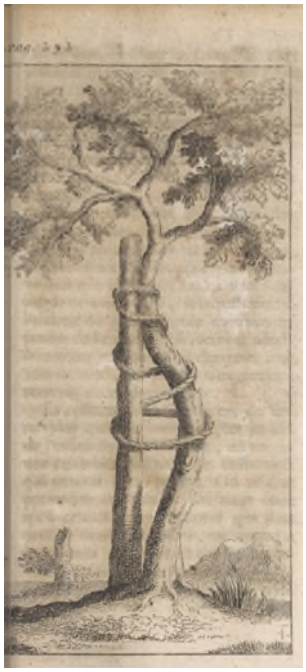

Figure 2. M. Andry, *L'orthopédie, ou L'art de prévenir et de corriger dans les enfants les difformités du corps*, Vol. 1 (Bruxelles: Georges Fricx, 1743), unpaginated, printed in Foucault, *Surveiller et punir*, Pléiade, p. 613.

Foucault writes in the above passage that the main function of disciplinary power is to *dresser*. A closer look at this verb and its translations reveals several semantic fields in which various meanings come together. The words *dresser, dressage,* and *dressement* form a central concept and argument throughout the book, and there are several semantic nuances to be noted about them. To begin with the verb, the TLFi notes two uses, transitive and pronominal. The first implies *mettre dans une position verticale, mettre droit* (e.g. *dresser la tête)* as well as *préparer, disposer convenablement*. A third meaning especially relevant to Foucault is *former de façon à faire contracter l'habitude de certains comportements* both involving animals and human beings (e.g. *dresser pour la chasse ; dresser des enfants à l'école*). The second refers to the meaning of *passer à une position plus proche de la verticale que la position antérieure* and *être posé verticalement, dans une position dominante* (e.g. *se dresser au-dessus des enfants pour les rappeler à l'ordre).* These definitions all describe an upright movement of the body or object, either in the physical or metaphorical sense. With this, they all share a direct material impact upon the object or body in question. To show how these meanings are important in Foucault's argument on disciplinary power, the illustration included in *Surveiller et punir* of *L'Orthopédie ou l'Art de guérir et de corriger dans les enfants les difformités du corps* by N. Andry (1743) is helpful.[401] The image (Figure 2) depicts a tree attached by a rope to an upright pole, suggesting that the irregular, natural growth of the tree must be corrected by tying it to the vertical trunk. The drawing therefore illustrates the idea that living beings, plants as well as humans, are imperfect in their natural state and require continuous supervision and correction. In this drawing we can therefore find most of the meanings of *dresser* as mentioned above, though crucially the definition of *mettre en position verticale* as well as *former de façon à faire contracter l'habitude de certains comportements*. A body or object that is *dressé* thus displays an upright positioning that is enforced, or at least imposed, to maintain it in the long term, if not to say throughout the course of life. What this image does not include at first sight, but

[401] Foucault, *Surveiller et punir,* Pléiade, p. 613.

which it can however be considered to imply, is not solely the display of a physical posture but also the process of developing patterns of behaviours and habits. Posture and use of the body in a disciplinary regime for Foucault go hand in hand.

Foucault emphasises in *Surveiller et punir* that imprisonment as punishment became gradually understood as having a correctional impact for the purpose of work and education. The prison is a 'reformatory', a word coined by Jonas Hanway in 1775 in his *The Defects of Police* and that Foucault translates as '*réformatoire'* using it with quotations marks in *Surveiller et punir,* in which inmates are *dressé* to develop skills for and devotion to labour.[402] Despite the 'discontinuous' history of the prison, especially regarding the generally assumed prominence of Enlightenment reform that Foucault undermines, a certain continuity of the conceptualisation of the prison as a place of labour and education can be observed between Amsterdam's Rasphuis in 1596 and France's Mettray in 1840. In *Surveiller et punir,* the former is mentioned as one of the earliest institutionalised prisons and the latter marks the 'perfection' of the 'carceral project' in the sense of representing 'la forme disciplinare à l'état le plus intense'.[403] Foucault mentions the Swedish-American sociologist and penologist Thorsten Sellin and his work *Pioneering in Penology* (1944) which offers a detailed analysis of the first correctional facility, the Rasphuis.[404] In this work, Sellin describes and analyses its administration, which is a 'tuchthuis' – the Dutch translation of 'Zuchthaus' and 'tucht' meaning 'discipline' – of which the founders understood its purpose in making inmates labour.[405] This project was tied to the then-strong industries of weaving (in Dutch 'spinnen', and the Spinhuis was designed for female delinquents) and rasping or shaving dyewoods (in Dutch 'raspen', therefore Rasphuis housing young male delinquents) in sixteenth-century Holland. The prisoners in these reformatories were subjected to strict timetables of work and (some) education:

> Those placed in the charge [of the regents of the prison] had shown by their mode of life that they needed to learn both a well-regulated behaviour and submission to authority, both being regarded as means to an end – a subsequent life of laborious honesty.[406]

The way to achieve this was through strict disciplinary actions and punishments involving labour, which emphasises the idea of *dresser* as a combination of physical posture (which

[402] Foucault, *Surveiller et punir,* p. 150 (Pléiade, p. 393).
[403] Foucault, *Surveiller et punir,* p. 343 (Pléiade, p. 593).
[404] Foucault, *Surveiller et punir*, p. 155 (Pléiade, p. 395).
[405] Thorsten Sellin, *Pioneering in Penology. The Amsterdam Houses of Correction in the Sixteenth and Seventeenth Centuries* (Philadelphia: University of Pennsylvania Press, 1944), p. 49.
[406] Sellin, *Pioneering in Penology*, p. 63.

in the context of the Rasphuis actually concerns the corporeal ability to perform tough physical work) and use of the body (the idea that the prisoners had to be subjected to labour to serve their sentence and thereby primarily the economy). Sellin furthermore notes that prisoners were instructed only insofar as illiteracy prevented them from being 'properly catechised' and that the level of education was probably very low, sufficing merely to master 'the rudiments of religious knowledge.'[407] The mentality that carried these changes were motivated by ideas about training, teaching, and obedience.

Evidently, these ideals as they are part of *le pouvoir disciplinaire* do not match a translation of 'Gewalt' since it is not about physical violence nor fundamental rights or legalisation of such ideals by the State at the constitutional level. It is much more about what Foucault calls a 'mutation technique' within various fields relating to the human sciences.[408]

In *Surveiller et punir,* Foucault considers the opening of the penal colony of Mettray on 22 January 1840 as the day on which the modern carceral project emerges in its perfected form. Mettray's model did not quite resemble the model of the Rasphuis, although some similarities can be noted about the way in which the idea of *dressage* further developed. The founder and later director of Mettray, Frédéric-Auguste Demetz, former president of *le tribual de police correctionnelle de la Seine* during the July Monarchy*,* writes in his outline of the project for Mettray: 'C'est l'homme lui-même que nous voulons rendre meilleur, et, par lui, la famille et la société toute entière.'[409] In line with this, Foucault writes about Mettray:

> Cette superposition de modèles différents permet de circonscrire, dans ce qu'elle a de spécifique, **la fonction de 'dressage'.** Les chefs et les sous-chefs à Mettray ne doivent être ni tout à fait juges, ni professeurs, ni des contremaîtres, ni des sous-officiers, ni des 'parents', mais un peu de tout cela et dans un monde d'intervention qui est spécifique. Ce sont en quelque sorte des techniciens du comportement; ingénieurs de la conduite, orthopédistes de l'individualité.[410]

Foucault describes the function of *dressage* in terms of intervention, techniques, and engineering, understanding both the human body and behaviour as obeying mechanical operations. Attentive to detail and persevering in time, the aim is to manufacture an individual that is *dressé.* According to the TFLi, *dressage* and *dresser* is the action of *dresser* an

[407] Sellin, *Pioneering in Penology*, pp. 62-63.
[408] Foucault, *Surveiller et punir,* p. 299 (Pléiade, p. 551).
[409] Frédéric-Auguste Demetz, *Fondation d'une colonie agricole des jeunes détenus à Mettray*, p. 24, cited in Jacques Bourquin, 'La colonie agricole de Mettray', in *Sociétés et représentations* 3 (1996/2) 205-218 (p. 210).
[410] Foucault, *Surveiller et punir*, p. 344 (Pléiade, pp. 593-594).

animal or human to mend their behaviour and it implies a change of position or bodily posture, e.g., *dresser les oreilles,* but also *se dresser.* As a behavioural technique, the change of position or posture also links to moral values of being 'upright', insofar as a righteous mindset or disposition towards others and the world is implied. *Dressage,* therefore, is not a question of physical violence, but involves strategies of manipulation and correction. Nonetheless, *dressage* or *dressement* are used in contexts closely related to violence, namely that of military drill. Foucault's chapter title 'Les moyens du bon dressement' is taken from a seventeenth-century German military writer by the name of Johann Jacobi von Wallhausen (1580-1627). Foucault quotes the French translation of one of his works, *L'Art militaire pour l'infanterie* (1615) that appeared in the German original in the same year. Von Wallhausen in his works (exclusively) speaks of 'Abrichtung', which is translated as *dressement.* The concept Foucault works with here thus is a French translation of a German word.

How have these meanings of *dresser, dressage,* and *dressement* been translated into English and back into German? Sheridan translates the verb *dresser* in the above passage as 'to train'. Whilst *dresser* goes back to the Latin root of 'directiare' (*redresser, mettre droit),* the English 'to train' evolved from the Latin 'trahere' (pull, draw) (OED). The latter has several meanings including, to teach a person or animal (also for a specific sport) a particular skill over time or to be taught a practice or profession, to develop or improve a mental or physical facility, to cause a plant to grow in a particular direction or into a desired shape, or to undertake a course of exercise or diet. The English 'to train' is different from *dresser* in relation to educational activity and to mechanical processes. *Dresser* is not synonymous with *éduquer* or *enseigner* – yet in this context shares similarities with *élever* (a pupil in French is an *élève),* meaning to raise a child but also to breed/rear animals – but with calling to order and obedience a group of students, for example. In the passage quoted at the beginning of this section, Seitter translates the verb *dresser* with three German verbs, significantly adding to the meaning: 'aufrichten, herrichten, zurichten'. These verbs limit as well as encourage an interpretation of Foucault's analysis of discipline as violence. 'Aufrichten' means the action of putting a body or an object into an upright position. 'Herrichten' implies both a preparation of an object or other material arrangement to be used as well as the establishment of an order, e.g., the action of preparing a room for a guest to spend the night, to repair the rooftop, and setting the table and cutlery for a meal. 'Zurichten' likewise can be a form of preparation, though it is important to note that 'zurichten' also – if not to say primarily in everyday language –

means to damage, to injure someone or something.[411] This would allow, then, the reader at least to partially understand the workings of disciplinary power, in this sense, as 'die Zuchtgewalt, die […] zurichtet', literally as a violent form of power causing harm. This addition poses a problem because it reinforces Foucault's critical viewpoint on the techniques at a time when he outlines their intended workings as measured, mechanically manipulable and beneficial to the individual.

In the context of the use of verbs to describe the workings of disciplinary power, two other verbs must be discussed. This involves discipline as a form of power that is characterised by mechanisms remaining imperceptible at first for it does not simply 'exhaust' and 'extract from' the body wholly – I suggest this wording to bring to the fore the materiality of the body – but it 'trains' (*dresser*) the body differently in order to create and improve its utility, docility, and finally productivity. The two verbs *soutirer* and *prélever* are revealing for they generally explain the workings of disciplinary power that target the body as a functional object. Interestingly, *soutirer,* as the TLFi notes, is used first in oenology (*pratiquer le soutirage* means to transfer the alcoholic liquid into a different container during the process of fermentation). In petrochemistry, it designates the way in which different fractions in the liquid are siphoned off from the bottom of the container during the refining process. Although this context is different, it emphasises nonetheless that *soutirer* describes a process of extraction, transfer, and transformation. The TLFi then gives a second meaning that refers more specifically to the extraction of electric energy, which is close in English to 'to drain' giving also the meaning of causing a (valuable) resource such a water, energy or even mental strength or vitality to be lost or used up. A third meaning is synonymous to *extorquer* ('to extort something from someone'): *obtenir de quelqu'un par insistance, par des pressions ou des moyens détournés (chantage, ruse, séduction) ce qu'il n'aurait pas accordé facilement de son plein gré.* The first semantic field hence involves natural resources and raw materials as well as mechanical procedures. The second semantic field describes a type of coercion. Sheridan translates *soutirer* as 'to select' and *prélever* as 'to levy'. Considering the above passage, his translation seems questionable, at least regarding the first verb. Whilst Foucault in writing *soutirer* suggests that specific techniques of material transformation and behavioural enforcement are used, the verb 'to select' deviates from this because it seems to suppose that disciplinary power involves making a choice of which bodily forces to use (best). A possible answer as to why Sheridan

[411] The most commonly used phrase today would be 'jemanden übel zurichten': to batter someone.

translated *soutirer* as 'to select' could be drawn from the lines that immediately follow: 'Au lieu de plier uniformément et par masse tout ce qui lui est soumis, il sépare, analyse, différencie, pousse ses procédés de décomposition jusqu'aux singularités nécessaires et suffisantes.'[412] It seems that Sheridan has interpreted this process of 'decomposition' – and he translates these lines almost word for word – as a process of selection. A decomposition of the kind Foucault speaks of, however, involves a reorganisation of objects and bodies upon which power is exercised as a whole; it is not a mechanism for 'inflicting a choice'. Foucault discusses the effects of disciplinary power as they pass through the whole body – and not just parts of it – as well as the entire social body, i.e., all of society. Importantly, his argument involves the conceptual decomposition of the object in question, such as the body, in order to determine its essence and ameliorate its functioning. What matters, therefore, is always the philosophical, political, and economic 'investment' of the body as a whole. Then, Sheridan translates *prélever* as 'to levy'. Today, the verb 'to levy' is primarily used in the financial and legal language to refer to the imposition of taxes and collection of an item seized to satisfy a judgment (OED). As such, it involves economic assets. It is true that in French, for example, the levying of taxes also is *prélèvement des impôts,* and a direct debit is a *prélèvement bancaire.* Though I suggest that Foucault's use of *prélever* differs from this purely economic and financial context: it is about the development and use of physical capacities that are identified prior to a task or production in a disciplinary system. Seitter translates these verbs as 'entziehen' *(soutirer)* und 'entnehmen' *(prélever).* They are rather general and can both mean 'to extract (from)': 'entziehen' also means to withdraw, to deprive someone of something or to dispossess someone. 'Entnehmen', literally, means to take something out of something.

When Foucault writes about Mettray that what is represented as 'la fonction de "dressage"', Sheridan also translates this as 'training'.[413] Though *dressage* in the context of the completion of 'le project carcéral' inside the prison and across educational and medical institutions in the mid-nineteenth century meant a profound transformation of the body's shape and the individual's conduct. It is not simply about 'being taught' a new pattern of behaviour, but about steadily and consistently imposing constraints upon the abnormal, sick, and criminal for the purpose of cure and re-education. It is telling that Seitter, on the other hand, in this instance and elsewhere translates 'Dressur'.[414] In

[412] Foucault, *Surveiller et punir*, p. 200 (Pléiade, p. 444).
[413] Foucault, *Discipline and Punish*, p. 294.
[414] Foucault, *Überwachen und Strafen*, p. 380.

German, this word that is semantically close to *dressage* is exclusively used for the training of animals, in much the same way as 'dressage' is used in English for a certain type of training of horses. Whilst this is contained in the word *dressage,* Seitter effectively removes this particular aspect of animal training from the wider constellation of meaning and thus places an emphasis on discussions of the disciplining of the 'reasonable animal' in both Kant and Nietzsche. Aside from these associations with philosophical debates, it certainly establishes a general comparison of the modern individual with a submissive animal that can be controlled through the power of discipline.

The German 'Dressur' is also different from what Seitter translates in the discussion of the chapter 'Les moyens du bon dressement'. Observing that Foucault quotes a French translation of Von Wallhausen, Seitter refers to the German original and does not translate Von Wallhausen's words himself, in which the latter speaks of 'Abrichtung'.[415] As I have noted earlier, this is complicated by the additions Seitter makes to this word ('aufrichten, herrichten, zurichten'). On the other hand, these additions can be explained by comparing the words 'Abrichtung' and 'Dressur': in relation to animal training, they are in fact synonymous. Even if Van Wallhausen's sixteenth-century military writings employ 'Abrichtung' in relation to the training of soldiers and the army, the common use of the word today is restricted to the training of animals. In that sense, the addition of verbs by Seitter was perhaps intended to provide clarification and to extend the semantic field in which Foucault defines *dressement* and *dressage.* Furthermore, the general context of warfare that this reference to Van Wallhausen as well as Foucault's overall argument and emphasis on the disciplinary society as 'un rêve militaire de la société' that developed in the seventeenth and eighteenth centuries does not suggest a problematisation of violence in the form, possibly, of the philosophical and theoretical legitimation and justification of its use and benefits or of the question whether violence is part of (a/the) human nature.[416] Foucault's interest in war is not motivated by a discussion of violence. Rather it is about a form of politics that creates spatial arrangements, defines the disposition and posture of the body enabling the extraction and maintenance of its productive force. It is about discipline as a form of investment and knowledge of spaces and bodies. This type of military focus is not about violence, but training.

[415] Johann Jacobi von Wallhausen, *Kriegskunst zu Fuß* (Oppenheim: De Bry, 1615), p. 13, available at https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10872386_00029.html [accessed 18-06-2020], quoted in Foucault, *Überwachen und Strafen,* p. 220.
[416] Foucault, *Surveiller et punir*, p. 198 (Pléiade, p. 443).

Did Foucault mean violence?

Foucault was hesitant about using the word *violence*. In his lecture course *Le Pouvoir psychiatrique* at the Collège de France between 1973 and 1974, Foucault says in his very first lecture on 7 November 1973 that,

> Je crois que le problème qui se pose – c'est – en se passant de ces notions et de ces modèles, c'est-à-dire en se passant du modèle familial, de la norme, si vous voulez, de l'appareil de l'État, de la notion d'institution, *de la notion de violence* – de faire l'analyse de ces rapports de pouvoir propres à la pratique psychiatrique, en tant que, – et ce sera cela l'objet du cours, – ils sont producteurs d'un certain nombre d'énoncés, qui se donnent comme énoncés légitimes. *Plutôt, donc, que de parler de violence, j'aimerais mieux parler de microphysique de pouvoir…*[417]

The lecture course discusses psychiatric power, which in *Surveiller et punir* reappears as a form of disciplinary power that is especially effective in the penitentiary and in educational and medical institutions. As the title of the course suggests, psychiatric power is a *pouvoir,* and Foucault intends to analyse it in terms of a microphysics of power *instead of* in terms of violence. He expresses his intention to analyse *pouvoir* instead of *violence* in the above quote as a preference ('j'aimerais mieux'), but this is actually an important conceptual shift that goes beyond a mere personal preference in wording. In any case, Foucault made it clear in *Surveiller et punir* that the modern form of subjection through disciplinary power across society must not be obtained by means of violence – in fact, it operates differently altogether. As he writes in the book's introduction:

Cet assujettissement n'est pas obtenu par les seuls instruments soit de la **violence** soit de l'idéologie; il peut très bien être direct, physique, jouer de la force contre la force, porter sur des éléments matériels, et pourtant **ne pas être violent**; il peut être calculé, organisé, techniquement réfléchi, il peut être subtil, ne faire usage ni des armes ni de la terreur, et pourtant rester de l'ordre physique.[418]	This subjection is not only obtained by the instruments of **violence** or ideology; it can also be direct, physical, pitting force again force, bearing on material elements, and yet **without involving violence**; it may be calculated, organized, technically sought out; it may be subtle, make use of neither of weapons nor of terror and yet remain of physical order.[419]	Diese Unterwerfung wird aber nicht allein durch Instrumente der **Gewalt** oder der Ideologie erreicht; sie kann sehr wohl direkt und physisch sein, Kraft gegen Kraft ausspielen, materielle Elemente einbeziehen und gleichwohl auf **Gewaltsamkeit verzichten**; sie kann kalkuliert, organisiert, technisch durchdacht, subtil sein, weder Waffen noch Terror gebrauchen und gleichwohl physischer Natur sein.[420]

[417] Foucault, *Le Pouvoir psychiatrique.* pp. 17-18, emphases added.
[418] Foucault, *Surveiller et punir*, p. 34 (Pléiade, p. 287).
[419] Foucault, *Discipline and Punish*, p. 26.
[420] Foucault, *Überwachen und Strafen*, p. 37.

To begin with a remark on the last line, Sheridan's translation of *de l'ordre physique* strikes the reader as too literal making this quite unclear: the expression *de l'ordre (de)* is synonymous to *du genre de* (TLFi) and designates a category or group of something that is defined by the elements that it constitutes. The English 'order' primarily describes an arrangement or disposition of things, or generally a system. Seitter's translation 'Natur' is already better because it can be read as synonymous to 'Wesen' ('essence'). Arguably, it was important for Foucault to point to the absence of violence as an essential feature of this form of power. It is even more astonishing to note the frequent translations of *pouvoir* as 'Gewalt' throughout *Überwachen und Strafen*. The excerpt illustrates well the confusion that arises in parts from Seitter's translation. In this passage, Foucault makes clear that he is not concerned with the sort of subjection that is produced with violent means because subjection is not exclusively obtained by means of violence. Seitter translates this instance of *violence* as 'Gewalt', which obscures the relation between 'Gewalt' as violence and 'Gewalt' as political power. In close comparison with the excerpt on disciplinary power that I have given at the beginning of this chapter, this now further underlines how reading Foucault in German translation might indicate that 'Gewalt' both means *pouvoir* and *violence*. The second instance in which the word appears – 'et pourtant ne pas être violent' – is translated by Seitter as 'Gewaltsamkeit'. This is a noun formed from the adjective 'gewaltsam' (violent) and suffixed with '-keit', which describes a state, nature, or feature. The words 'Gewalt' and 'Gewaltsamkeit' thus describe two different forms of power and violence: the first implies political power (and possibly the use of violence to exercise this power), and the second exclusively violence in the form of physical harm.

In later years, Foucault comes to state an important point that can be used to highlight the quick assumption that 'Gewalt' and *violence* are synonymous in German. The English-language monograph *Michel Foucault. Beyond Structuralism and Hermeneutics* by Hubert L. Dreyfus and Paul Rabinow includes an afterword written by Foucault, 'The Subject and Power'. The first part of it, 'Why Study Power: The Question of the Subject' was written in English by Foucault, and the second part, 'How is Power Exercised?', was written by him in French and then translated by Leslie Sawyer. The full afterword is available in French in *Dits et écrits II*, translated by Fabienne Durant-Bogaert. The following passage is taken from the afterword's second part, and Foucault's English text on the left and Durant-Bogaert's translation on the right:

Is this to say that one must seek the character proper to **power relations** in	Est-ce que cela veut dire qu'il faille chercher le caractère propre aux

the violence which must have been its primitive form, its permanent secret and its last resource, that which in the final analysis appears as its real nature when it is forced to throw aside its mask and to show itself as it really is? In effect, what defines **a relationship of power** is that it is a mode of action which does not act directly and immediately on others. Instead it acts upon their action: an action upon an action, on existing actions or on those which may arise in the present or the future. **A relationship of violence acts upon a body or upon things; it forces, it bends, it breaks on the wheel, it destroys, or it closes the door on all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance it has no other option than to minimize it**.[421]	**relations de pouvoir** du côté d'une **violence** qui en serait la forme primitive, le secret permanent et le recours dernier – ce qui apparaît en dernier lieu comme sa vérité, lorsqu'il est contraint de jeter le masque et de se montrer tel qu'il est? En fait, ce qui définit une **relation de pouvoir,** c'est un mode d'action qui n'agit pas directement et immédiatement sur les autres, mais qui agit sur leur action propre. Une action sur l'action, sur des actions éventuelles, ou actuelles, futures ou présentes. **Une relation de violence agit sur un corps, sur des choses: elle force, elle plie, elle brise, elle détruit: elle referme toutes les possibilités; elle n'a donc auprès d'elle d'autre pôle que celui de la passivité; et si elle rencontre une résistance, elle n'a d'autre choix que de la réduire**.[422]

From a translational point of view, it is of course important to keep in mind that Foucault wrote this in English and that we are reading a French translation of his writings. Nonetheless, it seems plausible to suppose that, had he written this in French, he would have used *pouvoir* and *violence.* I then suggest that the features he outlines furthermore resonate with Nietzsche's will to power and anticipate my discussion of this later in this chapter. Nietzsche understands the will to power to be inherently violent, as I will argue, suggesting that the encounter of two or more forces involves a process of brutal violation and warlike conflict. Foucault appears to modify this, saying that it is not an immediate confrontation between bodies which destroys the other, but a more strategic, enabling encounter in which the other is made to conduct themselves in a particular way. Foucault also makes clear that for him violence is not the fundamental principle of power:

Obviously the bringing into play of **power relations** does not exclude **the use of violence** any more than it does the obtaining of consent; no doubt the **exercise of power** can never do without one or the other, often both at the same time. But even though consensus and	La mise en jeu de **relations de pouvoir** n'est évidemment pas plus exclusive de **l'usage de la violence** que de l'acquisition des consentements; aucun **exercice de pouvoir** ne peut, sans doute, se passer de l'un ou de l'autre, souvent des deux à la fois. Mais, s'ils en sont les

[421] Michel Foucault, 'Afterword. The Subject and Power', in Hubert L. Dreyfus and Paul Rabinow, eds., *Michel Foucault. Beyond structuralism and hermeneutics*, 208-229 (p. 220).
[422] Michel Foucault, 'Le sujet et le pouvoir', trans. F. Durant-Bogaert, in *Dits et écrits II 1976-1988* (N° 306) (Paris: Quarto Gallimard, 2017) 1041-1062 (p. 1055), emphases added.

violence are the instruments or the results, they do not constitute the principle or the basic **nature of power**.[423]	instruments ou les effets, ils n'en constituent pas le principe ou la nature.[424]

This clearly states that for Foucault, although he understands that the exercise of power requires violence at times, this is not its essence. He wrote this in 1982, long after *Surveiller et punir* and been published and translated. Whilst it would seem unwarranted to critique Seitter's translation based on the publication of this text, it nonetheless presents the importance of the advancement of scholarship and time required in which ideas develop more clearly, both of which are crucial to the work of translation and to doctoral projects of this kind.

Translating 'Gewalt' and 'Macht' into French

Although in everyday language today, 'Gewalt' is generally understood as relating either to constitutional power or physical harm and suffering, this two-sided distinction does not account for the use of the word 'Gewalt' in German in a third way. This concerns the expressions 'in seiner Gewalt haben' and 'über etwas Gewalt haben' that Kant uses in his *Anthropologie* and for which Foucault employs various translations. Returning to Foucault's translation of Kant's *Anthropologie* in this chapter is important because it reveals how Foucault understood Kant's use of 'Gewalt': Foucault shows us that this use of the word ought not to be translated as *violence* but rather concerns the relationship between the subject and power over itself as subject but also over others. The emphasis and conceptualisation of 'der Mensch' ('man', *l'homme,* though this may be critiqued as a gendered translation) in Kant's *Anthropologie* is important in this context. Moreover, the influence Foucault took from Nietzsche becomes again important in a discussion on violence and power because Nietzsche's German-language concepts shed light on their use in French by Foucault. A closer inspection of Nietzsche's will to power through a Foucauldian lens suggests two things. First, I argue that the Nietzschean model readily assumes a violent interaction between humans, animals, and things. Foucault, however, leaves this aspect aside and conceptualises power relations in their capacity to open to a

[423] Foucault, 'Afterword. The Subject and Power', p. 220.
[424] Foucault, 'Le sujet et le pouvoir', p. 1055, emphases added.

possibility rather than destruction or complete invasion. Based on this, it can be said that Foucault preferred speaking of *pouvoir* to distinguish himself from Nietzsche's will to power that in French is commonly translated as *la volonté de puissance,* but also to place his theory of power firmly in the realm of potential and ability, since *pouvoir* is also the French modal verb for 'to be able to' or 'can'.

'Gewalt' and the Role of Man (Kant)

To begin with, it is necessary to emphasise that the word 'Gewalt' is not exclusively, as it was in the previous part of this chapter, considered as a single word. In this section, 'Gewalt' first forms part of expressions in which the prepositions 'in' ('in') and 'über' ('over') as well as the pronouns 'seiner' ('his') and 'etwas' ('something') are important. The preposition 'in' coupled with the possessive pronoun 'seiner' describes the location of this power precisely *in* the person by which it is held; thereby it implies, in a specific manner as I show, the role of man as *l'homme raisonnable* born in the Enlightenment and discussed by Foucault in *Surveiller et punir.* On the other hand, the preposition 'über' and the indefinite pronoun 'etwas' indicates a superior position of command and generalises the object/domain over which this power is held beyond the subject itself and others. Both expressions use the verb 'haben' ('to have', 'to possess') which problematises Foucault's contention that power is not a property or essence of a political figure, class, or institution. Furthermore, it must be noted that the expressions Kant uses go back to Ancient Greek philosophy, especially Stoicism. In the very first place that the word 'Gewalt' appears in the *Anthropologie,* Kant adds a Latin expression in brackets and Foucault translates as follows:

…den Zustand seiner Vorstellungen **in seiner Gewalt** zu haben (*animus sui compos).*[425]	… *d'avoir* ***sous son contrôle*** *l'état de ses représentations* (animus sui compos).[426]

In a German-language commentary on the *Anthropologie,* Reinhard Brandt suggests that the Latin phrase 'animus sui compos', which Kant translates, as in the quotation mentioned above and in a second instance, as 'die Fassung des Gemüths'[427], which

[425] Kant, *Anthropologie*, p. 42, original emphasis.
[426] Kant, *Anthropologie,* trans. Michel Foucault, p. 20, original emphasis.
[427] Kant, *Anthropologie*, p. 193.

Foucault translates as 'l'empire de soi-même (*animi sui compos*)',[428] is 'the stoic maxim, "sich selbst in seiner Gewalt zu haben", […] [and furthermore] Kant's lifeblood'.[429] The concept going back to philosophy written in Latin in which it may open even further to other questions and semantic fields, I want to focus on how Foucault's translations show that this does not involve Kant's use of 'Gewalt' as *violence*. Robert B. Louden, one of the principal English translators of Kant's *Anthropologie*, aligns with this for he renders the above phrase as 'in having the object of one's representations under one's control' and 'the mind's composure'.[430] Aside from resembling Foucault's French translation, they most importantly emphasise that the discussion of 'animus sui compos' does not involve the word 'violence' in English either. These analyses of 'Gewalt' as part of expressions notwithstanding, Kant also employs nouns such as 'Gewalttätigkeit' and, towards the end of the *Anthropologie,* briefly discusses the role of 'Gewalt' in various State formations. In the second part of the book, 'Anthropologische Charakteristik', he discusses the notion of 'Charakter' which he defines as the display or establishment of fundamental moral values in a person that result not from instinct but from his will. The character may be studied following the physical build of a person, the constitution of the blood, or the way a person thinks. In the third area of this classification, Kant writes about 'the qualities that follow merely from the human being's having or not having character':

Die Bösartigkeit als Temperamentsanlage ist doch weniger schlimm, als die Gutartigkeit der letzteren ohne Charakter; denn durch den letzteren kann man über die erstere die Oberhand gewinnen. – Selbst ein Mensch vom bösem Charakter (wie Sulla), **wenn er gleich durch die Gewalttätigkeit seiner festen Maximen Abscheu erregt**, ist doch	Il est moins grave d'avoir, par tempérament, de mauvaises dispositions, que d'en avoir de bonnes mais sans caractère ; car le caractère peut toujours prendre le dessus de mauvaises dispositions. Même un homme dont le charactère est mauvais (comme Sylla) **peut bien exciter la répulsion par la violence de ses maximes les plus fermes ;** il n'en est pas	Maliciousness from temperamental predisposition is nevertheless less bad than good-naturedness from temperamental predisposition without character; for by character one can get the upper hand over maliciousness from temperamental predisposition. – Even a human being of evil character (like Sulla), **though he arouses disgust through the violence of his firm**

[428] Kant, *Anthropologie,* trans. Michel Foucault, p. 109, original emphasis.
[429] Reinhard Brandt, *Kritischer Kommentar zur Kants Anthropologie in pragmatischer Hinsicht (1789),* Kant-Forschungen 10 (Hamburg: Felix Meiner Verlag, 1999), p. 129, my translation.
[430] Kant, 'Anthropology from a Pragmatic Point of View', trans. Robert B. Louden, in *Anthropology, History and Education,* eds. Robert B. Louden and Günter Zoller (Cambridge: Cambridge University Press, 2007), pp. 243, 354.

zugleich ein Gegenstand der Bewunderung...[431]	moins en même temps un objet d'admiration…[432]	**maxims**, is nevertheless also an object of admiration…[433]

Whilst I noted earlier in this chapter that 'Gewalttätigkeit' is an unambiguous noun meaning 'violence', this passage is furthermore telling in the way in which it relates to the principles of 'animus sui compos' or 'sich in seiner Gewalt haben' that run through the *Anthropologie*. Kant argues here that even if the character of a person is evil ('böse') the person may be admired in the event that they firmly stand by their principles, in order to control 'Bösartigkeit' ('les mauvaises dispositions', 'maliciousness'). If character, as Kant says, connects with the will of a person instead of the instinct, it can be said that the ability to 'sich in seiner Gewalt haben' restricts 'Gewalttätigkeit' of a person, too. In turn, this means that 'sich in seiner Gewalt haben' does not simply mean that a person refrains from violence in the interaction with others, but rather concerns the mastery over one's thoughts and reasoning. In other words, to be in control of one's representations and actions means to refrain from violent outbursts. This means, in short, that this kind of 'Gewalt' is capable of restricting 'Gewalttätigkeit'. Thus, in this case, 'Gewalt' and 'Gewalttätigkeit' are not synonymous. Crucially, 'Gewalt' belongs to a different semantic field than 'Gewalttätigkeit' because the former does not refer to violence it itself. Further into the book in the second part on the 'Anthropologische Charakteristik', Kant affirms that human beings are made to live in (a) society because they are distinguished from other living beings by their 'Vernunftsfähigkeit' (that they are 'capable de raison', 'capacity of reason'). As such they possess a character relating to the 'Gattung' ('espèce', 'species').

In the following I quote a long passage from this part that is nonetheless crucial in showing, not only the sketches of a general political theory of the State, society, and war, but above all the dissimilar meanings of 'Gewalt' that therein converge and are subsequently translated differently by Foucault and Louden. This gives a very useful comparison in the translations to further discuss the meaning of 'Gewalt' as it is understood by translators of different languages:

Grundzüge der Schilderung des Charakters der Menschengattung	*Traits fondamentaux de la description du caractère de l'espèce humaine*	*Main features of the description of the human species' character*

[431] Kant, *Anthropologie*, p. 243.
[432] Kant, *Anthropologie,* trans. Michel Foucault, p. 140.
[433] Kant, *Anthropology,* trans. Robert B. Louden, p. 391.

I. Der Mensch war nicht bestimmt wie das Hausvieh zu einer Herde, sondern wie die Biene zu einem Stock zu gehören. – Notwendigkeit, ein Glied irgendeiner bürgerlichen Gesellschaft zu sein.

Die einfachste, am wenigsten gekünstelte Art eine solche zu errichten, ist die eines Weisers in diesem Korbe (die Monarchie). – Aber viele solcher Körbe nebeneinander befehden sich bald als Raubbienen (der Krieg), doch nicht, wie es Menschen tun, um den ihrigen durch Vereinigung mit dem anderen zu verstärken – denn hier hört das Gleichnis auf – ; **sondern bloß den Fleiß des anderen mit List und Gewalt für sich zu benutzen**. Ein jedes Volk sucht sich durch Unterjochung benachbarter zu verstärken; und es sei Vergrößerungssucht oder Furcht von dem anderen verschlungen zu werden, wenn man ihm nicht zuvorkommt: so ist der innere oder äußere Krieg in unserer Gattung, so ein großes Übel er auch ist, doch zugleich die Triebfeder aus dem rohen Naturzustande in den bürgerlichen überzugehen, als ein Maschinenwesen der Vorsehung, wo die einander entgegenstrebenden Kräfte zwar durch Reibung einander Abbruch tun, aber doch durch den Stoß oder Zug anderer Triebfedern lange Zeit im

I. L'homme n'était pas destiné à faire partie d'un troupeau comme un animal domestique, mais d'une ruche comme les abeilles. – Nécessité d'être membre d'une société civile quelconque.

La manière la plus simple, la moins artificielle de constituer une telle société est d'avoir un guide dans cette ruche (la monarchie). – Mas ces ruches, s'il y en a beaucoup les unes à côtés des autres, se combattent comme des frelons (la guerre) ; ce n'est pas pourtant, comme chez les hommes, pour donner plus de force à leur groupe en l'unissant à un autre ; – c'est ici que cesse la comparaison ; il s'agit seulement, pour les abeilles, **d'utiliser par la ruse ou la violence le labeur des autres**. Chaque peuple cherche à accroître ses forces en se soumettant ses voisins ; et que ce soit avidité à s'agrandir ou crainte d'être englouti par l'autre si on ne le gagne pas de vitesse, la guerre intérieure ou extérieure, dans notre espèce, a beau être un grand mal, elle est pourtant le mobile qui fait passer de l'état sauvage de nature à l'état social ; mécanisme de la Providence où les forces antagonistes se heurtent, s'entravent les uns les autres, mais, sous la poussée ou la traction d'autres mobiles, se

I. The human being was not meant to belong to a herd, like cattle, but to a hive, like the bee. – Necessity to be a member of some civil society or other.

The simplest, least artificial way to establish such a society is to have one lead in his hive (monarchy). – But many such hives next to each other will soon attack each other like robber bees (war); not, however, as human beings do, in order to strengthen their own group by uniting with others – for here the comparison ends – **but only to use by cunning force *others'* industry for themselves**. Each people seeks to strengthen itself through the subjugation of neighbouring peoples, either from the desire to expand or the fear of being swallowed up the other unless one beats him to it. Therefore civil or foreign war is in our species, as great an evil as it may be, is yet at the same time the incentive to pass from the crude state of nature to the *civil* state. War is like a mechanical device of Providence, where to be sure the struggling forces injure each other through collision, but are nevertheless still regularly kept going for a long time through a push and pull of other incentives.

II. *Freedom* and *law* (by which freedom is limited)

regelmäßigen Gange erhalten werden. II. Freiheit und Gesetz (durch welches jene eingeschränkt wird) sind die zwei Angeln, um welche sich die bürgerliche Gesetzgebung dreht. – Aber damit das letztere auch von Wirkung und nicht leere Anpreisung sei; **so muß ein Mittleres hinzukommen, nämlich Gewalt**, welche, mit jenen verbunden, diesen Prinzipien Erfolg verschafft. – Nun kann man sich aber vielerlei Kombinationen der letzteren mit den beiden ersten denken: **A. Gesetz und Freiheit ohne Gewalt (Anarchie).** **B. Gesetz und Gewalt ohne Freiheit (Despotism).** **C. Gewalt ohne Freiheit und Gesetz (Barbarei).** **D. Gewalt mit Freiheit und Gesetz (Republik).**[434]	maintiendront longtemps dans un cours régulier. II. *Liberté* et *loi* (par laquelle la liberté est limitée) sont les deux pivots autour desquels tourne la législation civile. Mais afin que la loi soit efficace, au lieu d'être une simple recommandation, **un moyen terme doit s'ajouter, le *pouvoir*** qui, lié aux principes de la liberté assure le succès à ceux de la loi. On ne peut concevoir que quatre formes de combinaison de ce dernier élément avec les deux premiers. **A. Loi et liberté sans pouvoir (Anarchie) ;** **B. Loi et pouvoir sans liberté (Despotisme) ;** **C. Pouvoir sans liberté ni loi (Barbarie) ;** **D. Pouvoir avec liberté et loi (République).**[435]	are the two pivots around which civil legislations turns. – But in order for law to be effective and not an empty recommendation, **a middle term must be added; namely, *force,*** which, when connected with freedom, secures success for these principles. – Now one can conceive of four combinations of force with freedom and law: **A. Law and freedom without force (anarchy).** **B. Law and force without freedom (despotism).** **C. Force without freedom and law (barbarism).** **D. Force with freedom and law (republic).**[436]

Most importantly in this passage, Kant uses the word 'Gewalt' to argue in favour of two different points: the first is the tendency of different peoples to force each other into subjugation by means of 'Gewalt' and 'List'. The second involves the role of 'Gewalt' in the political constitution and government of such a people in four different ways. For

[434] Kant, *Anthropologie*, pp. 288-289.
[435] Kant, *Anthropologie,* trans. Michel Foucault pp. 167-168, original emphases.
[436] Kant, *Anthropology,* trans. Robert B. Louden, p. 425-426.

'Gewalt' and 'List', Foucault translates *violence* and *ruse,* which corresponds precisely to the choice of vocabulary by Kant. In contrast, Louden condenses these two words into the single expression 'cunning force'. Whilst 'cunning' may transmit the meaning of the adjective 'listig'; Kant's contrast of the terms 'Gewalt' and 'List' must be noted in the context of the political strategies that Kant points to here. They do not refer to the same tactic. In German, arguably in this context, 'Gewalt' indicates the use of physical force for Kant speaks of the people's predisposition to start war amongst each other. Moreover, 'Gewalt' as a type of coercion targets the body. In contrast, 'List' ('ruse') corresponds to the idea of tricking or deceiving someone; the strategy targets the mind and capacity to reason. Moreover, it is not the case that Kant suggest that 'Gewalt' is cunning. Equally, 'List' is not physically violent. For this reason, the adjective construction 'cunning force' seems debatable here. However, the more interesting translation for our purpose is the French one by Foucault. This especially involves the relationship between his translation of the first occurrence of 'Gewalt' as *violence,* and the second occurrence as *pouvoir*. In the second half of this passage, Kant turns to constitutional theory and government.

In addition to 'Freiheit' (*liberté,* 'freedom') which is provided and regulated by the 'Gesetz' (*loi,* 'law'), a third element is present to ensure that these two principles remain effective: 'Gewalt'. It follows an outline of four possible models involving 'Gewalt' of which the fourth one – the only one in which these three elements are actually present and effectively interdependent – is the ideal one: the republic. In the preceding three models, one element is always missing. Foucault's translation of 'Gewalt' as *pouvoir* suggests that it is not, primarily at least, physical force or even violence that ensures the effective interplay of freedom and the law for governing a republic. The English translation, however, does seem to suggest this by leaving unchanged their translation for 'Gewalt' as 'force'. It can be said, therefore, that two interpretations confront each other: whilst it seems that Foucault employs *pouvoir* to underline the context of political theory, Louden by using 'force' suggests more strongly that a political constitution of any of these four models is literally *enforced* rather than maintained *in power*. The difference between these two ways of reading Kant lies in the importance that is placed upon the role of 'Gewalt' as *violence*. Whilst it is true that Kant affirms that 'civil or foreign war is in our species, as great an evil as it may be', Kant does not put the emphasis on the way in which the government of a republic negotiates *violence* within the principles of freedom and the law. This is evident from the context of constitutional theory in which he speaks as well as from the comparison with other passages I have discussed above, in which he uses

expressions such as 'sich in seiner Gewalt haben' and words such as 'Gewalttätigkeit'. Kant's *Anthropologie* therefore is an excellent source in the German language to compare different meanings and variations of 'Gewalt'. It is even more important because Foucault translated it.

Moreover, the word 'Gewalt' both as noun and as part of expressions is specific when discussed in the context of a writing on *l'homme* such as is the case with Kant's *Anthropologie*. The role of *l'homme* involves an emphasis on strategies and values of self-government by which I specifically refer to the meaning of 'sich in seiner Gewalt haben' concerning a centring upon one's own will, instinct, character, and desires. The human being itself has become an object of observation and study to form knowledge about it. The turn towards one's own will, instinct, character, and desires is what modern penitentiary techniques favour. Foucault writes in *Surveiller et punir* that 'la technique pénitentiaire et l'homme sont en quelque sorte frères jumeaux'.[437] I suggest that since Foucault translated several of Kant's points involving the noun or expression of 'Gewalt' as *contrôle,* it seems useful to point out that the techniques of the penitentiary as well as those more generally of *surveillance* that Foucault critically examines are oftentimes described by him in terms of *contrôle*. Calling these techniques a certain type of control emphasises that they operate by different mechanisms than that of *violence* in the sense of direct physical harm:

> Le 'carcéral' avec ses formes multiples, diffuses ou compactes, ses institutions de contrôle ou de contrainte, de surveillance discrète et de coercition insistante, assure la communication qualitative et quantitative des châtiments; il met en série ou il dispose selon des embranchements subtils les petites et les grandes peines, les douceurs et les rigueurs, les mauvaises notes et les moindres condamnations.[438]

Generally, this kind of disciplinary control involves a more subtle enforcement and maintenance of certain limits that separate between what is considered normal and abnormal, healthy and sick, learnable and incorrigible, curable and inoperable, punishable and reasonable. There are furthermore two different ways of exercising this control. The first is aimed at the relationship that individuals maintain with themselves, and the second targets the organisation of various controls that the criminal justice institutions continue to exercise upon individuals at the end of their prison sentence. The prison cell is considered a space of solitude and reflection designed to bring the criminal to confront

[437] Foucault, *Surveiller et punir*, p. 296 (Pléiade, p. 549).
[438] Foucault, *Surveiller et punir*, p. 350 (Pléiade, p. 603).

not only the offence as a criminal deed, but also their motivations and reasons for having committed it:

> La solitude et le retour sur soi ne suffisent pas; non plus les exhortations purement religieuses. Un travail sur l'âme du détenu doit être fait aussi souvent que possible. La prison, appareil administratif, sera en même temps une machine à modifier les esprits.[439]

As such, the prison conceptualises the role of isolation as transformative 'for the better': 'En outre, la solitude doit être un instrument positif de réforme. Par la réflexion qu'elle suscite, et le remords qui ne peut pas manquer de survenir.'[440] In other words, by this 'retour sur soi' the criminal, so it is hoped, begins a process to learn how to 'sich in seiner Gewalt haben' for the purpose of 'resocialisation'. However, the exercise of control continues after the offender has been liberated from prison. This is the second type of control that Foucault refers to concerning his argument of the (re)production and maintenance of delinquency in modern societies especially by means of the police:

> La délinquance, avec les agents occultes qu'elle procure mais aussi avec le quadrillage généralisé qu'elle autorise, constitue un moyen de surveillance perpétuelle sur la population: un appareil qui permet de contrôler, à travers les délinquants eux-mêmes, tout le champ social. La délinquance fonctionne comme un observatoire politique.[441]

Reading Foucault's translation of Kant alongside studying the translation of *Surveiller et punir* offers valuable clues to the ways in which different languages employ words belonging to the general field of power. A more detailed study about the way in which Foucault's activity as a translator influenced his own works and especially his understanding of power is still to be undertaken.[442] In any case, Foucault's translation of Kant shows that the term 'Gewalt' goes far beyond its meaning of violence which is especially important for reading Foucault in the context of the texts he has read, studied, and translated himself as well as for the discussion of the idea of 'Gewalt' in German.

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[439] Foucault, *Surveiller et punir*, p. 148 (Pléiade, p. 391).
[440] Foucault, *Surveiller et punir*, p. 274 (Pléiade, p. 519).
[441] Foucault, *Surveiller et punir*, p. 329 (Pléiade, p. 579).
[442] See for example Stuart Elden, 'Foucault as Translator of Binswanger and von Weizsäcker', *Theory, Culture & Society* (2020) 1-26, as well as Stuart Elden, *The Early Foucault* (Cambridge: Polity, 2021).

Foucault reads Nietzsche. The Question of Violence in the Will to Power

Chapter 3 argued that Foucault's idea of the body in fact rests upon Nietzsche's concept of the body as 'Leib', which had led me to state this gets lost in Seitter's translation. To analyse the term *pouvoir,* it is necessary again to return to Nietzsche in order to explore the role of violence in his model of the will to power. Nietzsche's body of thought, and especially his idea about the will to power in the *Nachlass* notebooks, remains central to Foucault's development of *pouvoir*. In this particular work, Nietzsche discusses the will to power, a concept that is present in many other of his writings and for which he uses a language that invokes images of war and violence elsewhere. In this section I therefore argue that Nietzsche understood the will to power as essentially violent. Nietzsche uses the words 'Gewalt' and even 'Vergewaltigung' ('rape', 'violation') to develop his theory. Could this mean then, similar to my claim about the connection between Foucault's *corps* and Nietzsche's 'Leib', that Seitter's frequent translations of 'Gewalt' can be justified based on the violent will to power that may have influenced Foucault, too?

I have mentioned earlier in this chapter that, in 1982, Foucault wrote about the relationship between power and violence in English (p. 148). He concluded that for him, violence is not the nature or principle of power. This suggests, it seems to me, that Foucault's reading of Nietzsche and especially his model of the will to power either disregards or perhaps even deliberately dismisses Nietzsche's assumption of violence in the will to power. My reading of Nietzsche and Foucault on the question therefore differs from Deleuze's:

> Le pouvoir selon Foucault, comme la puissance selon Nietzsche, ne se réduit pas à la violence, c'est-à-dire au rapport de la force avec un être ou un objet, mais consiste dans le rapport de la force avec d'autres forces qu'elle affecte, ou même que l'affectent (inciter, susciter, induire, séduire, etc. Ce sont des affects).[443]

The choice of vocabulary in Nietzsche's 'Der Wille zur Macht', evoking images of violence, war, invasion, material exploitation, and even rape cannot simply be considered features of a convincing rhetoric or to refer to 'affects' that do not do anything else than produce a behaviour or action, as suggests Deleuze. This type of power is corporeal and carries the danger of physical violence and domination.[444] In contrast, the Foucauldian

[443] Gilles Deleuze, *Pourparlers 1972-1990* (Paris: Minuit, 1986), p. 159.
[444] The ambiguity of Nietzsche's philosophy on the topics of violence as well as women have been discussed, for example, by Ofelia Schutte, *Beyond Nihilism. Nietzsche without masks* (Chicago: University

will to power, as it were, only draws on Nietzsche since the will as driving force and power as a capacity to act and make act are concerned. However, it does not share the Nietzschean outlook on violence. 'Le pouvoir selon Foucault' and 'la puissance selon Nietzsche' are not the same.

Furthermore, it is necessary to recall that Nietzsche's 'Der Wille zur Macht' published in his *Nachlass* notebooks has commonly been translated into French as *La Volonté de puissance.* This then also raises the question of how *pouvoir* and *puissance* may be different and why Foucault mainly uses *pouvoir*. For a start, it seems plausible to think that Nietzsche's use of 'Macht' was rendered as *puissance* in French because *puissance* encompasses more accurately the fields with which Nietzsche engaged, including especially the natural sciences such as biology and physics (*puissance d'un appareil, d'un mécanisme,* inasofar as the production of energy is concerned, TLFi). *Pouvoir* is much more directly tied to contexts of the social and human sciences, politics, and law. I therefore suggest that because the French translation of Nietzsche, rendering it *la volonté de puissance,* had been linked to a will to power that operates violently and destructively, Foucault chose *pouvoir* not only to detach himself from the characteristic of violence, but also to argue that the nature of power relations releases potential for possibility. I have emphasised this in the English text by Foucault 'The Subject and Power' in 1982. Indeed, with this fits the fact that *pouvoir* is also a modal verb meaning 'can', 'to be able to'. Both noun and verb, *pouvoir* – more effectively than *puissance* – connects with potential, production, and possibility, as well as capacity, as Elden adds.[445]

Nietzsche offered, especially in the compiled collections that then were published posthumously as *Der Wille zur Macht* in 1901 and then in 1906, a critique that addressed a list of philosophical principles including method, epistemology, the subject, reason, logic, consciousness, judgment, causality, and others.[446] The translation of 'Wille' as *volonté* is

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of Chicago Press, 1984), in which the author argues for a balanced reading without cultural and intellectual biases, which even enables application in feminist thought. In this section, however, I focus on the language that Nietzsche uses to describe the workings of the will to power, maintaining that his affirmation of an essentially violent relationship between people and things continues to overshadow his theory of power and otherwise important critique of rationalistic philosophy.

[445] Elden, *Foucault. The Birth of Power*, p. 32.

[446] Both these publications of *Der Wille zur Macht* were edited, in a dubious manner, by Nietzsche's sister Elisabeth Förster-Nietzsche who was married to an important figure of the emerging anti-Semitic movement in Germany, Bernhard Förster. Here I make reference to the *Digitale Kritische Gesamtausgabe Werke und Briefe* (eKGWB) based on the editorial work by Giorgio Colli and Mazzino Montinari (Berlin/New York: Deutscher Taschenbuchverlag de Gruyter, 1967-2021). The eKGWB is edited by Paolo D'Iorio and published by Nietzsche Source available at <http://www.nietzschesource.org/>.

less interesting for it does not evoke a similar ambiguity as the words 'Macht', *puissance,* and *pouvoir*. Yet it must be mentioned because the will constitutes a central element in *Surveiller et punir:* Foucault analyses Damiens' public execution as the will of the king; he explains that penal theorists made it their mission to find ways to act upon the potential offender's will, nature, and character to avoid recidivism; he argues that the will gradually is considered as a scientific object revealing something about the criminal's instinct, passions, and as essentially being linked to any development of mental disorders. The will becomes an object in punishment that can be analysed, dominated, and corrected.

The following passage is a powerful example of Nietzsche's violent will to power. Contesting that any 'things' obey the measurements and formula of natural laws and arguing that every relation is subject to a degree of resistance and a degree of 'superpower' ('Übermacht') resulting in a domination, he writes:

It is essentially a **will to violate** and to defend oneself against **violation**.[447]	Es ist essenziell ein **Wille zur Vergewaltigung** und sich gegen **Vergewaltigung** wehren.[448]

The translator Walter Kaufmann here tones down the aggressiveness in Nietzsche's language – and this is especially striking when read by a female reader – because the German noun 'Vergewaltigung' means, in fact, primarily today, 'rape', and it is used at least in everyday and legal language considerably more often in this designation of a serious offence. Theorising the preservation of life in terms of 'rape' or 'violation' clearly shows an understanding of power relations as inherently violent because life, according to Nietzsche, is only possible if the stronger entity violently engulfs and dominates their inferior.[449]

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[447] Nietzsche, *The Will to Power,* trans. Walter Kaufmann and R.J. Hollingdale, 634., p. 338.
[448] Nietzsche, *Nachgelassene Fragmente Frühjahr 1888,* eKGWB 14[79], <http://www.nietzschesource.org/#eKGWB/NF-1888,14[79]> [accessed 24 March 2022].
[449] In the collection *Nietzsche, feminism and political theory,* ed. Paul Patton (London: Routledge, 1993), none of the contributors address the use of the term 'Vergewaltigung'. In her chapter, 'Not drowning, sailing. Women and the artist's craft in Nietzsche', Cathryn Vasseleu explains Nietzsche's will to power as a form of domination over women in milder terms: 'Woman is the life-affirming principle of the will to power, self-perpetuation, endless becoming. And having expressed his delight in her elusiveness and excess, Nietzsche's desire is to claim this excess as his own. Woman is the veil, or sail which captures and secures man's self-affirming flight across her surface. Possessing her 'veil of beautiful possibilities' guarantees his own infinite becoming.' (pp. 81-82). Again, I wish to maintain the indignation towards Nietzsche's violent language when theorising the will to power and furthermore the way in which this addresses women and is said to lay the ground for a feminism, not least to challenge the balance between his arguments on power as domination and power as production that some scholars wish to calibrate in Nietzsche's philosophy.

Given Foucault's longstanding and well-known connection to Nietzsche that Seitter was clearly aware of, as I discussed in Chapter 3, mixing 'Macht' and 'Gewalt' in Seitter's translation may be explained on this basis. To this can be added the time in which Foucault wrote *Surveiller et punir* and that Seitter witnessed partly whilst being in Paris, that was politically tormented on both the French and German side post-68. Translating *pouvoir* as 'Gewalt' may have also been a choice to place an emphasis of the implied critique of political power that is nonetheless important in *Surveiller et punir*.

'Les microviolences de la discipline' or 'l'investissement politique du corps'

Disciplinary power constitutes a modern form of political rationality in which violence operates differently. As I have suggested in the first part of this chapter, it seemed questionable for Seitter to put 'Gewalt' and 'Macht' on the same level by presenting disciplinary power as 'Disziplinargewalt' in his translation. In this section, I demonstrate that it is possible to understand 'Disziplinargewalt' beyond 'Gewalt' as physical harm, whether legitimised by the State or exercised otherwise. In the age of discipline, 'Gewalt' signifies a power that changes dimension, degree, space, and thereby rational framework. As such, it supposedly no longer resembles an excess of power, but is a subtle and permanent coercion. The body that is caught in a disciplinary system is invested by a set of multiple and aligned components to produce maximum docility and productivity. However, the difference is that it is no longer a matter of life and death, which practically means destroying the body of the condemned as a whole…

…mais de le travailler dans **le détail**; d'exercer sur lui une coercition ténue, d'assurer des prises au niveau même de la mécanique – mouvements, gestes, attitudes, rapidité: **pouvoir infinitésimal sur le corps actif**.[450]	…but of working it **'retail'**, individually; of exercising upon it a subtle coercion, of obtaining holds upon it at the level of the mechanism itself – movements, gestures, attitudes, rapidity: **an infinitesimal power over the active body**.[451]	…sondern ihn **im Detail** zu bearbeiten; auf ihn einen fein abgestimmten Zwang auszuüben; die Zugriffe auf der Ebene der Mechanik ins Kleinste gehen zu lassen: Bewegungen, Gesten, Haltungen, Schnelligkeit. **Eine infinitesimale**

[450] Foucault, *Surveiller et punir*, p. 161 (Pléiade, p. 401).
[451] Foucault, *Discipline and Punish*, p. 137.

Gewalt über den tätigen Körper.[452]

The change of scale implies that the coercions of disciplinary power are less visible, noticeable, though nonetheless omnipresent. Foucault insists on the importance of the notion of *détail* as yet another Christian inheritance throughout *Surveiller et punir,* by which it becomes clearer what he means by microphysics of power: 'La discipline est une anatomie politique du détail.'[453] Sheridan's translation of 'retail' reads so oddly that one must ask if this in fact a typographical error. But it may also be possible that he is thinking of *vente en détail* ('retail', as opposed to 'wholesale'), which would also explain his addition of scare-quotes to highlight its unusual usage. Still, 'detail' and 'retail' hardly compare, and the English translation leaves the reader unclear what is meant here. In any case, it is not just that the body is invested by this power individually (as was the case in Damiens' execution discussed in Chapter 2), i.e., simply each body separately and completely, but the body itself is understood as a set of individual forces – 'mouvements, gestes, attitudes, rapidité', mostly in the plural – that need cooperate. Foucault calls this type of coercion a 'pouvoir infinitésimal sur le corps actif'. Seitter here again translates *pouvoir* as 'Gewalt'. But can disciplinary power really be called 'Gewalt'? It is important to keep in mind that 'Gewalt' does not only mean *violence.* Frédéric Gros argues, in an article asking if Foucault is a 'penseur de la violence' that philosophical projects such as the social contract had merely been put in place as 'une garantie pour rendre acceptables les microviolences de la discipline'.[454] But what are these 'microviolences' and are they really about violence? At first, violence and discipline seem incompatible. However, Foucault shows that throughout history it has been argued that disciplinary coercions refrain from violence. Hence, whilst they may be experienced as violent by those upon whom they act, discipline presents itself as non-violent, even positive for the individual as well as society. Foucault describes the period between Damiens' *supplice* in 1757 and the regulations for the House of Young Offenders in Paris 1838 as the 'époque des grands "scandales" pour la justice traditionnelle, époque des innombrables projets de réformes; nouvelle théorie de la loi et du crime, *nouvelle justification morale ou politique du droit de punir*…'[455] The politico-juridical outcome of this period is the gradual institutionalisation of the prison as a space in which the individual is not simply punished, but 'corrected', bettered, and morally re-educated

[452] Foucault, *Überwachen und Strafen*, p. 175.
[453] Foucault, *Surveiller et punir*, p. 163 (Pléiade, p. 403).
[454] Frédéric Gros, 'Foucault, penseur de la violence ?', *Cités* 50 (2012(2)) 75-86 (p. 81).
[455] Foucault, *Surveiller et punir,* p. 14 (Pléiade, pp. 267-268), emphasis added.

to reintegrate society. And although this development presents itself as the progressive abolition of physical violence and harm, Foucault understands it as the passage from one rational framework to another in which the use of violence is recalculated. Gros' description of 'microviolences de la discipline' highlights the case against violence relevant to this discussion, but Foucault works with the notion of 'investissement politique du corps' which, in turn, involves another, different semantic field.

From the early 1970s, Foucault works with concepts such as 'microphysiques du pouvoir' and the 'investissement politique du corps'. Gros' conceptual addition – 'les microviolences de la discipline' – foregrounds actions of violence further than what Foucault perhaps suggests himself. There are two points to make. The change of scale implied in the development of discipline, i.e., the scattering and multiplication of power effects that allow a more extensive coverage of the domain in question, also leads to an interiorization of these effects. The detail that Foucault considered so central for the development of discipline has the power to transform not only what the body looks like but also determines what the body (the individual, in fact), does.

L'investissement is central in *Surveiller et punir*. The word describes a multitude of power mechanisms. Foucault uses the word in close connection to the body and hence the phrase that can be found eleven times throughout the book is 'investissement politique du corps'.[456] He means that investing the body essentially implies diversifying and multiplying strategies and points of attack to produce political subjection as well as an able workforce. It is specific because it belongs to the new vocabulary that he uses to describe the workings of power. Sheridan translates it as 'investment' without exception.[457] Seitter translates 'Besetzung' instead of the cognate 'Investition' (which is exclusively used in the financial world) in eight instances.[458] The German translation varies in three instances including one omission.[459] Sheridan's translation 'investment' primarily evokes the economic or financial meaning, which can be misleading. The French *investissement* connects to other fields that are relevant to note regarding Foucault's relationship with other thinkers and fields of study.

[456] Foucault, *Surveiller et punir,* pp. 34, 36, 39, 81, 88, 161, 163, 188, 217, 333, 357 (Pléiade, pp. 286, 289, 292, 330, 334, 401, 403, 433, 464, 583, 609).
[457] Foucault, *Discipline and Punish,* pp. 25, 28, 31, 67, 73, 136, 139, 160, 185, 285, 305.
[458] Foucault, *Überwachen und Strafen*, pp. 37, 40, 43, 87, 175, 178, 206, 239.
[459] Foucault, *Überwachen und Strafen*, pp. 93 (omission), 368, 394.

The TLFi lists three semantic fields in which *investissement* can be encountered: economics, military tactics, and psychoanalysis. The latter of the three fields mentioned is specific yet not implied in Sheridan's translation. This may be because psychoanalysis does not play a central role in the book. Instead, Foucault notes more generally that 'toutes les sciences, analyses ou pratiques à radical "psycho-"'[460] have come to inverse processes of individualisation in governance.

In comparison, the English translators of Deleuze and Guattari's *Anti-Œdipe* (1972) – Foucault explicitly indicated that this book was important to him when writing *Surveiller et punir*[461] – explain in a footnote that they have translated 'investment' and 'to invest' except when the authors quote directly from psychoanalytic literature 'because it renders more faithfully the meaning of *investissement,* which in French does service in libidinal as well as political economy. We have likewise chosen to translate *investir* as "to invest" instead of "to cathect."'[462] The noun 'cathexis' and the verb 'to cathect' introduce a translation issue to which I briefly return later. In *Surveiller et punir,* both the noun *investissement* and the verb *investir* are used by Foucault but not only to refer to the field of economics and political economy. Schematically, *investissement* describes a movement or action that can be strategically placed, emotionally or economically motivated. In connection to Foucault's understanding of power, it may thus be said that power in the form of *investissement* comes from different directions and targets various elements: as a strategic manoeuvre, it singles out sites of confrontation; as affective energy, the object of interest captures the subject's mind; as economic action, the object of interest is targeted to obtain profit. All these elements and movements can be found in Foucault's analysis of power in *Surveiller et punir.*

Generally, *investissement* is an economic term relating to the development of capitalism. But whilst the French word as well as its cognate in English translation may suggest that an investment connotes an action of which the result is – financially and economically speaking – positive, its use in the phrase 'investissement politique du corps' implies a critique by Foucault. The resulting profits of such investments construct a reality in which

[460] Foucault, *Surveiller et punir*, p. 226 (p. 473).
[461] Foucault, *Surveiller et punir,* p. 40 (Pléiade, p. 285): 'De toute façon, je ne saurais mesurer par des références ou des citations ce que ce livre doit à G. Deleuze et au travail qu'il fait avec F. Guattari. J'aurais du également citer aussi à bien des pages le *Psychanalysme* de R. Castel et dire combien j'étais redevable à P. Nora.'
[462] 'Translators' Note', Deleuze and Guattari, *Anti-Oedipus. Capitalism and Schizophrenia*, trans. Robert Hurley, Mark Seem, and Helen Lane, with a preface by Michel Foucault (London: Penguin, 1977), p. 9.

the human body is a productive force and the soul an inner observer of thoughts and actions ensuring good behaviour. The product of *investissement* is subjection, not (economic) liberty. The ambiguity of *investissement* in translation reveals that the economic development of capitalism has been extending much more deeply into society, passing through bodies, and shaping mentalities and behaviours. Hereinafter, I draw especially from the instances in which Seitter deviates from his usual translation as 'Besetzung' to illustrate the areas and directions in which disciplinary power is effective.

The Army – Space, Localisation, and Sites of Confrontation

As I announced in Chapter 2, Foucault's references to military and police actions are present not only in the word *supplice,* but also in the word *investissement.* As military tactic and strategy, *investissement* first concerns space and localisation. It is a manoeuvre of which the target is specified, the execution planned, and the result calculated. Covering the target from all sides, *investissement* aims for complete *enveloppement* ('encirclement'). This aspect of invasion, not just of a space but also a person's mind and intimacy, will also reappear with *la cellule monastique* and *la clôture,* to which I turn in the next chapter. Of course, in *Surveiller et punir,* it is not a question of incapacitating an enemy, but rather of producing the subjection of the individual. The body is invested tactically and strategically to dominate it. Elden notes that 'the army is a key theme in *Discipline and Punish,* and arguably the true model of the disciplinary society in that text.'[463] In order to support this observation, here are the two instances in which Seitter translates *investissement* differently:

Cette production de la délinquance et son **investissement** par l'appareil pénal, il faut les prendre pour ce qu'ils sont: non pas les résultats acquis une fois pour toutes mais des tactiques qui se déplacent dans la mesure où elles n'atteignent jamais tout à fait leur but.[464]	This production of delinquency and its **investment** by the penal apparatus must be taken for what they are: not results acquired once and for all, but tactics that shift according to how closely they reach their target.[465]	Wenn die Delinquenz vom Apparat der Strafjustiz hergestellt und **eingeschlossen wird**, so werden dabei doch nicht endgültig Resultate erzielt, vielmehr handelt es sich um Taktiken, die sich immer wieder verschieben,

[463] Elden, *Foucault. The Birth of Power*, p. 87.
[464] Foucault, *Surveiller et punir*, p. 333 (Pléiade, p. 583).
[465] Foucault, *Discipline and Punish*, p. 285.

		da sie ihr Ziel nie ganz erreichen.[466]

The verb that Seitter uses in the excerpt above is 'einschließen', meaning 'to enclose', or even 'to include'. It thus evokes a strategy of encirclement. Yet there is a second meaning: the verb 'jemanden einschließen' also means 'to lock/shut someone away' and thereby directly suggests the realm of imprisonment. Perhaps Seitter intended to emphasise the overall topic of the book; in any case, it is interesting to note that he did not write 'besetzt wird'. The verb 'einschließen' forms, apparently, a specification to the kind of tactics and strategies that Foucault analyses as part of the birth of the prison. With this type of *investissement,* thus, the body is detained in a carceral system. The second place in which Seitter does not translate as 'Besetzung' is the following, introducing another tactical feature of *investissement:*

L'homme connaissable (âme, individualité, conscience, conduite, peu importe ici) est l'effet-objet de cet **investissement analytique**, de cette domination-observation.[467]	Knowable man (soul, individuality, consciousness, conduct, whatever it is called) is the object-effect of this **analytical investment** of this domination-observation.[468]	Der erkennbare Mensch (Seele, Individualität, Bewußtsein, Gewissen, Verhalten...) ist Effekt/Objekt dieser **analytischen Erfassung**, dieser Beherrschung/ Beobachtung.[469]

In everyday speech, 'Erfassung' is often used in contexts of data collection ('Datenerfassung') or registration of information. What is implied here, is the – arguably analytical, i.e., detailed – procedure by which information is collected, categorised, stored, and used. This information may include material elements such as the body itself with its capacities and infirmities. But it may also consist of immaterial elements such as behaviour and consciousness. In short, it seizes ('erfasst') the body and soul to produce subjection but also to transform the body into an economically useful force. It thereby moves away slightly from the sense of 'Besetzung' and evokes the domain of utility. The investment of the body understood in the terms of military tactics and strategies singles out a site of

[466] Foucault, *Überwachen und Strafen*, p. 368.
[467] Foucault, *Surveiller et punir*, p. 357 (Pléiade, p. 609).
[468] Foucault, *Discipline and Punish*, p. 305.
[469] Foucault, *Überwachen und Strafen*, p. 394.

confrontation that is at once the materiality of the body and soul, but it is also the materiality of the vicinity in which this confrontation takes place. The body is not only invested as scientific object in itself and as the host of the soul, but furthermore invested in a particular surrounding: the prison.

Foucault uses Bentham's Panopticon to argue that disciplinary measures function because of the space in which they are applied, but also because the architectural set-up in itself has coercive effects. Relatedly, in the last and fourth part of *Surveiller et punir,* Foucault analyses what Louis-Pierre Baltard in his *Architectonographie des prisons* (1829) called 'institutions complètes et austères'.[470] The effects that the mere material presence of 'prison walls' may have on the prisoners and especially also on the wider society by intimidating passers-by were introduced and have since continued to inform debates. Milhaud speaks of an 'investissement spatial' and even 'surinvestissement des capacités spatiales' of the prison, explaining the ways in which emphases of space and architecture for the re-education and social requalification of prisoners regularly compete with other elements such as other kinds of social interactions.[471] The investment of the body does not only concern its physical and intimate materiality, but also the material surrounding in which it is detained.

Psychoanalysis – Discipline and the Punishment of Interests

Seitter's translation of *investissement* as 'Besetzung' can imply a reference to Freudian psychoanalysis. Sigmund Freud speaks of 'Besetzung', or more specifically 'Objektbesetzung', to describe the process by which an object, idea, or even part of the body is invested with ('wird besetzt mit') sexual energy or may otherwise be regarded with a particular interest. French translations of Freud render this *investissement.* Evidently, Foucault is also interested in the fields of psychology and psychopathology, and although this is not the main focus in *Surveiller et punir,* it is nonetheless important given Foucault's training and work in these fields. In the book, the political investment of the body implies a form of governance that seizes and controls the individual's own interest in specific objects. With the economic transition of 'une criminalité de sang à une criminalité de

[470] Foucault, *Surveiller et punir*, p. 273 (Pléiade, p. 517).
[471] Olivier Milhaud, 'L'enfermement ou la tentation spatialiste. De l'action "aveugle, mais sûre" des murs des prison', *Annales de Géographie* 702-703 (2015/2) 140-162 (pp. 141, 158).

fraude'[472] throughout the eighteenth century, both the individual's interest in an object is possibly economically motivated, and the institution's interest in punishment reorganised within 'une nouvelle "économie politique" du pouvoir de punir'.[473] The measurement of the degree of penalty that depends upon a scientific analysis of inner elements such as instinct is one of the main points of Foucault's critique of modern punishment methods:

> Sous le nom des crimes et des délits, on juge bien toujours des objets définis par le Code, mais on juge en même temps des passions, des instincts, des anomalies, des infirmités, des inadaptations, des effets de milieu ou d'hérédité; on punit des agressions, mais à travers elles des agressivités; des viols, mais en même temps des perversions; des meurtres qui sont aussi des pulsions et des désirs.[474]

Turning the management of passions and desires into a governmental problem is not new in the history of ideas. Albert Hirschman argues that already Adam Smith proceeded to what could be called a conceptual updating: in response to Bernard Mandeville's *The Fable of the Bees,* in which he presents society as driven by selfishness and vice, Smith in *The Wealth of Nations* replaced Mandeville's 'passion' and 'vice' with 'advantage' and 'interest', thus situating the governance of passions in the realm of economics.[475] But Foucault does not merely speak of 'interests'. His choice of *investissement* seems to be deliberate in addressing a critique to 'toutes les sciences, analyses ou pratiques à radical "psycho-" […]'.[476]

Rendering *investissement* as 'investment' in English, Sheridan does not, and indeed cannot suggest this translational connection, as easily as Seitter. The reason for this is that the word 'Besetzung' in the works of Freud has been translated using a made-up term by the translator and patient of Freud, James Strachey: 'cathexis'. It is taken from the Ancient Greek meaning 'retention' or 'holding'. One of the main problems with this translation is that it overly complicates – perhaps we could even say foreignises – the German word 'Besetzung', which belongs to everyday use. Freud was not pleased with this translation choice:

> In fact, Freud initially objected to both 'cathexis' and 'supervalent', which Strachey somewhat sheepishly referred to as 'my invented word'. Given Freud's preference for a psychoanalytic profession autonomous from psychiatry and active, as one commentator has put it, in the 'entirety of the

[472] Foucault, *Surveiller et punir*, p. 92 (Pléiade, p. 338).
[473] Foucault, *Surveiller et punir*, p. 96 (Pléiade, p. 342).
[474] Foucault, *Surveiller et punir*, p. 25 (Pléiade, p. 278).
[475] Albert Hirschman, *The Passions and the Interests. Political Arguments for Capitalism before its Triumph* (Princeton: Princeton University Press, 1977), pp. 18-19.
[476] Foucault, *Surveiller et punir,* p. 226 (Pléiade, p. 473).

> cultural field,' these classically inflected neologisms must have struck him as ill-advised gestures in the direction of medicalization.[477]

In fact, it has been suggested that Freud himself offered a translation of 'Besetzung' with 'interest' as Peter Gay writes:

> One obvious flaw in this translation was the substitution of esoteric neologisms for the plain German terms Freud preferred. A particularly egregious instance is 'cathexis', now wholly domiciled in English and American psychoanalytic terminology. It renders Freud's *Besetzung,* a word from common German speech rich in suggestive meanings, among them 'occupation' (by troops) and 'charge' (of electricity). Freud's own solution, which he apparently never communicated to his translators, was ingenious and felicitous: in an early letter to Ernest Jones, he spoke of 'interest (Besetzung)'. (Freud to Jones, November 20, 1908. In English. Freud Collection. D2. LC)[478]

Despite Freud not liking the term, it still is a prominent feature in Freudian vocabulary today. The problem that faces the English and German translators of Foucault's use of the word *investissement* is that in German, 'Besetzung' remains an everyday word that does not necessarily refer to Freud and also to other fields I have discussed, whilst in English, using 'cathexis' as a translation would suggest a direct reference by Foucault to Freud.

The word *investissement* thus escapes the attempt to categorise it as part of a theory or approach of translation. Freud deliberately worked with commonly used words in German because he did not want to overly complicate his vocabulary. However, Strachey's translational invention of 'cathexis' cemented it as a concept because he effectively foreignized and medicalised the term. In Foucault's French, these two positions confront each other. On the one hand, *investissement* denotes fields other than psychoanalysis and they are important in *Surveiller et punir,* as I have shown. On the other hand, given Foucault's interest and training in psychology, he may have had the Freudian connotation in mind. As noted in Chapter 1 (p. 43), the translator is thus confronted with uncertainty, as Leclerc-Olive writes:

> S'introduit ici une source d'incertitude propre au travail de la traduction et pour laquelle l'auteur n'est, par définition même, d'aucun secours. En effet, s'ouvre pour le traducteur un champ d'investigation que l'auteur n'a pas lui-même exploré.[479]

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[477] Erik Linstrum, 'The Making of a Translator: James Strachey and the Origins of British Psychoanalysis', *Journal of British Studies* 53 (2014) 685-704 (p. 696).
[478] Peter Gay, *Freud. A Life for our Time* (London: J. M. Dent & Sons Ltd., 1989), p. 465n, original emphasis.
[479] Leclerc-Olive, 'Traduire les sciences humaines. Auteurs, traducteurs et incertitudes', p. 46.

Leclerc-Olive makes the point that the author cannot help solve this question of the best-suited translation choice for *investissement*. In any case, translating it is less complicated in German because it remains sufficiently flexible as a word of everyday language. In English, however, it would have been misleading to translate *investissement* as 'cathexis', binding it to Freudian psychoanalysis, which was important for Foucault, however, it did not form the core of *Surveiller et punir*.

Violence in Prison

In the fourth and last part of the book, 'Prison', Foucault discusses *violence* again more explicitly to denounce the conditions in which prisoners are held. The modern prison is a paradoxical space: it is designed to suppress violence amongst prisoners or directed at the staff, yet at the same time, as Foucault deplores, prisoners are subjected to 'les violences "inutiles" des gardiens'.[480] The actions that he describes here, having developed as part of a 'carceral despotism' on the part of the guards hidden away from the public eye, in fact manifest a different 'surplus of power': if in the *Ancien Régime,* the body of the condemned man was annihilated by the monarch in order to demonstrate and re-establish absolute power, the excess of this spectacle showed a 'plus de pouvoir' or 'supplément de pouvoir' that went beyond the execution itself and to mark the body physically.[481] Today in the modern prison, individuals are not merely detained for the sake of depriving them of their freedom, they are subjected to measures that are aimed at rendering them useful (again) for society and the economy, but also at re-educating their 'souls' in order to (re)impose moral values. However, this project is more theoretical than practical; as the reality of life in prisons in the 1970s as well as in the following decades shows. For example, in France, the publication of the book by the French physician Véronique Vasseur, *Médecin-chef à la Santé* (2000), caused a scandal in the French political landscape. This book is a brutally honest account of her experience: 'La Santé, c'est une ville dans la ville où règnent la saleté, la détresse, la maladie, la perversité… Illogique, irrationnel, incompréhensible, c'est un monde à part, coupé de la vie. Comment peut-on, dans ces conditions, imaginer une quelconque réinsertion?'[482] The prison has remained an 'extreme space', unchanged from Foucault's analyses in *Surveiller et punir:*

[480] Foucault, *Surveiller et punir*, p. 287 (Pléiade, p. 532).
[481] Foucault, *Surveiller et punir*, p. 112 (Pléiade, p. 357).
[482] Vasseur, *Médecin-chef à la prison de la Santé*, p. 62.

> La cellule, l'atelier, l'hôpital. La marge par laquelle la prison excède la détention est remplie en fait par des techniques de type disciplinaire. Et ce supplément disciplinaire par rapport au juridique, c'est cela, en somme, qui est appelé le 'pénitentiaire'.[483]

What Foucault calls 'supplément de pouvoir' or more specifically 'supplément disciplinaire' is the amount of power by which the prison administration in fact exceeds the juridical power. Foucault shows that the type of violence to which prisoners are subjected signifies an excess that goes beyond the project of punishment itself: it suppresses resistances and is violent. But this is also a very good example of the two forms of 'Gewalt' that confront each other in the debate: The 'supplément disciplinaire' uses 'Gewalt' in the sense of *violence* and thereby exceeds the legal competence of the juridical 'Gewalt' in the sense of *pouvoir*.

The prison forms an exceptional space within the working of a disciplinary society. It can be said that there are two different types of violence to be noted regarding the disciplinary society in general and the prison in particular. The first concerns the governmental control of conduct via the 'political investment of the body' in everyday life in order to render it productive and suitable for work. This type of coercion cannot really be termed violence for it does not intend to cause physical harm but perform a more subtle coercion that is less noticeable as such. It must much rather be understood as a particular form of *pouvoir* in which *violence* may be used yet is not the chief instrument of enforcement. The second involves incarceration as a situation in which the danger of violence in the form of physical harm or harassment is imminent and often experienced. The political situation that preceded and accompanied the writing of *Surveiller et punir* provides examples of accusations of violence by the penitentiary staff. When revolts broke out at the prison Charles-III in Nancy in 1972, prisoners called for "'la fin des violences physiques des surveillants dont ils avaient été fait l'objet à la suite de légères infractions'".[484] This case has been continuously made since then, for example by the French Section of the Observatoire International des Prisons (OIP), which reports on this type of violence by the guards in French prisons to this day.[485]

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[483] Foucault, *Surveiller et punir*, p. 288 (Pléiade, p. 532).

[484] 'Réclamation de la population pénale de la maison d'arrêt de Nancy (15 Janvier 1972), fonds GIP/IMEC, cited in Philippe Artières, 'La prison en procès. Les mutins de Nancy (1972)', *Vingtième Siècle. Revue d'Histoire* 70 (2001(2)), pp. 57-70 (p. 60).

[485] *Observatoire International des Prisons,* 'Omerta, Opacité, Impunité. Enquête sur les violences commises par les agents pénitentiaires sur les personnes détenues', May 2019 (Paris: OIP Section française).

The contrast between these two spaces, the disciplinary society and the prison, shows yet again the shift that has happened since the end of the eighteenth century and the early nineteenth century: 'S'efface donc, au début du XIXe siècle, le grand spectacle de la punition physique; on esquive le corps supplicié; on exclut du châtiment la mise en scène de la souffrance. On entre dans l'âge de la sobriété punitive.'[486] In any case, the model upon which this shift towards 'la sobriété punitive' rests – a term that underlines the depreciation of punishment as a macabre festivity that began with the propagation of the modern idea of *l'humanité* – as Foucault refers to it, understands violence only as dangerous if it affects more people than the violent criminal himself, and understands its achievement in the prevention of such violence directed at others. In Letter VII on 'Penitentiary-Houses – Safe Custody' in the edited collection *The Panopticon Writings,* Bentham writes:

> Indulged with perfect liberty within the space allotted to him, in what worse way could he vent his rage, than by beating his head against the walls? And who but himself would be a sufferer by such folly? Noise, the only offence by which a man thus engaged could render himself troublesome (an offence, by the bye, against which irons themselves afford no security,) might, if found otherwise incorrigible, be subdued by *gagging* – a most natural and efficacious mode of prevention, as well as punishment, the prospect of which would probably be for ever sufficient to render the infliction of it unnecessary.[487]

In Bentham's vision, this type of prison is an ideal space for re-education and interaction with one's own thoughts and feelings, and the cell in which the prisoners are held is presented as, ironically, offering 'the perfect liberty' to do so. Hence, any violent outburst or rage is a failure on the part of the individual and does by no means redirect the cause for such an event towards the spatial and mental coercion that is performed upon them. What matters is the hindrance of violence amongst the inmates themselves. Although Bentham himself does not further and more directly discuss violence in *The Panopticon Writings*, Foucault adds in *Surveiller et punir*:

Si les détenus sont des condamnés, pas de danger qu'il y ait complot, tentative d'évasion collective, projet de nouveaux crimes pour l'avenir, mauvaises influences réciproques; si	If the inmates are convicts, there is no danger of a plot, an attempt at collective escape, the planning of new crimes for the future, bad reciprocal influences; if they are patients, there is	Sind die Gefangenen Sträfinge, so besteht keine Gefahr des Komplotts, eines kollektiven Ausbruchsversuchs, neuer verbrecherischer Pläne für die Zukunft, schlechter gegenseitiger Einflüsse;

[486] Foucault, *Surveiller et punir*, p. 21 (Pléiade, p. 275).
[487] Bentham, *The Panopticon Writings,* p. 49, original emphasis.

ce sont des malades, pas de danger de contagion; **des fous, pas de risque de violences réciproques**; des enfants, pas de copiage, pas de bruit, pas de bavardage, pas de dissipation.[488]	no danger of contagion; **if they are madmen, there is no risk of their committing violence upon one another**; if they are schoolchildren, there is no copying, no noise, no chatter, no waste of time […].[489]	handelt es sich um Kranke, besteht keine Ansteckungsgefahr; **sind es Irre, gibt es kein Risiko gegenseitiger Gewalttätigkeiten**; sind es Kinder, gibt es kein Abschreiben, keinen Lärm, kein Schwätzen, keine Zertreuung [...].[490]

Here the word 'Gewalttätigkeiten' reappears. This again emphasises the discussion of violence in prison because it further emphasises *acts* of violence. The second half of this German compound noun is 'Tätigkeit(en)' which means, in this context, 'activity' or 'action'. Furthermore, in German, a violent criminal is called a 'Gewalttäter', therefore quite literally describing an individual that has resorted to violence or the use of weapons in the commission of a criminal offence.[491] These words, nonetheless, define actions that are physically harmful. In contrast to 'Gewaltsamkeit' to describe a state or feature of a situation, the word 'Gewalttätigkeit' not only emphasises the very actions of committing an act of violence, but it also suggests that these actions are covered by criminal law. In short, they are actions that are punishable. Of course, since such violent actions occur inside the prison and are committed by inmates, the penal consequences are self-explanatory. The importance of impeding violence amongst inmates lies in the disruption that it causes to the process of resocialisation and economic re-valorisation of the prisoners' workforce. Furthermore, because the criminal justice system presents itself as preventing violence, any episode of violence or other form of resistance in prison generally causes incomprehension amongst observers and politicians. René Pleven, French minister of justice in the 1970s, dismissed the revolts in Nancy by saying that 'la mutinerie qui a éclaté ce matin parmi les détenus de Nancy n'était motivée par aucune cause sérieuse de mécontenement'.[492] But Foucault, after having been actively involved in the GIP, explains that there is a multiplicity of historically conditioned material objects

[488] Foucault, *Surveiller et punir*, p. 234 (Pléiade, p. 480).
[489] Foucault, *Discipline and Punish,* pp. 200-201.
[490] Foucault, *Überwachen und Strafen,* pp. 257-258.
[491] The noun 'Täter' relates to the noun 'Tat' ('deed') and the verb 'tun' (synonym to 'machen': 'to do' or 'to make').
[492] René Pleven, cited in Artières, 'La prison en procès. Les mutins de Nancy (1972)', p. 60.

and situations that have led to these revolts, as he states at the beginning of *Surveiller et punir:*

> C'étaient des révoltes contre toute une misère physique qui date de plus d'un siècle: contre le froid, contre l'étouffement et l'entassement, contre des murs vétustes, contre la faim, contre les coups. Mais c'étaient aussi des révoltes contre l'isolement, contre le service médical ou éducatif. Révoltes dont les objectifs n'étaient que matériels? Révoltes contradictoires, contre la déchéance, mais contre le confort, contre les gardiens, mais contre les psychiatres? En fait c'était bien des corps et de choses matérielles qu'il était question dans tous ces mouvements, comme il en est question dans ces innombrables discours que la prison a produits depuis le début du XIXe siècle. Ce qui a porté ces discours et ces révoltes, ces souvenirs et ces invectives, ce sont bien ces petites, ces infimes matérialités. Libre à qui voudra de n'y voir que des revendications aveugles ou d'y soupçonner des stratégies étrangères.[493]

In this part that closes the introductory chapter of the book, Foucault makes rather clear that violence must not merely involve the materiality of the body in the terms of direct physical harm. Violent actions, even if applied subtly and gently, can go much further. It therefore seems that although modern society prides itself on the alleged attainment of non-violence in the exercise of political power generally and the criminal justice system specifically, the prison is indeed a space into which violence in the form of physical harm has been shifted.

[493] Foucault, *Surveiller et punir*, p. 39 (Pléiade, pp. 291-292).

Chapter 5

Space, Gaze, and *la surveillance*

Introduction

The modern form of punitive power Foucault analyses in the book largely under the name of *la surveillance* achieves a displacement and therefore establishes a distance between the physical body of the criminal, the sick, the schoolchild, or simply the 'misbehaved' and the violent means of punishment, cure, or repression. The type of control that *la surveillance* gains over the individual and the space in which they are placed endeavours to refrain from physical confrontation in punishment (by means of tranquilizers and spatial isolation), in labour (by a mechanical conceptualisation of the labourer's body), and war and conflict (by presenting this as a problem of *le maintien de l'ordre*). Overall, Foucault insists on the way in which this form of power manages to present its foundations and functions as scientifically sound, ethically laudable, and eternally progressive for the experience of personal freedoms and individual self-fulfilment. *La surveillance* is a generalised, normalised, yet coercive form of supervision as it defines the exercise of power, the workings of society, and the individual themselves. Importantly, as it emerges from Foucault's theory of *pouvoir,* it does not function principally as violence.

In this far-reaching context, *la surveillance* does not have a direct equivalent in English or German. If the division between thematic and operative concepts, following Leclerc-Olive, in fact encounters its limits when two concepts in one language can only really be translated with one word in another, as I have shown in Chapter 3 using the example of 'Leib' versus 'Körper', the theoretical framework is now useful to examine the originality of Foucault's argument about *la surveillance.* To analyse this, I draw from the possible words with which *la surveillance* may be translated, showing the complexity of these social phenomena Foucault describes with the word as well as insisting on the task of the translator to make apparent his originality about how disciplinary power works.

This chapter thus attempts to answer the question why *la surveillance* is difficult to translate, and furthermore why translations such as 'surveillance' and 'supervision' in English as well as 'Überwachung' and 'Aufsicht'/'Beaufsichtigung' only partly express Foucault's

argument. In this sense, I argue the following points. First, the (non)translation of *la surveillance* to the English 'surveillance' is, although bearing some similarities, in fact misleading in Foucault's case. The French *surveillance* and its English 'surveillance' are different, as are the connotations and argument Foucault makes in book about *la surveillance*. In contrast, as Foucault understands *la surveillance* as a network of several *regards,* a discussion of the noun *le regard* will show that Sheridan's translation with 'gaze' emphasises well the implications of coercion and subjection, as well as the overall functioning of *la surveillance*. To further substantiate this, I briefly draw from a comparison to the English translation of Jean-Paul Sartre's *L'Être et le néant* in which he theorises the function of *le regard:* commonly translated as 'look'. I then turn to the German translation of *la surveillance* mainly as 'Überwachung', which covers several meanings, yet it primarily corresponds to 'surveillance'. I discuss another other German word that could be considered as a translation, 'Aufsicht/'Beaufsichtigung' ('supervision', 'inspection', 'superintendence'). This will show that 'Überwachung' emphasise the mechanical aspect of forms of supervision and furthermore asks the question of how the object of *la surveillance* is defined: importantly, Foucault's *surveillance* does not concern modern-day 'surveillance' through computational technology. Instead, he problematises the way in which the body itself is understood as a machine to manipulate or scientific object to govern. These points, then, form the basis for a discussion of the difficulty of translating the book title. In the second part of this chapter, I explore two historical contexts that will show how the specific appropriation of space by disciplinary power may be lost in translation. The first context regards the word *quadrillage* that describes the rationalisation of coercive actions to the point of concealing the use of violence within a system of bureaucracy. As such, I suggest that it denounces not only the prisoners' revolts of the 1970s or the confrontations in May '68, but also the Algerian War. The second context in which space is important involves religious practices and especially the monastic cell and enclosure: the architectural enclosure of the monastic or prison cell not only guarantees the physical isolation but penetrates the individual's mind. *La surveillance* is not just an external imposition or spatial restriction but enforces a form of self-confrontation that in turn strengthens the force of (self-)discipline.

Translating 'la surveillance'

According to Foucault, *la surveillance* not only lies at the core of modern methods of punishment, but it is a governmental instrument that makes disciplinary power work across the entirety of the social body. Towards the end of *Surveiller et punir,* Foucault therefore presents it as a generalised form of political governance and social practice that has developed since the end of the eighteenth century. He declares that society has become *une société de surveillance:*

Notre société n'est pas celle du spectacle, mais **celle de la surveillance** ; sous la surface des images, on investit les corps en profondeur ; derrière la grande abstraction de l'échange, se poursuit le dressage minutieux et concret des forces utiles ; les circuits de la communication sont les supports d'un cumul et d'une centralisation du savoir ; le jeu des signes définit les ancrages du pouvoir ; la belle totalité de l'individu n'est pas amputée, réprimée, altérée par notre ordre social, mais l'individu y est soigneusement fabriqué, selon toute une tactique des forces et des corps.[494]	Our society is not one of the spectacle, but **of surveillance**; under the surface of images, one invests bodies in depth; behind the great abstraction of exchange, there continues the meticulous, concrete training of useful forces; the circuits of communication are the supports of an accumulation and a centralization of knowledge; the play of signs defines the anchorages of power; it is not that the beautiful totality of the individual is amputated, repressed, altered by our social order, it is rather that the individual is carefully fabricated in it, according to a whole technique of forces and bodies.[495]	Unsere Gesellschaft ist nicht eine des Schauspiels, sondern eine **Gesellschaft der Überwachung**. Unter der Oberfläche der Bilder werden in der Tiefe die Körper eingeschlossen. Hinter der großen Abstraktion des Tausches vollzieht sich die minutiöse und konkrete Dressur der nutzbaren Kräfte. Die Kreise der Kommunikation sind die Stützpunkte einer Anhäufung und Zentralisierung des Wissens. Das Spiel der Zeichen definiert die Verankerung der Macht. Die schöne Totalität des Individuums wird von unserer Gesellschaftsordnung nicht verstümmelt, unterdrückt, entstellt; vielmehr wird das Individuum darin dank einer Taktik der Kräfte und der Körper sorgfältig fabriziert.[496]

[494] Foucault, *Surveiller et punir,* p. 252 (Pléiade, p. 500).
[495] Foucault, *Discipline and Punish*, p. 217.
[496] Foucault, *Überwachen und Strafen,* pp. 278-279.

The dichotomy of the society of the spectacle versus the society of surveillance is evocative of Guy Debord's *La Société du Spectacle* (1967) and may lead the readers of the English translation to suppose conceptual resemblances between Debord and Foucault. However, the two thinkers are concerned with two different time periods and in fact, they come to occupy opposing positions. Debord writes: 'le spectacle est *la principale production* de la société actuelle',[497] and furthermore adds in the *Commentaires sur la Société du Spectacle* (1988): 'en 1967, [la société du spectacle] n'avait guère plus d'une quarantaine d'années derrière elle.'[498] For Debord, the society of the spectacle originates in the 1920s, with the consumption of images and mass media. The opposite is the case for Foucault. He understands the development of *la surveillance* not only as a form of government, but also as a function in which the effects become especially noticeable in institutions such as the prison, the factory or other work environments, the hospital, and the school. In addition, Foucault argues that *la surveillance* in its various forms contributes to processes of normalisation that in turn perform a division between the included members of society and those who pose a problem either via deviant behaviour resulting in violence and criminal activities or via physical and mental incapacities. *La surveillance* caters to the assessment of the degree of normality of an individual, which in turns motivates a punitive or medical correction of any anomalies that are found:

Comme **la surveillance** et avec elle, la normalisation devient un des grands instruments de pouvoir à la fin de l'âge classique.[499]	Like **surveillance** and with it, normalization becomes one of the great instruments of power at the end of the classical age.[500]	Zusammen mit der **Überwachung** wird am Ende des klassischen Zeitalters die Normalisierung zu einem der großen Machtinstrumente.[501]

Following these passages, the development of *la surveillance* thus underpins two main processes: that of a generalisation or expansion as well as that of normalisation. It may be that the practices and methods in the various areas are different technologically, medically, punitively, or pedagogically, yet the important point is that they both contribute to the perfection and amount to the totalization of *la société de surveillance*. The challenge that

[497] Guy Debord, *La Société du Spectacle* (Paris: Gallimard Folio, 1992), p. 22, original emphases.
[498] Guy Debord, *Commentaires sur la société du spectacle* (Paris: Éditions Gérard Lebovici, 1988), p. 13.
[499] Foucault, *Surveiller et punir,* p. 216 (Pléiade, p. 463).
[500] Foucault, *Discipline and Punish*, p. 184.
[501] Foucault, *Überwachen und Strafen*, p. 237.

arises for translation precisely lies in the general and normal(ised) features of *la surveillance.* In the above passages, we find again the words 'surveillance' and 'Überwachung'. Whilst they are often chosen to translate *la surveillance,* a comparison to other related words such as 'Aufsicht'/'Beaufsichtigung' and 'supervision' reveals that they are each specific in the form of control they describe. A discussion of these is important considering the four spaces that Foucault discusses in the third part, 'Discipline', and in which practices of *surveillance* have developed, namely the factory/workshop, the army, the monastery, and the school.

Let me begin with the school. It is an important and well-known claim in the book that Foucault considers all these spaces, including the school, as resembling the prison. He writes:

Que la prison cellulaire, avec ses chronologies scandées, son travail obligatoire, ses instances de **surveillance** et de notation, avec ses **maîtres** en normalité, qui relaient et multiplient les fonctions du juge, soit devenue l'instrument moderne de la pénalité, quoi d'étonnant? Quoi d'étonnant si la prison ressemble aux usines, aux écoles, aux casernes, aux hôpitaux, qui tous ressemblent aux prisons?[502]	Is it surprising that the cellular prison, with its regular chronologies, forced labour, its authorities of **surveillance** and registration, its **experts** in normality, who continue and multiply the functions of the judge, should have become the modern instrument of penality? Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?[503]	Daß das Zellengefängnis mit seinem Zeitrhythmus seiner Zwangsarbeit, seinen **Überwachung**s- und Registrierungsinstanzen, seinen Normalitäts**lehrern**, welche die Funktionen des Richters fortsetzen und vervielfältigen, zur modernen Strafanlage geworden ist – was ist daran verwunderlich? Was ist daran verwunderlich, wenn das Gefängnis den Fabriken, den Schulen, den Kasernen, den Spitälern gleicht, die allesamt den Gefängnissen gleichen?[504]

In the entry on *la surveillance* of the TFLi, the second definition reads: *action de veiller à la discipline des élèves dans un établissement scolaire en dehors des heures de cours.* In the French state school system, the profession of *surveillant général* – which was created in 1808 and existed under this appellation up until 1970 when their role was divided up by law into *conseiller d'éducation (CE)* and *conseiller principal d'éducation (CPE)* amid political trends to reform

[502] Foucault, *Surveiller et punir,* p. 264 (Pléiade, p. 511).
[503] Foucault, *Discipline and Punish,* pp. 227-228.
[504] Foucault, *Überwachen und Strafen*, p. 292.

pedagogical approaches and education following May '68 – is indeed something with which all French pupils are familiar, and it is even the case that former pupils often return to their *lycée* to work as *surveillant* during their studies at university. Their job involves essentially that of an assistant to the teaching staff, though historically this involved quite severe measures of discipline, which current research endeavours to depict in a milder light:

> Le surveillant est amené à recourir à l'observation et à l'analyse comportementale, à l'écoute et au dialogue. Il doit anticiper ou désamorcer les crises qui peuvent survenir. Son attitude doit relever non pas du répressif mais de la communication. Elle doit être non pas celle du 'gendarme' mais du communicant bienveillant qui écoute, comprend, dialogue et qui apporte son assistance…[505]

Both the fact that *la surveillance* is used to describe techniques of supervision in schools and the discussion of different schools in *Surveiller et punir* (named either to describe the level, pedagogical vision, speciality or institutional affiliation: *école primaire, école normale, école militaire, école chrétienne, école paroissale, école élementaire,* and *école mutuelle*) suggest that at least Foucault's French readership of the 1970s would have been reminded of their experiences of schooling.[506] The above passage taken from the third part of the book, 'Discipline', however also shows, as Sheridan translates 'surveillance' and Seitter 'Überwachung', that the political implications of these techniques are much more important than what the possible alternatives 'supervision' and 'Aufsicht/'Beaufsichtigung' would perhaps propose. I return to these words throughout this chapter, yet in the context of schooling, this allows me to emphasise that translating this as 'surveillance' and 'Überwachung' reinforces Foucault's *overall* critical stance on this feature of the French state school system. In this regard, the two translations place different emphases on this, as can be seen with the word *maître,* which Sheridan translates with 'experts' and Seitter with 'Lehrer' (teacher). In French, *maître* can again be found in different semantic fields and it generally describes a *personne qui a un pouvoir de domination sur les êtres ou les choses* (TLFi). It is used to refer to positions in politics, religion, the military, law, and private property as well as education. Foucault speaks of *maîtres en normalité,* suggesting a combination of

[505] Morad Amrouche, 'La fonction de surveillance et le maintien de la discipline dans les lycées', *La lettre de l'enfance et de l'adolescence* 57 (2004) 87-94 (pp. 88).

[506] In 1975-76, Foucault was involved in a research project published in five volumes by Anne Querrien of which the first dealt with schools: *Généalogie des équipements collectifs: les équipements de normalisation (1) L'école primaire* (Fontenay-sous-Bois: CERFI, 1975). The second volume in this series, *Généalogie des équipements collectifs (2) Les équipements sanitaires* (Fontenay-sous-Bois: CERFI, 1976), was led by Foucault.

several professions that carry a power to normalise behaviours. It seems that Foucault plays on the following two meanings, which are accentuated differently in translation. Whilst *maîtres* can be considered 'experts' in their fields as Sheridan has it, Foucault mainly uses the French *expert* whenever he refers to those exercising the profession of a psychiatrist or psychologist, *les experts psychiatriques ou psychologiques*.[507] Translating 'Lehrer', as does Seitter emphasises the field of education because a *maître* can be found as *maître d'école* in a primary school, as formerly called *maître d'étude* or *surveillant général* in a *lycée,* as *maître de conférence* or *maître de recherche* at university. The techniques of *surveillance* used in a French pedagogical setting are important.

Beyond the use of *surveillance* in the context of schooling, it may refer to a variety of other forms of supervision, according to the TFLi, such as in policing, law enforcement, technology, medicine and health care, administration, politics and commercial activities and there is a long list of examples in the TFLi. The plurality of contexts involving *surveillance* may suggest that it does not necessarily express a critique of the coercive natures of these practices. By contrast, 'Überwachung' and 'surveillance', because they exclusively refer to (computational) technologies used in military and police operations therefore connote much more strongly a critical standpoint. Subsequently, my argument is twofold. Firstly, I emphasise that all forms of *surveillance* to be found in spaces such as the workshop/factory, school, army, and the monastic cell produce the modern individual. Yet according to Foucault, this production of the individual subject must nonetheless be considered repressive and therefore revolted against. Because Foucault describes these practices within different spaces as amounting to a general instrument of government with one word only – *la surveillance* – it is important to differentiate between 'supervision' and 'surveillance' for they are not synonyms in English.

The image of the machine in la surveillance: are 'surveillance' and 'Überwachung' mistranslations?

Not only conceptualising power as belonging to the machinery of economic production but also depicting it as a machine itself comes through clearly throughout the book, and especially from the third part onwards when Foucault compares the human body to a

[507] Foucault, *Surveiller et punir,* pp. 26, 28, 29, 355 (Pléiade, pp. 279, 281, 608).

machine. Is his argument about *la surveillance* to be understood as problematising the interlocking of human and machine? Translating *la surveillance* with 'surveillance' – as we have seen already – but also with 'Überwachung' can be considered to suggest this. This emphasis must however be nuanced. Let us begin with the English translation. In his Translator's Note, Sheridan writes:

> Any closer translation of the French title of this book, *Surveiller et punir,* has proved unsatisfactory on various counts. To begin with, Foucault uses the infinitive, which as here, may have the effect of an 'impersonal imperative'. Such a nuance is denied to us in English. More seriously the verb '*surveiller*' has no adequate English equivalent. Our noun 'surveillance' has an altogether too restricted and technical use. Jeremy Bentham used the term 'inspect' – which Foucault translates as *'surveiller'* – but the range of connotations does not correspond. 'Supervise' is perhaps closest of all, but again the word has different associations. 'Observe' is rather too neutral, though Foucault is aware of the aggression involved in any one-sided observation. In the end Foucault himself suggested *Discipline and Punish,* which relates closely to the book's structure.[508]

I begin with Sheridan's comment that "'supervise'" is perhaps closest of all, but again the word has different associations'. This is indeed the case. The OED notes that 'supervision', as it can be found in writings going back to the fifteenth century, covers matters relating to the church, government and politics, commerce, policing, and the law, and even schooling and university (e.g., tutorial instruction), too. In this respect, 'supervision' would correspond quite directly to Foucault's *surveillance* for two main reasons: the two words share the periods in history that Foucault explores, and they both comprise a multitude of supervisory practices in different contexts.

Except for the book title that Sheridan translates differently, he varies the word 'supervision' and 'surveillance' in his translation, though the latter dominates. These two words, however, are different in their history as well as in their cultural particularity that 'surveillance' especially denotes. As a loanword from the French, 'surveillance' is a special form of supervision for the purpose of direction or control, superintendence (OED). 'Surveillance' thus implies coercion as it is used in contexts of the police, the army, and the prison. Additionally, English does also speak of the surveillance of infectious diseases. Furthermore, the OED informs us about one of the first uses: 'surveillance' can be found in a document from the turn of the eighteenth century: *A Rough Sketch of Modern Paris or Letters on society, manners, public curiosities, and amusements, in that capital* by an English travel writer of the name J.G. Lemaistre. Written

[508] Sheridan, 'Translator's Note', in Foucault, *Discipline and Punish,* p. ix.

between the years 1801 and 1802 and containing, as the author specifies, a description of Paris that was not intended to fuel political debates, but to provide an insight into the customs and everyday life of its inhabitants. This is useful to understand not just the life and customs of the Parisians of the time as seen through the eyes of an English traveller, but also the very words with which they were described. When visiting the manufactory of Les Gobelins. Lemaistre writes*: '*The workmen are locked up within the walls of the manufactory, as was the case during the monarchy, but they are kept under constant "surveillance of the police"'. He asterisks the word *surveillance* to note at the bottom of the page that it means 'watch or special care'.[509] These two aspects – sight and care – are important and interrelated: the root word *veiller* (in phrases such as *veiller à/sur quelque chose ou quelqu'un*) means to take care, to guard or to look after something or someone, and it also means to be awake. Yet it is perhaps the qualifier 'special' that refers to a particular set-up of this *surveillance* in the Gobelins manufactory, supervised by the police. This suggests that Lemaistre identified this organisation as a particular feature, signified with a particular word. Presenting this as somewhat untranslatable suggests that he thought of it as being different from other techniques of supervision. It is perhaps the case that the transition of *surveillance* into the English language happened at this time. But considering today's understanding of the word in French and English is even more important because it complicates Foucault's argument in translation: 'surveillance' is commonly understood as a form of political and social control inherent to modern state administration, and Foucault's work as well as its translations may have contributed to these resonances. If Sheridan does not translate *investissement* as 'cathexis' to avoid making direct links to Freudian psychoanalysis that would have severely distorted Foucault's writing, translating 'surveillance' must similarly be regarded as a term belonging to a technologically specific discourse to which a distinct literature is attached.

For Foucault, the transition towards a *société de surveillance* as quoted earlier involves not so much a change of mechanical or computation technology, but of discipline. At the turn of the eighteenth and nineteenth centuries, the political potential of discipline was especially favoured by Napoleon I:

La société disciplinaire, au moment de sa pleine	At the moment of its full blossoming, the	Im Augenblick ihres Hervortretens erscheint die

[509] J.G. Lemaistre, *A rough sketch of modern Paris; or, Letters on society, manners, public curiosities, and amusements, in that capital. Written during the last two months of 1801 and the first five of 1802* (London: J. London, 1830), p. 236.

éclosion, prend encore avec l'Empereur le vieil aspect du pouvoir de spectacle. Comme monarque à la fois usurpateur de l'ancien trône et organisateur du nouvel État, il a ramassé en une figure symbolique et dernière tout le long processus par lequel les fastes de la souveraineté, les manifestations nécessairement spectaculaires du pouvoir, se sont éteints un à un dans **l'exercice quotidien de la surveillance**, dans un panoptisme où la vigilance des regards entrecroisés va bientôt rendre inutile l'aigle comme le soleil.[510]	disciplinary society still assumes with the Emperor the old aspect of the power of spectacle. As a monarch who is at one and the same time a usurper of the ancient throne and the organizer of the new state, he combined into a single symbolic, ultimate figure the whole of the long process by which the pomp of sovereignty, the necessarily spectacular manifestations of power, were extinguished one by one in **the daily exercise of surveillance**, in a panopticism in which the vigilance of intersecting gazes was soon to render useless both the eagle and the sun.[511]	Disziplinargesellschaft mit dem Kaiser noch im Gewande der Prunkherrschaft. Als Monarch, der gleichzeitig den alten Thron usurpiert und den neuen Staat organisiert, rafft er in einer symbolischen und letzten Gestalt einen langen Prozeß zusammen: das allmähliche Verlöschen der glänzenden Feste der Souveränität, das Verstummen der spektakulären Kundgebungen der Macht **in einem alltäglichen Verfahren der Überwachung**, im Panoptismus, in dem die Wachsamkeit der einander kreuzenden Beobachtungen den Blick den Blick des Adler-Sonnen-Auges bald überflüssig machen wird.[512]

This passage describes the relocation of power from a central single figure, such as Louis XIV or Napoleon I, to a new organisational mechanism, namely that of bureaucracy. *La surveillance* as forming part of bureaucracy feeds the development of a network of supervisory control in which the maintenance of order and the observation of behaviour generally becomes central.

These are the reasons why the option of translating Foucault's *surveillance* with 'supervision' instead of 'surveillance' must be defended as it can be explained that 'supervision' corresponds in fact to Foucault's argument of the generalisation, expansion, and normalisation of *surveillance.* Although *Surveiller et punir* lends itself particularly well to discussions within the field of surveillance studies, modern day surveillance aided by computers and other technological devices are not explored in it as Foucault did not limit his analyses to these questions. Even if Foucault speaks of 'technologies politiques' that

[510] Foucault, *Surveiller et punir,* pp. 251-252 (Pléiade, p. 500).
[511] Foucault, *Discipline and Punish*, p. 217
[512] Foucault, *Überwachen und Strafen*, p. 279.

align with practices of *surveillance,* his concerns are not exclusively technological in the sense of referring to the handling of machinery or devices but involve the very idea and wider implications of modern-day governance. In short, an English-language reader of Foucault ought to understand that the concept of supervision as it is applied across society is problematic. In this sense, one could go as far as suggesting that in English we really should speak of a 'society of supervision'.

The German translator had available to him 'Aufsicht'/'Beaufsichtigung' and 'Überwachung'. To begin with the first, 'Aufsicht' and 'Beaufsichtigung' are synonyms, however, the noun ending in the suffix '-ung' is used whenever a noun is created from a verb, in this case 'beaufsichtigen', to emphasise the activity. The Grimm dictionary notes that 'Aufsicht' stems from the Latin words 'inspectio', 'attentio', and relates to the German 'Vorsicht', the latter also meaning 'caution' or 'carefulness'. Therefore, a careful or even meticulous handling of the object or activity in question is involved here. The second element of this compound word, 'Sicht', is furthermore telling. Meaning 'sight', 'view', 'vision', or 'visibility', it places the emphasis on the power of the gaze that takes such a central place in *Surveiller et punir.* 'Aufsicht'/'Beaufsichtigung' thus is akin to the English 'to oversee', 'to superintend', and 'to supervise', the latter of which is a good translation of *la surveillance,* as I have argued. Turning to 'Überwachung', the Grimm dictionary emphasises its use in the police, and furthermore notes that it involves a strict supervision of mental occupation or matters of the State and official committees. The authors and works in which the word appears, as listed in the Grimm, date from the beginning of the eighteenth century. This stands in contrast to 'Aufsicht'/'Beaufsichtigung', going back to uses beginning in the sixteenth century. Seitter chooses 'Überwachung' to translate Foucault's *surveillance,* and this accentuates another technical aspect of Foucault's argument, namely that of the object that is to be *surveillé:* the individual and their bodies as mechanically manipulable and scientifically knowable objects. Foucault ties together different technologies that he considers as having contributed to the rise of *surveillance.* For this purpose, he also draws from German-language works such as by Karl Marx. In the chapter 'Les moyens du bon dressement' of the third part 'Discipline', he quotes Marx's *Kapital* in a footnote:

'Cette fonction de **surveillance**, de direction, et de médiation devient la fonction du capital dès que le travail qui lui est	'The work of directing, **superintending** and adjusting becomes one of the functions of capital, from the moment that the	Diese Funktion der Leitung, **Überwachung** und Vermittlung, wird zur Funktion des Kapitals, sobald die ihm

subordonné devient coopératif, et comme fonction capitaliste elle acquiert de caractères spéciaux.'[513]	labour under the control of capital, becomes cooperative. Once a function of capital, it requires special characteristics' (Marx, *Capital,* vol. I, 313).[514]	untergeordnete Arbeit kooperativ wird. Als spezifische Funktion des Kapitals erhält die Funktion der Leitung spezifische Charaktermerkmale.[515]

It is worth adding a few lines on this mention of Marx because Foucault's and Marx's conceptualisations of *la surveillance* and 'Überwachung', respectively, differ. This, in turn, complicates the German translation of Foucault for it invites the translator and reader of Foucault to think further about the mechanisms of *la surveillance* as they relate to technological automatization. Foucault does not identify the translator of the French edition of *Le Capital* from which he quotes. Seitter has given the original passage by Marx and has therefore not retranslated the French quote. I have included it in the above passage to briefly note that the chapters - 11 ('Kooperation') and 13 ('Maschinerie und große Industrie') – in which the quote is found differ in their enumeration depending on whether it is the original or a translation. This may have editorial reasons. In any case, the words 'überwachen' and 'Überwachung' are used when Marx theorises the relationship between the worker and the machine. More precisely, it describes the physical and intellectual strength required from the worker to oversee the proper functioning of the machine but also to gain knowledge of how to remedy its technical shortcomings and improve general productivity. In the next passage, added here to clarify this, Marx writes that the worker's body – in terms of its overall physical force but also the development of abilities in single parts such as feet and hands – are used differently according to the handicraft that the worker performs. The machine, then, not only replaces manpower, but importantly substitutes the worker's manual skillset:

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[513] Karl Marx, *Le Capital,* livre I, section quatrième, chap. XIII, in Foucault, *Surveiller et punir,* p. 227. It is unclear which translation Foucault quotes from here since he does not name the translator. In any case, the German word 'Überwachung' as it is used by Marx is translated in French as *surveillance,* as the same quote shows in the following, later edition: Karl Marx, *Le Capital. Critique de l'économie politique.* Quatrième édition allemande, Livre premier. Le procès de production du capital, ed. Jean-Pierre Lefebvre, trans. Étienne Balibar et al. (Paris: PUF Quadrige, 1993), 'Chap. XI – Coopération', p. 372: 'Cette fonction de direction, de surveillance et de méditation devient la fonction du capital dès que le travail qu'il a sous ses ordres devient coopératif. En tant que fonction spécifique du capital, la fonction de direction acquiert des caractéristiques spécifiques.'

[514] Foucault, *Discipline and Punish*, p. 175.

[515] Karl Marx, *Das Kapital. Kritik der politischen Ökonomie*, Erster Band, Hamburg 1890, Marx/Engels Gesamtausgabe Bd. 10, compiled by Roland Nietzold, Wolfgang Focke and Hannes Skambraks (Berlin: de Gruyter, 2018), p. 298.

Grade diesen letzten Teil des Handwerksinstruments ergreift die Industrielle Revolution zuerst und überlässt dem Menschen, neben der neuen Arbeit **die Maschine mit seinem Auge zu überwachen** und ihre Irrtümer mit seiner Hand zu verbessern, zunächst noch die rein mechanische Rolle der Triebkraft.[516]	It is he last part of the handicraftsman's implement that first seized upon by the industrial revolution, leaving the workman, in addition to his new labour of **watching the machine with his eyes** and correcting the mistakes with his hands, the merely mechanical part being the moving power.[517]

The workers no longer use their skillset themselves, but they are brought to 'überwachen' the mechanical operation. The action of 'überwachen' is unidirectional as the worker watches the machine only. Then, it is the relation between the machine and the worker that is at stake here instead of two individuals watching (over) each other. Moreover, the above passage by Marx that Foucault quotes in *Surveiller et punir* has the word 'superintendence' for 'Überwachung'. Marx quotes from John Elliott Cairnes' *The Slave Power: Its Character, Career, and Probable Designs* (1862) in which Cairnes speaks of the necessity of superintending the labour of slaves and the costs involved in superintending a smaller or larger group of slaves.[518] Cairnes' point is that this form of supervision, as he calls it too, increases productivity: 'The moment the master's eye is withdrawn, the slave relaxes his efforts.'[519] Taking this as an example to support his discussion, Marx's understanding of the power of the gaze, again, is unidirectional and problematises the hierarchical relation between worker (slave) and capitalist (master). A closer reading of Chapter 11 of *Das Kapital* furthermore suggests that Marx sees the capitalist as an industrial commander ('industrieller Befehlshaber', to substantiate the analogy between the division of labour and military tactics that Foucault also notes about Marx's analysis[520]) for whom the main activity would gradually transform into the function of 'Beaufsichtigung' and 'Oberaufsicht'.[521] In English, this reads as 'their work of supervision becomes their established and exclusive function.'[522] There are thus two ways of using the

[516] Marx, 'Dreizehntes Kapitel. Maschinerie und große Industrie', in *Das Kapital. Erster Band,* p. 336.
[517] Marx, 'Chapter XV. Machinery and Modern Industry', in *Capital: a critique of political economy. Vol. I, Book one, The process of production of capital*, trans. from the third German edition by Samuel Moore and Edward Aveling, ed. Frederick Engels (London: Electric Book Co. 2001), p. XV-536.
[518] Marx, 'Elftes Kapitel. Kooperation', in *Das Kapital. Erster Band,* p. 299, note 21a.
[519] John Elliott Cairnes, *The Slave Power: Its Character, Career, and Probable Designs. Being an Attempt to Explain the Real Issues Involved in the American Contest* (Cambridge: Cambridge University Press, 2011 (1862)), p. 44.
[520] Foucault, *Surveiller et punir,* p. 199, note 50 (Pléiade, p. 453 C.)
[521] Marx, 'Elftes Kapitel. Kooperation', *Das Kapital. Erster Band,* p. 299.
[522] Marx, *Capital: Vol. I,* p. XIII-476.

power of the gaze in Marx, on the one hand there is the worker who keeps an eye on his machine ('Überwachung') and on the other, there is the supervision of a group of workers by an overseer ('Aufsicht'). Crucially, these two forms will merge in Foucault as he argues, following the quote by Marx, that the development of discipline in close relation to the changes to economic production necessitated a stricter coercion to increase productivity. In Foucault's view – echoing Marx – this then resulted in the incorporation of the body itself in the production process: 'Le corps se constitute comme une pièce d'une machine multisegmentaire.'[523] If the human body is understood as a mechanical element that needs to be supervised in much the same way as the worker manipulates and supervises their machine, translating 'Überwachung' emphasises the connection to Marx but also the interlocking of human and machine. Nonetheless, outlining the difference in Marx between 'Überwachung' and 'Aufsicht'/'Beaufsichtigung' is necessary to show that Foucault does not merely quote Marx for confirmation of his argument, but develops it further to present surveillance in a critical light. He goes beyond Marx's critique of the production process as a big machine into which the human body gradually merges and of which it becomes a mechanical piece. What becomes much more important, looking forward to situating *Surveiller et punir* in the history of French politics after the Second World War especially, is indeed the rise of a bureaucratic administration, entailing a disavowal of coercion, and illegal violence in the context of the prison but also war as we will see. Whilst the kind of pouvoir Foucault identifies is not in essence constituted of violence, as I have argued in Chapter 4, a space and legitimation for violence must nonetheless be found:

L'exécution de la peine tend à devenir un secteur autonome, dont un mécanisme administratif décharge la justice ; celle-ci s'affranchit de ce sourd malaise par **un enfouissement bureaucratique** de la peine.[524]	Those who carry out the penalty tend to become an autonomous sector; justice is relieved of responsibility for it by a **bureaucratic concealment** of the penalty itself.[525]	Der Vollzug der Strafe wird allmählich zu einem autonomen Sektor, welcher der Justiz von einem Verwaltungsapparat abgenommen wird; die Justiz befreit sich on diesem geheimen Unbehagen, indem sie die Strafe **in Bürokratie vergräbt**.[526]

[523] Foucault, *Surveiller et punir*, p. 193 (Pléiade, p. 438).
[524] Foucault, *Surveiller et punir,* p. 16 (Pléiade, p. 270).
[525] Foucault, *Discipline and Punish*, p. 10.
[526] Foucault, *Überwachen und Strafen*, p. 17.

Foucault here plays with the expression 'enfouissement bureaucratique de la peine' in terms of metaphor and idea. On the one hand, he indeed refers to the concealment of punishment implying both an obfuscation by the administrative processes at play as well as the removal of any enforcement of the sentence that takes place in the public eye (in contrast to *le supplice*). On the other hand, *enfouissement* also carries quite a grim and even nauseating connotation of storing or burying (as has the German translation) something of strong odour, such as crops, dung or even a corpse (TLFi). In this sense, the English could also have had 'bureaucratic burial of the penalty'. Foucault's take thus can be read as a pejorative qualifier concerning the rise of bureaucracy and *surveillance*. Evocative of subterranean deposition, the word joins what Foucault terms 'un fond "suppliciant"' in Chapter 2 (p. 84) with the objects central to modern punitive power produce and maintain a materiality in the discourse of the human sciences as well as a materiality in governmental organisation and documentation and especially by way of *le pouvoir d'écriture*.

Foucault's critique carries the spirit of revolt. At the core of it, there is the way in which practices of bureaucracy and *surveillance* reinforce one another as they set up the regularisation, permanence, and normalisation of administration and therefore everyday life that are run directly from the desk of professionalised staff. Foucault views this as creating a distance between action and effect, and more specifically a distance from the body. As I have suggested in Chapter 3, this process of distancing outraged Nietzsche and made him formulate his critique using the term 'Leib' because he identified a dangerous simplification of the body and life as such: the further one moves away from the body, filling this gap with norms and regulations, the sketchier the understanding of the body becomes, whose awesome complexity for Nietzsche in any case defies the mind. But this of course does not mean than the direct handling of the body ceases in spaces such as the prison – in fact, as I have shown in the previous chapter, Bentham saw no problem in episodes of violence as long as the inmate only harmed themselves – and in war zones. In bureaucratic administrations, violence does not disappear, but is hidden or buried in administrative procedures, and furthermore justified in fallacious premises about urgency, necessity, and protection.

Is the comparison of *la surveillance* to a machine merely a metaphor and therefore primarily a stylistic consideration for the translator? Did Foucault practically imagine *la surveillance* as a large machine in which humans are constantly observed and their lives recorded by machines? He may have seen the danger in this development, but his critique comprises a much larger field of practices. The translator must perceive that there is a mismatch

between the historical periods in which mechanisms of *surveillance* and 'surveillance' developed. *La surveillance* has been effectively put in place by humans before being aided by computers or other technologies. In this context, we also must remember that the Panopticon works by spatial arrangement and not by advanced technological operations. A Marxist perspective on the incorporation of the human body into the machinery of production processes highlights the alienation and exploitation of the workers. It is well known that Foucault found this viewpoint reductionist as he insisted on the more subtle coercion and mechanisms of control between people as they become carriers of disciplinary power themselves. It must therefore be concluded that translating *la surveillance* as 'supervision' in English and 'Aufsicht/Beaufsichtigung' in German ought to be considered.

Authors and their technical language: Foucault's 'surveillance' and Sartre's 'regard'

The development of *surveillance* involves a normalisation but also an automatization of the power of the gaze. For disciplinary power to work automatically – and by this Foucault means that it works in the absence of a central figure such as the king – it must constitute a web of several *regards* that are arranged in such a way that individuals suspect they are always observed:

Le succès du pouvoir disciplinaire tient sans doute à l'usage d'instruments simples : **le regard hiérarchique**, la sanction normalisatrice et leur combinaison dans une procédure qui lui est spécifique: l'examen.	The success of disciplinary power derives no doubt from the use of simple instruments; **hierarchical observation**, normalising judgment and their combination in a procedure that is specific to it, the examination.	Zweifellos liegt der Erfolg der Disziplinarmacht am Einsatz einfacher Instrumente: des **hierarchischen Blicks**, der normierenden Sanktion und ihrer Kombination im Verfahren der Prüfung.
*	***Hierarchical observation***	***Die hierarchische Überwachung***
LA SURVEILLANCE HIERARCHIQUE	The exercise of discipline presupposes a mechanism that coerces by means of **observation**; an apparatus in which the techniques that make it possible to see induce effects of power,	Die Durchsetzung der Disziplin erfordert die Einrichtung des zwingenden **Blicks**: eine
L'exercice de la discipline suppose un dispositif qui contraigne par **le jeu du**		

regard; un appareil où les techniques qui permettent de voir induisent des effets de pouvoir, et où, en retour, les moyens de coercition rendent clairement visibles ceux qui qui ils s'appliquent.[527]	and in which, conversely, the means of coercion make those on whom they are applied clearly visible.[528]	Anlage, in der die Techniken des Sehens Machteffekte herbeiführen und in der umgekehrt die Zwangsmittel die Gezwungenen deutlich sichtbar machen.[529]

As this passage shows, there are two other words that come into play: *le regard* and, by way of Sheridan's translation, 'observation' and *observation*. The relation between *la surveillance* and *le regard* is not one of synonymy. In fact, their connection may also be described in Leclerc-Olive's framework of thematic and operative concepts: both words are used in Foucault, but *la surveillance* is the thematic, creative contribution he makes to the workings of the power of the gaze and philosophies of *le regard* as the latter was a prominent question with which many other French philosophers operated at the time. For Foucault, *la surveillance* is in fact made up of several *regards,* in the plural, resulting in a system of hierarchical supervision. He furthermore argues that there is a *jeu du regard* at play in which the power of the gaze is made invisible yet renders visible those over whom it keeps watch. This principle is further emphasised in his discussion of the Panopticon, where Foucault writes: 'Le pouvoir disciplinaire, lui, s'exerce en se rendant invisible; en revanche il impose à ceux qu'il soumet un principe de visibilité obligatoire. Dans la discipline, ce sont les sujets qui ont à être vus.'[530] In order to achieve this function, *la surveillance* no longer draws from a principle of reciprocity in which two or more pairs of eye face one another. Instead, *la surveillance* is an arrangement of several *regards* that always operate from all sides. The translation of *regard* is not an unknown problem in Foucault's works. The role of *le regard* had been important for Foucault for some time before writing about the birth of the prison, as for example it features prominently in works such as *Naissance de la clinique. Une archéologie du regard médical* (1963), to which I return below. *Le regard* is different from *la surveillance* and therefore poses different questions of translation, however their difference is helpful to note in this analysis of translating *la surveillance* because several *regards* are constitutive of *la surveillance*.

[527] Foucault, *Surveiller et punir*, p. 201 (Pléiade, pp. 444-445).
[528] Foucault, *Discipline and Punish,* pp. 170-171.
[529] Foucault, *Überwachen und Strafen,* pp. 220-221.
[530] Foucault, *Surveiller et punir*, p. 220 (Pléiade, p. 466).

Foucault's *Naissance de la clinique. Une archéologie du regard médical* was translated into English by Sheridan as *The Birth of the Clinic. An archaeology of medical perception* (1973). This work would in fact well deserve its own systematic study in relation especially to that English translation by Sheridan, not least because of the confusion as to which of the two French editions Sheridan actually translated: Elden recently found that one important issue that arises from Sheridan's translation concerns the apparent mixing of the first and second edition, and more specifically the use of structuralist vocabulary employed in the first and then revised in the second. This analysis remains to be done, yet Elden's notes on this helpfully illustrate the many problems that a translation may pose to readers and researchers.[531]

Foucault's first line in the preface puts the power of the gaze in the spotlight: 'Il est question dans ce livre de l'espace, du langage et de la mort ; il est question du regard.'[532] Sheridan translates *le regard* in this sentence with 'gaze', explaining in his Translator's Note the following: 'Similarly, I have used the unusual "gaze" for the common "regard", except in the book's subtitle, where I have made a concession to the unprepared reader.'[533] Sheridan's choices thus appear to have been informed by a concern for the engagement of a wider – and perhaps not exclusively academic – readership. This stands in contrast to Jay's remarks:

> In his 'archéologie du regard medical', as it was subtitled, Foucault drew on all the negative connotations surrounding 'le regard' since Sartre's discussion of it in *Being and Nothingness,* if not earlier. Although Foucault later came to regret his choice of words, because he felt 'gaze' connoted a unified subject rather than the 'enunciative modalities' that manifest its dispersion, his analysis was grounded in the contention that the medical innovations of the classical age betokened an intensified faith in visual evidence.[534]

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[531] Stuart Elden, 'Which edition of Foucault's Birth of the Clinic did Alan Sheridan actually translate?' Progressive Geographies Blog, 11th February 2019, https://progressivegeographies.com/2019/02/11/which-edition-of-foucaults-birth-of-the-clinic-did-alan-sheridan-actually-translate/ [accessed 16-01-2021].

[532] Foucault, *Naissance de la clinique*, p. v.

[533] Sheridan, 'Translator's Note', in Foucault, *The Birth of the Clinic,* p. vii.

[534] Jay, *Downcast Eyes,* p. 392. Jay supports his argument, in addition to simply declaring Sheridan's choice for the book's subtitle as misleading, with a reference in a footnote to Deleuze's *Foucault,* in which Deleuze insists that it was important for Foucault not to come from the assumption of a unified subject: 'Le sous-titre de *Naissance de la clinique,* c'était "archéologie du regard". Il ne suffit pas de dire que Foucault a dénoncé ce sous-titre, comme il a toujours corrigé ses livres précédents, si l'on ne demande pas pourquoi et sur quels points. Or, le point de dénonciation c'est évidemment le primat. Foucault estime de plus en plus que ses livres précédents n'indiquent pas suffisamment le primat des régimes d'énoncés sur les façons de voir ou de percevoir. C'est sa réaction contre la phénoménologie. Mais, pour lui, le primat des énoncés n'empêchera jamais l'irréductibilité historique du visible, au contraire. L'énoncé n'a de primat que parce que le visible a ses lois propres, son autonomie qui le met en rapport avec le dominant, avec l'héautonomie de l'énoncé.' (p. 57).

The question of the unified subject is of course crucial, yet I focus on Sheridan's translation for the title instead. If Foucault came to be dissatisfied, according to Deleuze, with the book title in French, it then seems that this is not a problem of translation into English but of argumentation in the original French. In other words, it does not make much of a difference whether the subtitle had been 'gaze' instead of 'perception'. The problem lies with the very word *regard* as it may be reminiscent of Sartre's philosophy. Sheridan's choice is informed, as he writes, by the motivation to improve readability and engagement with this work, even for those readers who are, as he puts it, 'unprepared'. This may refer to a general unfamiliarity that Sheridan assumes here with Foucault's body of thought, but it is also possible to think that it negotiates an original contribution to the question of the power of the gaze: Foucault thought about and used *le regard* differently from others; this took a particular form in *Naissance de la clinique,* and again another in *Surveiller et punir*.

The other context in which a closer examination of the challenges of translating *le regard* becomes apparent concerns the works by Jean-Paul Sartre. It is useful to draw on the challenges of translating Sartre into English, not least because the discussion has recently been revived by a new translation of *Being and Nothingness* by the scholar and translator Sarah Richmond that includes an extensive Translator's Notes and Introduction,[535] but also because Foucault and Sartre share some similarities in the way in which they insist on the importance of *le regard*. However, they differ in the way that *le regard* operates. In this sense, I want to suggest that the translational challenges arising both in Sartre's and Foucault's use of the word *regard* involve the succession of ideas attached to this word, formulated in the terms of theories of intersubjectivity, of phenomenological construction of a scientific object through vision, and of the power of the gaze as instrument of coercive control. Again, we can trace a network of ideas in which these ideas are tied to the author names who contribute to the question of the power and function of *le regard*. The role of time for the study of translation here reveals changes of meaning of one word in French. Foucault is original insofar as he extends this question beyond the realm of philosophy to show not what *le regard* is*,* but how it has been operating in different political systems. This results in his presentation of *la surveillance*.

[535] Jean-Paul Sartre, *Being and Nothingness. An Essay in Phenomenological Ontology*, trans. Sarah Richmond (London: Routledge, 2018).

Richmond insists on 'the force of "the look"' being 'almost a technical term' in this work, as she draws attention to stylistic considerations concerning translating *le regard* as a noun ('the look'), but also alternating 'the look' with 'the gaze'.[536] For Sartre, *le regard* is a technical term explaining much of the existence of a subject for which the translation 'look' works well because it refers to the cognitive as well as aesthetic function of this idea. Since it is a technical term in Sartre, we can call it an operative concept. Now, Foucault adds to the function of *le regard,* making it function within a system of *la surveillance.* Therefore, translating it with 'gaze' works well, too. In this context, *la surveillance* in Foucault is a thematic concept as it forms a creative contribution to the operative concept of *le regard.* Applying Leclerc-Olive's framework in this case is useful to underline the merits of the English translations, and to dismiss certain critical indignation they have received.[537] From this perspective, for her *re*-translation of this important work, Richmond has to consider these technical terms that Sartre's writings are known for today. She is right to carefully indicate the vocabulary coloured by translation that is known to an extensive readership and in scholarship.

Surveiller et punir

The points about the difficulty of translating *la surveillance* explain the challenge of translating the book title. Book titles are an important concern for the translator, although the stakes may not be exclusively translational but also concern other things such as the marketability of the title as was also the case with Sheridan's translation of *Naissance de la clinique.* As he writes in the note to *Discipline and Punish,* 'in the end Foucault himself suggested *Discipline and Punish,* which relates closely to the book's structure'. This is interesting and the consultation of Foucault as author is important. However, a few things must be said about the problems of this choice, following this part on *la surveillance.*

Sheridan characterises the difficulty of translating the infinitive verbs in the title in terms of losing the effect of 'an impersonal imperative'. In French, the title could indeed correspond to a grammatical mood addressing the reader or more generally expressing a general social injunction instead of problematising punishment as obeying shifting

[536] Richmond, 'Notes on the Translation', in Sartre, *Being and Nothingness,* p. lxiii.
[537] See Barbara Folkart, 'A brief history of *gaze*', *The Translator* 21(1) (2015), pp. 1-23.

principles involving various actions of *surveiller*. It is the case that in written French, the infinitive is used to give orders in an impersonal way (e.g., *ne pas ouvrir la porte),* by which no particular person is addressed at a specific point in time prompting an (immediate) action. The instruction is rather directed towards the general public. However, it admittedly appears a little far-fetched to assume that a French reader is told or must understand this title as a call for action. It thus is perhaps not so much the possibility of reading it as an 'impersonal imperative' that poses a problem, but rather the verb *surveiller* itself. Previously, I have argued that there is no adequate English equivalent for *surveiller* in the way in which Foucault explores it. Then, justifying the choice of rendering it 'discipline' as relating closely to the book's structure is also debatable.

Elden notes that 'the danger of the current title is that it makes it look like discipline and punishment are discrete, when really one is contained within the other in the modern system'.[538] This suggestion reads 'and' as a disjunctive, yet in this case it may not actually be meant as such. Perhaps it is not the interlocking of the two, but the suggested sequence that poses a problem. The English title can be read as suggesting that actions of discipline precede punitive measures. But discipline represents the set of practices that come to inform punishment methods, ultimately forming a comprehensive system of the prison. To be sure, it does not propose that punishment is born out of discipline. For this reason, one must conclude that *Discipline and Punish* does not correspond to the book's structure. Neither does the English title indicate, by translating 'Discipline', the various ways in which Foucault's argument rests upon the power of the gaze.

In this context, two possible alternative titles may be considered. The first may be *Supervise and Punish:* I have proposed that 'supervision' in fact does correspond to Foucault's understanding of *la surveillance* because the two words share largely the history and contexts in which they are used. Even if the English 'surveillance' may reinforce the point of police and military actions of 'surveillance' as part of a particular understanding of state authority, it is also Foucault's aim to problematise social practices outside of *state* institutions and legislation. For he insisted that any analysis of *le pouvoir* ought not limit itself to the entity of the State only. This way, it would be helpful to suggest that in English, Foucault analyses types of 'disciplinary supervision'.

The second option to consider for a new title may be *Surveil and Punish:* the OED notes that the verb 'surveil' was first used in 1960 by US authorities to refer to the action of

[538] Elden, *Foucault. The Birth of Power*, p. 139.

surveillance. The issue with this is that it may be limited to a US readership to whom the title would invoke the politics of national security. Furthermore, such a title may be considered anachronistic because Foucault does not engage with American politics of the second half of the twentieth century in *Surveiller et punir* nor is his analysis exclusively informed by problems of state-led institution of surveillance or generally public authorities.

L'espace analytique de la discipline

La surveillance does not exclusively rely on the power of the gaze. Its methods are also always directly connected to specific uses of space. In this part, I explore two spaces to show how *la surveillance* engages with the material surroundings that it seeks to control. The two examples, the vocabularies of strategies used in the Algerian War and the relation between the religious and utilitarian appropriation of architecture, will emphasise Foucault's critique that methods of *la surveillance* cannot, firstly, be divorced from a physical and material seizure of space: the rationalisation of military operations cannot and ought not hide the fact that the conflict in Algeria was a bloody war, but the methods employed also belong to a generalised network of social control aided by a continuous militarisation of the police. Secondly, discipline does not design space in such a way that the coercion acts from the outside only. Instead, the power of architecture is re-conceptualised, especially following Bentham and the theorisation of religious isolation for the development of solitary confinement, as being able to not simply distribute and place individuals, but importantly to penetrate their bodies to control their inner lives, which again, evoke the features that Nietzsche identified when theorising the body as 'Leib'.

'Quadrillage': Disciplinary Space and the Echo of the Algerian War

If Foucault wrote *Surveiller et punir* in the context of the prison revolts of the late 1960s and early 1970s, some of his vocabulary also resonates with the Algerian War (1954-1962). I now discuss this claim using the word *quadrillage* that can be found in chapters across the book and that Foucault presents as a principle for the organisation of disciplinary

space as well as a military technique.[539] The word *quadrillage* appears as somewhat untranslatable because it refers to several conflicts that unfolded shortly before *Surveiller et punir* was written and that prevailed in memory and politics by the time it was published. In the book, it refers to changes of space (in terms of a general conceptualisation of territory), but also a change of scale (as a more detailed and refined control), and a change of time and timing (maximisation of the working hours) – all of which result in a *quadrillage généralisé* of society. *Quadrillage* is defined by the TFLi, firstly as *ensemble de lignes, de bandes droites qui se coupent de façons à former des carreaux, des carrés égaux juxtaposés.* This may refer to uses in drawing or lightning of a space, since it refers to a square pattern that can be applied or perceived within it. Secondly, it can be an *action d'assurer, dans un secteur géographique donné, une implantation dense et méthodique d'établissements (commerciaux, etc.) de services publics (santés, transports, etc.) d'organismes politiques ou syndicaux ; résultat de cette action.* Clearly, both definitions highlight that *quadrillage* is a question of space. Whilst the translations stick to the technical reference of the word *quadrillage,* I suggest that Foucault's use is in fact charged with a coded critique of the Algerian War that is therefore lost in translation. Reconsidering Foucault as part of the politically active intellectuals after 1945 up until his own involvement in the GIP alongside a reassessment of the context of the debates in French politics and academia about the history and historiography of the Algerian War allows me to show that this critique is implied, yet does not become apparent in translation.

As I had already mentioned in Chapter 1, Pierre Vidal-Naquet was at the forefront of informing the French public about the war in Algeria and especially about the Audin Affair in 1958 (p. 89).[540] The third founding member of the GIP, Jean-Marie Domenach campaigned as early as 1955 against the systematic use of torture in Algeria and published many critical texts with the journal *Esprit*. Vidal-Naquet, Domenach, and Foucault were thus kindred spirits in combatting injustices happening within French state-led institutions, despite differences in opinion, as David Macey notes:

> Resistance to the intolerable proved to outweigh the earlier disagreements between the three signatories. Domenach and *Esprit* had been dubious about *Les Mots et les choses;* Vidal-Naquet was a founding editor of *Raison présente,* which had been openly hostile to Foucault's 'archaeology of the human sciences'.[541]

[539] Foucault, *Surveiller et punir,* pp. 76, 93, 104, 168, 169, 176, 204, 228, 231, 232, 257, 264 n.16, 328 (Pléiade, pp. 325, 338, 349, 409, 412, 420, 448, 474, 477, 478, 504, 494 B., 579).
[540] Pierre Vidal-Naquet, *L'Affaire Audin (1957-1958)* (Paris: Gallimard, 1989).
[541] Macey, *The Lives of Michel Foucault*, p. 263.

In this context, it may be surprising that Foucault did not more directly express criticism about the Algerian War. But it is certain that he cannot be entirely divorced from this activism by the intellectuals in his immediate surroundings addressing these events. Furthermore, his concept of *pouvoir* was taken up by one of the leading French historians of the history of violence and torture in Algeria, Raphaëlle Branche.[542] The partial opening in 1992 of the public archives conserving documents about the period of the Algerian War thirty years after its official end paved the way for her study *La Torture et l'armée pendant la guerre d'Algérie (1954-962)* published in 2001, one year after the French State officially recognised the use of torture in the Algerian War on 4 November 2000. Drawing on the archives of La Sûreté nationale for which she obtained special access permission, Branche's study exposes the workings and practices of the French army in Algeria. It is in this sense that her analysis illustrates much of what Foucault describes in *Surveiller et punir* in terms of military and policing strategy and operation. Foucault's use of *quadrillage* does not merely express a theoretical sketch of disciplinary space but connects directly to strategies that have been applied.

To begin with an overview of what *quadrillage* may generally refer to, Foucault explains it as an organisational principle of disciplinary power, favouring a detailed division of space to increase its effects:

[Les appareils disciplinaires] travaillent l'espace d'une manière beaucoup plus souple et plus fine. Et d'abord selon le principe de la localisation élémentaire ou du ***quadrillage***. A chaque individu, sa place; et en chaque emplacement, un individu. Éviter les distributions par groupes; décomposer les implantations collectives; analyser les pluralités confuses, massives ou fuyantes. L'espace disciplinaire tend à se diviser en autant de **parcelles** qu'il y a de	[The disciplinary machinery] works space in a much more flexible and detailed way. It does this first of all in the principle of elementary location or ***partitioning***. Each individual has his own place; and each place its individual. Avoid distributions in groups; break up collective dispositions; analyse confused, massive or transient pluralities. Disciplinary space tends to be divided into as many **sections** as there are	[Die Disziplinapparate] bearbeiten nämlich den Raum noch viel feiner und geschmeidiger. Zunächst nach dem Prinzip der elementarischen Lokalisierung oder ***Parzellierung***. Jedem Individuum seinen Platz und auf jeden Platz ein Individuum. Gruppenverteilungen sollen vermieden werden, kollektive Einnistungen sollen verstreut, massive und unübersichtliche Vielheiten sollen zersetzt werden. Der Disziplinarraum hat die Tendenz, sich ebenso viele **Parzellen** zu unterteilen,

[542] Branche, *La Torture et l'armée pendant la guerre d'Algérie*, p. 30.

corps ou d'éléments à répartir.[543]	bodies or elements to be distributed.[544]	wie Körper oder Elemente aufzuteilen sind.[545]

The type of localisation Foucault suggests implies a fixing both in the sense of discovery and allocation: for the purpose of controlling a territory, information about the existing distribution of the population as a whole and about each individual in particular is collected (principle of elementary localisation). This then serves to perfect a system of spatial classification. In the translations, Sheridan and Seitter opt for 'partitioning', 'section(tioning)', and 'Parzellierung', placing the emphasis on space. Seitter's translation, 'Parzellierung', refers to small plots or parcels of land. As such it forms part of the terminology in geography, urbanism, architecture, and land rights. Sheridan's 'sections' are more general. *Quadrillage* has thus two main functions. It serves as a method to draw up and classify a population and territory, and it allows for the placing in a fixed grid to enable permanent supervision. As such, *quadrillage* is a bureaucratic technique.

Foucault's lexical choice for *quadrillage* has further implications. He adds a critical perspective by way of various qualifiers – e.g., 'policier', 'constant', 'individualisant', – that present its repressive effects.[546] His conclusion is the following:

Ce qui se dessine, c'est sans doute moins un respect nouveau pour l'humanité des condamnés – le supplices sont encore fréquents même pour les crimes légers – qu'une tendance vers une justice plus déliée et plus fine, vers **un quadrillage pénal plus serré** du corps social.[547]	What was emerging no doubt was not so much a new respect for the humanity of the condemned – torture was still frequent in the execution of even minor criminals – as a tendency towards a more finely tuned justice, towards a closer **penal mapping** of the social body.	Was sich abzeichnet, ist weniger ein neuer Respekt vor dem Menschen im Verurteilten – die Martern sind auch für leichte Verbrechen noch häufig, sondern vielmehr eine Tendenz zu einer sorgfältigeren und verfeinerten Justiz, zu **einem lückenloseren Durchkämmen** des Gesellschaftskörpers.[548]

Both translations imply a practical action. Sheridan's 'penal mapping' highlights the delimitation of space and cartography. Seitter proposes an action specific to police and military search operations: 'durchkämmen' literally means to 'comb through' a space, e.g.,

[543] Foucault, *Surveiller et punir,* p. 168, original emphasis (Pléiade, p. 409).
[544] Foucault, *Discipline and Punish,* p. 143, original emphasis.
[545] Foucault, *Überwachen und Strafen,* p. 183, original emphasis.
[546] Foucault, *Surveiller et punir,* pp. 76, 104, 169 (Pléiade, pp. 325, 349, 412).
[547] Foucault, *Surveiller et punir*, p. 93 (Pléiade, p. 338).
[548] Foucault, *Überwachen und Strafen*, p. 99.

in a wooded area. From this perspective, French has also another word for this, attested under Vichy and again in the Algerian War and often closely related to *quadrillage: le ratissage*. Lexically, *le ratissage* as a military technique implies much more directly the flattening or levelling of the area in search of adversaries or other groups to be neutralised (TLFi). Translating *quadrillage* with these practical methods helps understanding the techniques of *surveillance* at work in the management and control of space.

As a general technique, it could be adapted to very diverse profiles of enemies. *Quadrillage* is extensively applicable to respond to delinquency or the slightest sign of criminal activity, opposing forces in times of war, but also to dominate an entire population. No matter the situation, *quadrillage* as a technique achieves a generalised control:

La délinquance, avec les agents occultes qu'elle procure mais aussi avec **le quadrillage généralisé qu'elle autorise**, constitue un moyen de surveillance perpétuelle sur la population : un appareil qui permet de contrôler, à travers les délinquants eux-mêmes, tout le champ social. La délinquance fonctionne comme un observatoire politique.[549]	Delinquency, with the secret agents that it procures, **the generalized policing that it authorizes**, constitutes a means of perpetual surveillance of the population: an apparatus that makes it possible to supervise, through the delinquents themselves, the whole social field. Delinquency functions as a political observatory.[550]	Mit ihren heimlichen Agenten und ihren **umfassenden Unterwanderungs-möglichkeiten** bildet die Delinquenz ein Instrument zur ständigen Überwachung der Bevölkerung: über die Kontrolle der Delinquenz läßt sich das gesamte gesellschaftliche Feld kontrollieren. Die Delinquenz funktioniert als ein politisches Observatorium.[551]

This passage is taken from the last part of the book 'Prison' and therefore presents the thesis of the book by means of the word *quadrillage généralisé*. It emphasises the mixing of context of policing and the military, which is why it does not matter much that Sheridan loses the association with the army. Seitter translates the compound noun 'Unterwanderungsmöglichkeiten'. Translating *quadrillage* as 'Unterwanderung' is interesting, and it must be discussed if this is not a grammatical mistranslation altogether. The Duden dictionary notes that 'Unterwanderung' describes the actions of 'nach und nach unmerklich in etwas eindringen, um es zu zersetzen' (gradually and unnoticeably entering/infiltrating something to decompose/disintegrate it), giving the example of the

[549] Foucault, *Surveiller et punir*, p. 328 (Pléiade, p. 579).
[550] Foucault, *Discipline and Punish*, p. 281.
[551] Foucault, *Überwachen und Strafen*, p. 363.

state apparatus being infiltrated by 'subversive Elemente'. In this passage, Foucault suggests here that the invention of delinquency serves to justify the deployment of 'secret agents' – by which he most likely means police and other officers – and the mapping of a large space to effectively seek out criminal actions. Seitter translates 'autorise' as 'Möglichkeit' ('possibility'), which seems to be missing the point of the causality Foucault suggests: delinquency does not offer the possibility to be investigated, but it is has been constituted *so that* it perpetually enables control and supervision of the population. This is not a mission of disintegration ('Unterwanderung') but of maintenance. The French state and army were seeking exactly that when they had to confront a series of rebellions in Algeria beginning in November 1954.

If Foucault formulates his theory of disciplinary power in terms of the birth of the prison as exclusive yet continuously violent form of punishment extending its punitive effects into all of society, the generalisation of police and military actions within the social body evoke another memory in the French readership: the Algerian War. Jean-Marc Berlière and René Lévy characterise the Algerian War as particular because of two main aspects. The first concerns *débordement,* or the way in which this war exceeded the territorial borders of Algeria and was also carried out in metropolitan France. The second involves the experience that many officers of the French army and police – e.g., as part of their compulsory military service – had in Algeria before returning to France: 'ils avaient eu tout loisir d'être contaminés par l'ambiance, les contentieux et les méthodes…'[552] On Algerian soil, this meant the systematic set-up of a climate of repression and terror involving the use of torture as discussed in Chapter 2, in which the mission of the police and military gradually merged:

> La confusion du métier de policier et de soldat entraîne une généralisation des violations perpétrées par les militaires au sein de la procédure pénale, non parce que ces pratiques se répandent mais parce que la justice est absorbée progressivement dans la logique militaire.[553]

As tensions grew between parties, it was clear that France was fighting a colonial war on Algerian territory – the academic identification of which Vidal-Naquet assigns to the works by German political scientist Elsenhans in 1974 as noted in Chapter 2 (pp. 87-88) – but it also instigated, responded to, and fuelled a civil war against the Algerian population in France.[554] This politicisation of the war as well as the militarisation of police

[552] Berlière and Lévy, *Histoire des polices en France*, p. 212.
[553] Branche, *La Torture et l'armée pendant la guerre d'Algérie*, p. 225.
[554] Berlière and Lévy, *Histoire des polices en France,* p. 214-215.

operations implied an adjustment of methods of control. The word *quadrillage* carries the weight of this importation of the war-like combat as well as the surveillance by the police against civilians in France. Foucault's use of the terminology of military strategy functions as a denunciation of the proceedings in Algeria concealed as a problem of bureaucracy and temporary political insubordination. Researching the workings of the French army and their strategic vocabulary is necessary to underline that what happened was a war.[555]

Le quadrillage is not simply a spatial partitioning showing itself exclusively on maps, but it translates on the ground to a technique obtaining extensive territorial control and instilling fear not just in the opposing armed forces but in the entire population. Branche also insists on this generalising dimension of the war, in which being a suspect is almost as good as being considered guilty.[556] And Foucault of course, by linking the development of discipline to war and furthermore by comparing politics to war, underlines the way in which the concept of the enemy and therefore the object of control changes: an entire population becomes the adversary, namely the Algerians in Algeria as well as in metropolitan France.

As a strategy of counterinsurgency, *le quadrillage* targeted primarily the ALN, the armed wing of the FLN, and involved the division of the entirety of the Algerian territory into 75 sectors with a deployment of 300,000 soldiers 'dispersing them in penny-packets in and around urban centres and all over the plains and farmland guarding roads, telegraph lines, railway crossings and electricity substations'.[557] The deployment of these soldiers to these posts did not just involve the static placement: 'Ces soldats ne restaient pas immobiles sur leur position, ils effectuaient les patrouilles, ils protégeaient les villages, les

[555] Martin Alexander and J.F.V. Keiger, 'France and the Algerian War: strategy, operations and diplomacy', *Journal of Strategic Studies* (2002) 25(2), pp. 1-32 (p. 4): The purpose, here, is to emphasize and interpret dimensions of the war liable to be overlooked if the Algerian conflict is reconstructed entirely through the prisms of 'memory', representational imagery, or the cultural and literary perspectives of the 'social imaginary'. There is a paradox about the protracted 'official silence', the denial by the French authorities that events in Algeria were a war: for those experiencing it at the sharp end were in no doubt. What was taking place in Algeria was bloody, violent, dangerous and undeniably militarized. Politicians and bureaucrats in Paris might seek to employ a softer, euphemistic discourse, typically characterising the Algerian crisis as a 'problem of the maintenance of order' or a 'judicial-policing matter'. But books and articles written by those close to the danger – civilians and soldiers alike – suggest an altogether more brutal grasp of what was going on. See also Branche who insists on the concealing function of language in *La Torture et l'armée pendant la guerre d'Algérie,* p. 123: 'Outre le cas de violence flagrante, les militaires ont plusieurs manières de contourner une interdiction. Elles prennent toutes appui sur le langage: soit en utilisant un mot pour un autre, soit en ayant une interprétation maximale ou minimaliste des textes normatifs. L'ambigüité d'un ordre tient en effet à la marge laissée à une interprétation de l'exécutant.'

[556] Branche, *La Torture et l'armée pendant la guerre d'Algérie*, p. 69.

[557] Alexander and Keiger, 'France and the Algerian War: strategy, operations and diplomacy', p. 15.

fermes, les écoles, les barrages hydroélectriques, les routes et les voies ferrés.'[558] Aiming more for dismantlement and destruction than protection, it must be said, *le quadrillage* extended the danger of violence committed by the army, of being arrested, interrogated and tortured to all Algerians, as Branche has shown.

As the war in Algeria began, Foucault largely remained silent about the conflict. Defert's chronology in *Dits et écrits I* that includes the historic dates in the 1950s and 1960s relating to the conflict do not suggest any critical comment or engagement by Foucault, and David Macey notes the following:

> While Foucault was in Sweden, France had begun to change rapidly as the Algerian war continued and as the Fourth Republic crumbled. Foucault took little interest in these developments. The bitter taste of the PCF was still in his mouth, and for the moment he was thoroughly disenchanted with politics. He and his friends read *Le Monde* and *Le Figaro* regularly but took the detached and cynical stance of the uncommitted expatriate towards events in France. There were a small number of Algerian students at the University of Uppsala and meetings were organised in support of the independence movement led by the National Liberation Front (FLN). Foucault had some contact with these students, and invited some of them to dinner in his rooms. He had vague sympathy for the Algerian cause, but was not a militant supporter.

Macey furthermore notes that Foucault was seen as being sympathetic towards the handling of the rebellion in Algeria by de Gaulle, but generally, in the early stages of the development of his career, Foucault pursued 'a classically literary and intellectual existence'.[559] This changed in the early 1970s. Despite Macey noting that Foucault's political activism was often inconsistent, Foucault could not avoid confronting conflicts that unfolded on French soil in the aftermath of the Algerian War.[560] In October 1972, the killing of the fifteen-year-old Algerian Djellali Ben Ali in the Parisian area of Goutte d'Or, historically inhabited by African and Algerian communities, led to demonstrations in the street of this *quartier* and to the creation of the Djellali Committee, in which Foucault participated alongside other prominent figures such as Sartre and Claude Mauriac. Macey writes:

> Tension in the area was high, and the police presence heavy. Djellali's uncle was quoted as saying that the Algerian war was starting all over again; and the *quartier* had suffered badly during that war. The cellars of one house in the

[558] Jacques Valette, 'Le Général Salan, l'armée et la guerre d'Algérie (1956-1958)', *Guerres mondiales et conflits contemporains* 278 (2020/2), pp. 109-121 (p. 114).
[559] Macey, *The Lives of Michel Foucault*, pp. 83-84, 93.
[560] Macey, *The Lives of Michel Foucault*, p. 292.

> rue de la Goutte d'Or had been used as a torture chamber by the notoriously vicious *harkis* (members of the French army's 'native auxiliary units').[561]

In light of these events, I want to suggest that *Surveiller et punir* also evokes memories of military-like police actions on French soil against initial rebellions of the Algerian population in France. Following the rebellion in Algeria, a newly created *Brigades des aggressions et violences* (BAV) addressed criminal actions at night-time, which was an area in which 'les Algériens [sont] très surreprésentés'; however, this quickly allowed to focus the police action solely on the Algerian population. Furthermore, this gave way to an ever-increasing politicisation of the Algerian War in France, as the BAV centred its mission on detecting pockets of nationalist conviction in favour of Algerian independence as well as individuals adhering to this cause.[562] This rapidly turned into an intensive control of the population. From 1958 onwards, other services and additional police forces were founded to respond to the growing conflict in Algeria and France, often seeking a recruitment of French-Algerians or Algerians favourable towards the French army and rule. It was their task to collect information about fighters and sympathisers, and to establish administrative files about their activities and plans.[563]

Le quadrillage as a spatial partitioning during the Algerian War contributed to the systematic and bureaucratic concealment of illegal violence and especially torture committed by the French armed forces. The word invokes the infiltration of a territory as well as an entire population to maintain political control by repression and terror. Foucault's lexical choice here is not simply one of scientific method. His vocabulary can in this sense be considered critical of military actions. If Branche speaks of 'maquillage lexical' regarding words such as *la torture* in Algeria because openly using the latter would 'revêtir un aspect de dénonciation que les soldats ne voulaient pas endosser', Foucault also employs the technical and bureaucratic term *quadrillage* to expose an inherently violent dimension of disciplinary power that gets lost in translation.[564]

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[561] Macey, *The Lives of Michel Foucault,* pp. 306-308, original emphases.
[562] Emmanuel Blanchard, 'Police judicaire et pratiques d'exception pendant la guerre d'Algérie', *Vingtième Siècle. Revue d'histoire* 90 (2006), pp. 61-72 (p. 63).
[563] Blanchard, 'Police judicaire et pratiques d'exception pendant la guerre d'Algérie', p. 69.
[564] Branche, *La Torture et l'armée française pendant la guerre d'Algérie*, pp. 69, 90.

The Monastic Cell and the Success of Solitary Confinement

Disciplinary power not only maximises the uses of space in war zones, but it also implies discourses of the role of space in spirituality and religion. The solitude that a cellular space therefore creates serves the power of discipline in such a way that the confined individual looks at themselves and their actions. In this context, the method of religious meditation is transformed into a form of coercive self-supervision: instead of offering the possibility of spiritual liberation and the fusion with God, the cell controls the individual and their inner life and thoughts. Foucault shows that the architectural design of the monastery – as it combines *la cellule* and *la clôture* – has in fact condemned itself to embodying what he calls *le pouvoir cellulaire.*

Religion is a constant theme throughout *Surveiller et punir,* and I have already discussed much of this in Chapter 2 on *le supplice* as politico-religious ritual of public execution. Then, the document of the regulations of *la Maison des Jeunes détenus* in Paris in 1838 to contrast the account of Damiens' *supplice* contains the article 19 that prescribes 'la lecture morale ou religieuse'.[565] In the last chapter of the fourth part 'Prison', Foucault presents the opening of Mettray on 22 January 1840 as 'la date où s'achève la formation du système carcéral' and he explains that the way in which this institution operates *la fonction du dressage* is that it 'voisine avec d'autres formes de contrôle sur lesquelles elle prend appui: la médecine, l'éducation générale, la direction religieuse. Mais elle ne se confond absolument pas avec elles.'[566] Religious values and beliefs do not stop short of legitimating the use of violence in punishment to present it as a kind of martyrdom as discussed in Chapter 2, they also invest the workings of the mind.

To assess the importance of religion and disciplinary space, Foucault's analysis poses a difficulty: he insists on the religious heritage of discipline whilst at the same time claiming that areas in which disciplinary practices developed did so independently from each other. Religion, understood in various ways though mainly relating to Christianity, is therefore very present in Foucault's works, especially also in the lecture courses, and this has attracted scholarly attention ever since.[567] Earlier research such as by Jeremy Carrette has argued that the theme of religion in Foucault is a 'sub-text' that needs to be 'rescued'

[565] Foucault, *Surveiller et punir*, p. 12 (Pléiade, p. 266).
[566] Foucault, *Surveiller et punir*, p. 345 (Pléiade, p. 597).
[567] See for example, Phillippe Chevalier, *Foucault et le christianisme* (Lyon: ENS Éditions, 2011), Jonathan Tran, *Foucault and Theology* (New York: Bloomsbury, 2011), Mark D. Jordan, *Convulsing Bodies. Religion and Resistance in Foucault* (Stanford: Stanford University Press, 2014), Niki Kasumi Clements, 'Foucault's Christianities', *Journal of the American Academy of Religion* 89(1) (2021), pp. 1-40.

because Foucault's presentation lacks detailed differentiation and precision, e.g., concerning the mixing of Catholic and Protestant practices or the argument that the soul is a theological illusion.[568] Recognising that much has been done to engage scholars in a discussion of Christianity in Foucault since the 2000s, the works by Carrette, who was amongst the first scholars working on this question, are nonetheless useful as a starting point to discuss the role of language and translation.

Even if Foucault affirms both a direct and indirect link between religious practices and discipline, one element is especially important: the monastic cell and solitary confinement as a punishment. Carrette notes that '[Foucault] reads monasticism in the restricted terms of architectural space',[569] by which he critiques Foucault for seemingly neglecting the way in which belief shapes the body, too:

> Foucault's dilemma in DP is whether the analysis of the body stops at a description of the location of the body in the religious space (sociology/practice) or whether one examines the religious rationale behind the time-space location of the body (theology/belief).[570]

Foucault clearly states, at the beginning of *Surveiller et punir,* that the prisoners' revolts during the early 1970s opposed material things: 'Ce qui a porté ces discours et ces révoltes, ces souvenirs et ces invectives, ce sont bien ces petites, ces infimes matérialités.'[571] What is denounced is the medical and psychological treatment in prison and professionalising re-training as a way of re-socialisation, but also importantly the spaces in which prisoners are held and in which these measures take place. In this sense, it does not really seem as if Foucault deals with a dilemma here for he does not set out to write a historical analysis of theological beliefs in the development of penal practice and power. Clearly, the monastic cell refers primarily to an architectural construction. This is indeed important because Foucault here examines Bentham's enthusiasm for exercising power over the mind 'all by a simple idea in architecture'.[572] Considering the idea of the cell in architectural terms therefore is not a restriction, but precisely the point. As Bentham's inspection principle is praised for being applicable to a variety of institutions, it especially serves philosophical inquiries within the field of 'metaphysics: a science which, now for the first time, may be put to the test of experiment'.[573] Foucault paraphrases Bentham's

[568] Carrette, *Foucault and Religion*, p. 3.
[569] Carrette, *Foucault and Religion*, p. 119.
[570] Carrette, *Foucault and Religion*, p. 111.
[571] Foucault, *Surveiller et punir*, p. 39.
[572] Bentham, 'Letter XXI. Schools', *The Panopticon Writings*, p. 95
[573] Bentham, 'Letter XXI. Schools.', *The Panopticon Writings,* p. 91.

outline in *Surveiller et punir,* though there is more to say on the link between the utilitarian conceptualisation of space as it engages with religion.[574] The idea of bringing up members of two opposing schools of thought in complete isolation from each other and the outside world in a panoptic building for the purpose of creating an encounter after about twenty years is described by Bentham as 'good sport', i.e., a form of entertainment.[575] Bentham then suspects that this purpose ought better not be mentioned to 'sects and religions, […] for of these, how few are there but would be ready to pull us to pieces, if they saw their rivals set down upon the same line, as candidates for the same advantage?'[576] In other words, Bentham knows his idea will be dismissed by churchmen as morally reprehensible as it challenges the belief that spatial and spiritual solitude leads to one and the same sense of salvation and enlightenment. The point is that for Bentham, the value that religion attributes to solitude remains, however the power of panoptic architecture lies in the way in which it can gain control over solitude (in the sense of spatial isolation but also in the sense of emotional loneliness). In short, solitude is transformed into a governmental instrument. Conceived in this sense, it opposes the religious practice of spatial and spiritual isolation for it *must* not be an activity in which the mind meditatively learns to control the body and its senses because this process can be controlled by the architectural design of the inspection principle. When panoptic and monastic understandings of space meet, the utilitarian conception attaches little value to the universal claims of religion(s) as it emphasises the panopticon as a scientific, economically, and morally effective instrument of government.

Another important reason to insist on the place of religion in Foucault's analysis is that he stands out against Georg Rusche and Otto Kirchheimer who in their study *Punishment and Social Structure,* which Foucault refers to as a 'grand livre' at the beginning of *Surveiller et punir*,[577] note by using the example of French *Hôpitaux généraux,* that whilst their management fused religious practices and economic interests, economic viability always prevailed:

> Despite the differences of creed between Amsterdam and Germany on the one hand, and the France of Louis XIII and Louis XIV on the other, the use of religion as a means of inculcating discipline and hard labour was an essential feature of these institutions everywhere. … The fact that the productivity of labour was a primary consideration becomes still clearer when

[574] Foucault, *Surveiller et punir*, p. 238 (Pléiade, pp. 485-486).
[575] Bentham, 'Letter XXI. Schools.', *The Panopticon Writings,* p. 92.
[576] Bentham, 'Letter XXI. Schools.', *The Panopticon Writings,* p. 92.
[577] Foucault, *Surveiller et punir*, p. 32 (Pléiade, p. 285).

> we learn that religious duties had to give way whenever they threatened to reduce efficiency. If mass coincided with the early hour fixed of beginning of work, it was celebrated still earlier and the catechism was omitted.[578]

Upon mentioning their book, Foucault does not comment on the role of religion in Rusche and Kirchheimer. He rather highlights their argument that any penal justice system is to be considered directly in its relation to the system of production of the time, that it is not designed to merely suppress criminality, that the sanction is not its exclusive function and, importantly, that its workings have positive and useful effects for the exercise of a particular kind of power. Then, Rusche and Kirchheimer also argue in a chapter entitled 'The Failure of Solitary Confinement' that, as it was inspired by monastic practice as a form of moral reflection on one's deeds in a closed space, 'one can readily understand why most administrators responsible for criminal justice thought it absurd to keep prisoners in solitary confinement and thus to allow their labour to go unused'.[579] With the argument of this failure, the relevance of religion becomes secondary for Rusche and Kirchheimer as the emphasis on economics and labour is reinforced. In contrast, Foucault further elaborates on the role of solitary confinement – for he by no means presents it as a failure, nor does he dismiss altogether the role of penal labour and the prison as part of the economic system – and insists that the monastic cell as it came to influence disciplinary practices had another significant function outside of the realm of economics: it helped change the scale at which disciplinary power could seize the body and mind, to the point of controlling consciousness. Foucault gives the example of the Catholic doctrine developed by the seventeenth-century priest Jean-Baptiste de la Salle (1651-1719) in his *Traité sur les obligations des frères des écoles chrétiennes*. His religious pedagogy made it its mission to educate children to aid religious salvation though importantly to enable social and economic advancements through education. Foucault explains that an important element of this pedagogy involves the concept of 'détail':

> Dans cette grande tradition de l'éminence du détail viendront se loger, sans difficulté, toutes les méticulosités de l'éducation chrétienne, de la pédagogie scolaire ou militaire, de toutes les formes finalement de dressage. Pour l'homme discipliné, comme pour le vrai croyant, nul détail n'est indifférent, mais moins par le sens qui s'y cache que par la prise qu'y trouve le pouvoir qui veut le saisir.[580]

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[578] Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939), pp. 45-46, reference to a footnote on p. 221: Barthès 'L'organisation des maisons centrales savant 1830' in *Revue pénitentiaire* XXX (1906), p. 817.
[579] Rusche and Kirchheimer, *Punishment and Social Structure,* p. 129.
[580] Foucault, *Surveiller et punir*, p. 164 (Pléiade, p. 404).

The role of detail is so important for Foucault that he calls for the study of 'une Histoire du Détail', with capitalised nouns, beginning 'au XVIIIe siècle, placée sous le signe de Jean-Baptiste de la Salle, frôlant Leibniz et Buffon, passant par Frédéric II, traversant la pédagogie, la médecine, la tactique militaire, et l'économie…'.[581] For Foucault, the power of detail is all-encompassing for it can only work if it seizes *everything* as this becomes,

…la mise sous contrôle des moindres **parcelles** de la vie et du corps…[582]	…the supervision of the smallest **fragments** of life and the body…[583]	…die Kontrolle über die kleinsten **Parzellen** des Lebens und des Körpers…[584]

If Foucault defines *quadrillage* as the action of dividing up a territory or other space and of placing bodies within it, he now arguably joins the biological and psychological dimension to the phrase 'parcelles de la vie et du corps'. In this sense, it is no longer a question of territorial 'sections', as had translated Sheridan, but indeed of 'fragments', that can include material and non-material things. Seitter sticks with 'Parzelle', however this misses the argumentative expansion Foucault undertakes here. Placing the individual in a prison or monastic cell allows them to take hold of both their body and their life with its physical corporeality and personal intimacy, and to represent the body as 'Leib'.

To achieve this control, the monastic cell demarcates the space whilst the imperative of detail defines the level(s) and elements that are controlled. In this sense, *la cellule* and *le détail* are linked in Foucault insofar as he presents them as sharing a concern for space. These two French nouns do not problematise translation: 'the cell' and 'die Zelle' as well as 'the detail' and 'das Detail' translate easily as they all maintain the reference to religion and the prison. Though as Foucault goes on to tie all aspects of his analysis together, he argues that this new ordering of disciplinary space comes to inform what he terms:

…la base pour une microphysique d'un pouvoir qu'on pourrait appeler **'cellulaire'.**[585]	…the base for a micro-physics of what might be called **'cellular'** power.[586]	… die Basis für eine Mikrophysik der Macht, die man **'zellenförmig'** nennen könnte.[587]

[581] Foucault, *Surveiller et punir*, p. 165 (Pléiade, p. 405).
[582] Foucault, *Surveiller et punir*, p. 165 (Pléiade, p. 405).
[583] Foucault, *Discipline and Punish*, 140.
[584] Foucault, *Überwachen und Strafen*, p. 180.
[585] Foucault, *Surveiller et punir*, p. 175 (Pléiade, p. 419).
[586] Foucault, *Discipline and Punish*, p. 149.
[587] Foucault, *Überwachen und Strafen*, p. 191.

The adjective *cellulaire* is important because it qualifies the kind of power Foucault outlines, but the use of it is also significant for the translator to consider. In French, as the TLFi notes, *cellulaire* does firstly evoke the fields of *l'habitat* both for humans and animals (giving the example of *complexes cellulaires* in a beehive) before its meaning in biology as referring to *la cellule* as *élément biologique fondamental*. While Sheridan here translates literally to 'cellular', the OED notes that this is used firstly in the areas of anatomy, physiology, and botany before referring to cellular buildings such as monasteries or prisons. Although being a cognate, the English places a different emphasis compared to the French insofar as *cellulaire* firstly implies a spatial arrangement. To translate *cellulaire* into German, the translator comes across three adjectives of which the choice may be obvious in this case, though it is precisely because the other two are misleading that they are noteworthy here: 'zellig', 'zellulär', and 'zellenförmig'. A literal translation *cellulaire*-zellulär is quite simply wrong in this case as 'zellulär', but also 'zellig', is exclusively used within the field of biological sciences as it refers to living organisms made up of cells. Clearly, Foucault here speaks of a space that has, precisely, the form/shape/outline of a cell (as the German has it, 'zellen*förmig*'). The fact that the words *la cellule* and *cellulaire* belong to the field of biology though could, in this case especially, reinforce Foucault's insistence of the role of detail as *la surveillance panoptique* is designed to control every movement, sensation and thought, down to the smallest detail, and Sheridan's literal translation can thus be considered quite deserving. However, Seitter's translation does not allow for this expansion.

There is another way in which Seitter's translation connects Foucault's analysis of disciplinary space much more directly to religion. Foucault begins a subsection on 'L'art des répartitions' in the chapter 'Les corps dociles' as follows:

1. La discipline parfois exige **la *clôture***, la spécification d'un lieu hétérogène à tous les autres et fermé sur lui-même. Lieu protégé de la monotonie disciplinaire.	1. Discipline sometimes requires ***enclosure***, the specification of a place heterogenous to all others and closed upon itself. It is the protected place of disciplinary monotony.	1. Bisweilen erfordert die Disziplin **die *Klausur***, die bauliche Abschließung eines Ortes von allen anderen Orten. Die Stätte der Disziplinar-Monotonie wird behütet.
[…]	[…]	[…]
2. Mais le principe de **'clôture'** n'est ni constant, ni indispensable, ni suffisant dans les appareils disciplinaires. Ceux-ci	2. But the principle of **'enclosure'** is neither constant, nor indispensable, nor sufficient in disciplinary	2. Aber das Prinzip der **'Klausur'** ist in den Disziplinarapparaten weder durchgängig noch unverzichtbar noch

travaillent l'espace d'une manière beaucoup plus souple et fine.[588]	machinery. This machinery works space in a much more flexible and detailed way.[589]	hinreichend. Diese bearbeiten nämlich den Raum noch viel feiner und geschmeidiger.[590]

For Foucault, *clôture* is a general concept, or principle, as it is applicable to *collèges* (both in the sense of schools and monasteries)*, casernes* and *de grands espaces manufacturiers.*[591] Delimiting a space for the purpose of education, economic production or military training is to *fixer,* i.e., to assign and place permanently both activities and individuals to a specific space. The TLFi notes that *clôture* is firstly used within architecture, but it can also refer to an administrative procedure or state (*clôture d'un compte* or *être en clôture*) or indeed to religious practices of isolation in a monastery. The TLFi also indicates that the etymology of *clôture* goes back to the Latin 'closture' which means *enceinte* (enclosure, surrounding walls)*,* and more specifically *enceinte d'un monastère.* Relatedly, the French *cloître* as *la partie d'une maison religieuse séparée par une clôture du reste du bâtiment et qui est interdite aux laïcs* (TLFi) share similarities with the English and German 'cloister' and 'Kloster'. Modern uses of the word *clôture* and its translations have however expanded. And Foucault's argument does not exclusively address the monastic cell, but also highlights the (independent, as he emphasises) developments of spatial arrangements in schools, the army, and factories. Nonetheless, Seitter here translates 'Klausur', which designates three things: (1) the state of being isolated from others (e.g., 'jemandem eine Klausur auferlegen' means to impose isolation upon someone, or 'in Klausur verhandeln' means to negotiate a matter in a closed session), (2) the enclosed space in a monastery and (3) a scholarly/scientific piece of work, written mostly under supervision; a written examination ('Klausurarbeit'). The third meaning prevails in schools (however only in sixth forms) and universities. The German 'Klausur' thus highlights much more the aspects of separation, isolation, and religious meditation, which again stands in contrast to the context of architecture that is central in this part 'Discipline'. Sheridan's 'enclosure' here is much more to the point as it refers to the act of closing off a space, such as land, as well as the state of being closed off such as in a monastery (OED).

Translating *clôture* thus problematises the way in which Foucault understood the relationship between space, religion, and thought because even if he gives several practical

[588] Foucault, *Surveiller et punir,* pp. 166-167 (Pléiade, pp. 406, 409).
[589] Foucault, *Discipline and Punish,* pp. 141, 143.
[590] Foucault, *Überwachen und Strafen,* pp. 181, 183.
[591] Foucault, *Surveiller et punir*, p. 167 (Pléiade, p. 409).

examples of spatial arrangements throughout the book, it is important to understand that, as he quotes Abel Blouet's *Projet de prisons cellulaires* from 1843, 'à Cherry Hill, "les murs sont la punition du crime; la cellule met le détenu en presence de lui-même; il est forcé d'entendre sa conscience."'[592] The prison cell effectively instrumentalises solitude as a place for self-judgement that makes the turning inward to one's self and one's actions an almost unbearable experience, and therefore punishment. As such, solitary confinement is a power tactics aiming to obtain subjection and to control the individual's behaviour. Foucault seems to know about the radical nature of this account because it appears to entirely reverse the benefits of religious meditation into some sort of abusive domination of every thought and feeling. Were this form of *surveillance* be applied as such, a regime of *malveillance* would result from it:

Ruses, moins de la grande raison qui travaille jusque dans son sommeil et donne du sens à l'insignifiant, que de l'attentive **'malveillance'** qui fait son grain de tout. La discipline est une anatomie politique du détail.[593]	They are the acts of cunning, not so much of the greater reason that works even in its sleep and gives meaning to the insignificant, as of the attentive **'malevolence'** that turns everything to account. Discipline is a political anatomy of detail.[594]	Es handelt sich nicht um die List der großen Vernunft, die noch in ihrem Schlaf am Werk ist und dem Unbedeutenden einen Sinn gibt, sondern um die Listen der aufmerksamen **'Böswilligkeit'**, die alle Wässerchen auf ihre Mühlen leitet. Die Disziplin ist eine politische Anatomie des Details.[595]

The measuring and rationalisation of detail within a disciplinary space can develop into an ill-natured process of *surveillance*. Foucault does not use the word *malveillance* more than twice in the book, though it is noteworthy to show how in French he can play on *surveillance* and *malveillance*. These two words are no immediate antonyms for *malveillance* is the opposite to *bienveillance,* and it primarily refers to a *disposition d'esprit à l'égard de quelqu'un, qui conduit à le juger défavorablement, à lui vouloir du mal,* and may also be a *propos désobligeant, blessant, tenue contre quelqu'un,* to the point of possibly being interpreted as a criminal offence (TFLi). Sheridan's translation 'malevolence' has the benefit of sharing the same etymology of *malveillance,* and Seitter's 'Böswilligkeit' (literally 'ill will') emphasises the crucial point in the TFLi's definition showing that it involves *la volonté* or *l'intention* to inflict suffering

[592] Foucault, *Surveiller et punir*, p. 277 (Pléiade, p. 512).
[593] Foucault, *Surveiller et punir*, p. 163 (Pléiade, p. 403).
[594] Foucault, *Discipline and Punish*, p. 139.
[595] Foucault, *Überwachen und Strafen*, p. 178.

upon someone. Naturally though, neither the English nor the German language can reproduce the close semantic relationship that Foucault suggests by problematising *surveillance* as carrying the danger of turning into *malveillance*. The above reference also arguably contains a direct reference to Nietzsche's *Zarathustra* in which he writes about the great and little reason ('die große und kleine Vernunft') as I have discussed in Chapter 2. The body ('Leib') is the great reason whilst the spirit/mind ('Geist') is the little reason, a division by which Nietzsche denounces any moral framework, including religious, that intends to appropriate the body's will and desires (p. 112). Here, Foucault suggests that the control over every detail of the body is not something that happens naturally – for the body cannot outwit itself, as it were, endorsing Nietzsche's standpoint – but instead a product of reason and rationality. In short, living in *la société de surveillance* means that the body is understood primarily as a living organism that can be controlled mechanically.

The link to religious practices is clearly present and it can even be argued that at least in the French original, this cannot be considered a 'sub-text' following Carrette. Nonetheless, Foucault tends to brush over many different aspects, generalising these under the sign of 'religion', which arguably makes it difficult to decide at times how to best translate. Despite this, religious spaces as they contributed to the spread of discipline following Foucault matter because the value that was assigned to states of isolation and meditation lend themselves well to a rational translation into an instrument of power as the individual learns how to watch themselves and others. As much as Foucault denounces the material struggles – often exemplified in terms of 'the prison walls' – that inmates in modern prisons rebel against, linking religion and discipline shows how a simple idea in architecture, following Bentham, offers much more extensive possibilities of controlling the inner life of inmates. It is important to highlight this in translation to show that Foucault's vocabulary, such as in the words *la clôture* and *la cellule,* entails a problematisation of religion. This also deserves further study to trace the historical development of secularisation and how this is reflected in different languages.

Conclusion

Foucault's Theatres of Punishment

Translating Michel Foucault's *Surveiller et punir* into English and German is a challenging enterprise because Foucault discusses his conception of disciplinary power, or *pouvoir,* in close connection to important theoretical and material elements such as the human body and the institution of the prison. But these elements are also intimately linked to the ideas and experiences that influenced Foucault. Even if Foucault wished to maintain a distance between his personal life, political involvement, intellectual presence and work, one can nonetheless get a rather clear – and perhaps even unambiguous, despite all his efforts – idea about Foucault's philosophical convictions and political values. As I noted in the Introduction, Beer suggested in quite a diplomatic manner that 'Foucault's twin desires for anonymity and recognition complement one another in his argument […]'.[596] Whilst this reads more like the observation of a lucky coincidence or skilful self-performance on the part of Foucault, Beer's comment must be emphasised because it is vital for the work of translation.

This thesis has shown that spectacular punishments such as Damiens' *supplice* are strictly speaking not the display of torture, but the production of a truth. The violence that is inflicted upon the body of the condemned man causes pain, which takes on an essential function in the exercise of punishment for pain is punishment (*la peine*). The homonym *peine,* meaning both 'pain' and 'punishment', is an important characteristic that will change, according to Foucault, with the rise of disciplinary mechanisms. The brutal drawing and quartering of Damiens already evokes the human body as the target of the destructive power of the king. A closer inspection of *le corps* in translation has suggested that Foucault's conceptualisation of the body as it comes to be caught up in disciplinary mechanisms goes back to the Nietzschean idea of the body as a defining element of philosophy designed to resist coercive forms of rationalisation and mechanisation, which the German thinker signifies with 'Leib'. Nietzsche has also been important to draw on in order to argue that Foucault is not, at least principally, a thinker of violence: the

[596] Beer, *Michel Foucault. Form and Power,* p. 7.

Foucauldian concept of *pouvoir* must be situated within the realm of possibility, potential, and capacity instead of being theorised alongside questions of violence. Then, the emergence of *la surveillance* resulted from the development of a particular kind of *pouvoir,* and Foucault highlights the importance of the power of the gaze. Crucial for the supervision of one's own actions and those of others within a particular political system, *la surveillance* relies not only on the strategic placement of perspectives but also on spatial arrangements that allow for a multitude of viewpoints from which power operates. Finally, *la surveillance* belongs to a culturally specific context, namely France, especially with regard to the experience of state schooling, which in Foucault's argument resembles the prison.

I thus have discussed several more abstract concepts, which relate to the categories of power, space, and religion. In particular, these are *le supplice, la peine, la punition, le corps, le pouvoir, la violence, l'investissement, la surveillance, le regard, le quadrillage, la cellule,* and *la clôture.* Whether they are objects, practices, or ideas, Foucault analyses the strategic functions that these elements had historically, beginning in the second half of the eighteenth century up to the mid-nineteenth century and with some reference to the events of modern-day France and the world, such as the prison revolts or, as I have argued, even the Algerian War. Comparing the translations with the original has revealed, most importantly, that the French words Foucault uses imply a particular perspective on these elements, which in turn uncovers specific conceptual networks. This complicates translation, and it shows that it does not suffice to read such an influential thinker in translation only. This thesis aimed to make a significant contribution to the kind of translational analysis that appears to be most useful to apply to such influential works as Foucault's *Surveiller et punir.*

In writing *Surveiller et punir,* Foucault drew on different authors, either explicitly by reference or implicitly by intellectual context, tradition, or training, and this arguably defines the author's approach to the book's theme. What is the author's topic and method? Where are they to be placed in the network of ideas and debates, both historical and contemporary? Who has influenced their thinking? These questions, as they have guided me in each chapter, have shown that the English and German translations by Alan Sheridan and Walter Seitter do indeed differ from each other and from the French original text in significant ways.

Foucault's *Surveiller et punir* opens with the detailed account from the official trial documents about the regicide Robert-François Damiens who was publicly executed on 2

March 1757 on Place de Grève in Paris. The very first word of Foucault's book referring to a specific way of being put to death in pre-revolutionary France, *supplice,* has also posed my first translation problem. Chapter 2, '*Supplice:* Punishment, Spectacle, and Torture' demonstrated that, for the translator, the categories of style and concepts cannot be separated. With the word *supplice,* Foucault makes a thematic contribution to the function of pain in punishment and of violence in its display. Furthermore, *le supplice* is not limited to its purpose of spectacle for the word *éclat* problematises the production of truth as embedded in the public execution. The dramatization of Damiens' *supplice* at the beginning of the book therefore is not merely provocative because it projects images of brutal violence, but because it introduces the important aspects of measure and visibility that change with the development of discipline. The words that I have explored in this chapter – *le supplice, la peine, la punition, l'éclat* – could form the basis for a translational history of pain: with *peine* and 'pain', English and French are evidently etymologically close, whereas in German one usually uses the word 'Schmerz' (also *la douleur*). But there is also the German adjective 'peinlich' that has an archaic meaning of 'painful', yet in everyday language it refers to the feelings of shame and embarrassment. The phenomenon of pain therefore brings together different words referring to experiences of bodily pain, punishment, but also sorrow, humiliation and the sense of being degraded in public.

Foucault's thought rests upon intellectual influences. Chapter 3, '(Un)Translating the Body', advanced an argument about the influence of Nietzsche on Foucault's theory of the body, showing the complex entanglements of conceptual networks as they become important in translation. Nietzsche used the German word 'Leib' to signify the body and to write his critique of classical, and especially, rationalistic philosophy. I have argued that the features of this Nietzschean 'Leib' shine through Foucault's analyses in *Surveiller et punir.* In everyday language, the German word 'Leib' is tied to fixed expressions, but the term also appears in German-language philosophy, for example in phenomenology and above all in Nietzsche's works. The chapter thus illustrated the conflict, becoming apparent in the work of translation, between the discursive level at which the concept of the body is discussed across languages and the textual levels, at which the translator operates and must decide on which words to employ. This divide opens to important questions. Should the German translation of *Surveiller et punir* render *le corps* more frequently as 'Leib' instead of the commonly used 'Körper', in order to make the Nietzschean connection more obvious? And how can this Nietzschean influence be made

apparent in the original in French, in which Foucault primarily uses *le corps,* but also comes to write about *la chair* (meaning 'body', but also more specifically 'flesh') in later works, especially in the four volumes of *The History of Sexuality*? Evidently, Seitter made the decision, particularly for *Surveiller et punir,* not to differentiate between 'Leib' and 'Körper' and only to translate 'Leib' whenever he could employ a fixed expression in German. However, this decision can be challenged because Nietzsche's 'Leib' thereby gets lost in translation. This choice denies the potential for a philosophical discussion of the merits of the uses of the word 'Leib' in Nietzsche's works and especially in different languages. From this perspective, I subscribe to Deleuze and Guattari's statement that philosophy continues to live off the creation of concepts. Furthermore, if Derrida observed that 'la survivance' of works and ideas can be guaranteed by way of translation, keeping the vocabulary of these influential philosophers alive is, quite literally, vital. In any case, the (non)translation of concepts does ask on what grounds do translators decide that an idea does (no longer) constitute a specific concept, 'signed' by a particular author, but merely is a word that can easily be substituted for a synonym.

Even if Foucault constructs his account in *Surveiller et punir* with many violent images, he is not fundamentally a theorist of violence. Foucault's concept of *pouvoir* leaves aside concerns of the legitimisation or consequences of violence and instead emphasises the production of a behaviour. A comparison with the German thinkers Nietzsche and Kant has shown that Foucault develops his theory of *pouvoir* alongside their ideas on (self)governance and mastery, and furthermore the development of capabilities, as the French verb *pouvoir* ('to be able to', 'can') underlines. Kant's concept of 'sich in seiner Gewalt haben', that Foucault translates for example with *avoir sous son contrôle* or *avoir en son pouvoir,* has illustrated this especially well. It remains to be analysed in further depth to what extent Foucault's activity as a translator of Kant, amongst others, has influenced his own thinking. Moreover, in the context of influences from other fields, Foucault's work and interest in psychology, psychoanalysis, and psychopathology is well known. The phrase 'investissement politique du corps' poses the question of the extent to which this influence is implied in the French term: *investissement* is also the French translation of the Freudian concept of 'Besetzung' or 'Objektbesetzung'. In turn, these concepts by Freud have been translated into English, using an invented term 'cathexis'. Sheridan does not translate *investissement* with this foreignized English term, and Seitter only sometimes uses 'Besetzung'. However, since the term 'Besetzung' both is a widely used term in the German language outside of any more scientific or medical uses as well as denoting this

Freudian concept, this raises the question of 'the degree of influence'. Translational strategies may be chosen based on considerations of general readability and apparent references to a particular work or philosophy. The relationship between the technical languages that authors develop and the uses of words in everyday language problematises linguistic idiosyncrasies and the extent to which they are needed to illustrate an argument, or indeed sign a concept.

To insist on this dimension of *pouvoir,* it is important to dismiss erroneous interpretations. I can illustrate this with one example from German academia, where *Surveiller et punir* in translation can lead to misreadings. In his book *Räume der Gewalt* (*Spaces of Violence,* 2018), the German historian Jörg Baberowski presents a rather controversial manifesto on violence ('Gewalt'), fuelled by a critique of Foucault.[597] Inferring from Foucault's presentation that power has since the eighteenth century been redistributed instead of theoretically renewed, he argues that there can be no 'structural' (and by that Baberowski means invisible, and possibly unconscious) violence because in order to experience violence there must be physical pain and harm. Baberowski is critical of Foucault's (supposed) analysis of violence in *Surveiller et punir.* He disagrees with Foucault's argument that modern disciplinary power passes through bodies, turning Foucault's analysis on its head by understanding the institutionalisation of policing authorities as proof for the need to constrain people from becoming violent towards each other:

> Do they really have the feeling, as Foucault says, that power passes through them? The opposite seems to be the case. For why are there public authorities of surveillance, police, and secret services if everyone does what is expected of them? Trust in people to 'train themselves' [sich selbst abrichten] evidently is low.[598]

In Baberowski's model, violence is necessary and vital to govern people. From this perspective, violence and political power are always conjoined because violence is a

[597] Jörg Baberowski, *Räume der Gewalt* (Frankfurt am Main: Fischer Verlag, 2018). It must be added that Baberowski, a specialist of Eastern European History based at the Humboldt University Berlin, remains a very controversial figure. He is said to hold far right opinions and to trivialise violence, especially in its application to refugees. In recent years, he got involved in serious conflict, especially with students of the association *International Youth and Students for Social Equality* (IYSSE), when he tore down flyers on campus and threated the student filming this action with violence: https://www.wsws.org/en/articles/2020/02/05/babe-f05.html [accessed 21-06-2021]. Furthermore, Baberowski's initiative to found a Centre for Research on Dictatorship (Zentrum für Diktaturforschung) at the Humboldt University was blocked last year, following protests by left-wing student groups. See this article of a Berlin newspaper for a summary: https://www.tagesspiegel.de/wissen/historiker-erhebt-schwere-vorwuerfe-joerg-baberowski-legt-sich-mit-humboldt-uni-an/24943774.html [accessed 21-06-2021].

[598] Baberowski, *Räume der Gewalt,* p. 69, my translation.

legitimate, state force. This thesis has shown that Baberowski's misunderstanding of Foucault can be explained from a translational perspective because Seitter's translation more often translates *pouvoir* as 'Gewalt' (both meaning political power and violence) instead of the more general word 'Macht'. A translational analysis of the word *pouvoir* therefore was needed to show that Foucault's theory of power cannot be reduced to violence. From this perspective, I want to suggest that *pouvoir* following Foucault ought to be considered an Untranslatable following Cassin. Such a viewpoint is indeed beneficial because it classifies the concept as one that perpetually requires attention by readers, scholars, and translators. *Pouvoir* furthermore is an Untranslatable because it must firmly be tied to the author Foucault, who developed his theory in a specific historical, cultural, linguistic, and intellectual context, which does not easily translate.

If *pouvoir* denotes the overarching problem Foucault goes after in his works, *la surveillance* offers more precision in terms of the (non-violent) mechanisms of control that he takes issue with in *Surveiller et punir*. In Chapter 5, 'Space, Gaze, and *la surveillance',* I examined the word *la surveillance* in translation to demonstrate the extent to which it relates to different semantic fields in French than it does in English and German. By comparing the words 'surveillance' and 'Überwachung', which Sheridan and Seitter use respectively to translate *la surveillance,* to two other possible words 'supervision' and 'Aufsicht'/'Beaufsichtigung', I have shown that mechanisms of *la surveillance* imply a much more subtle coercion than perhaps 'surveillance' and 'Überwachung' at first suggest. It may be that the publication of Foucault's *Surveiller et punir* has accompanied a trend towards the development of surveillance technologies and the corresponding fields in scholarship to discuss these advancements. Yet whilst the book allows for a theoretical engagement with these matters, it does not respond to the question posed in these fields. In the English-speaking context, David Lyon is amongst the leading scholars in the field of surveillance studies. Recognising the impact that Foucault has had since the 1980s, he writes in his monograph *Electronic Eye: The Rise of Surveillance Society* (1994):

> One of the oddest things about Foucault is his silence about that acme of rational classification, the computer. Surely, if anything accelerates the process of monitoring the routines of everyday and producing people as objects it is the computer! But the task of applying Foucault's analysis to the social role of information technology – and quite an array of plausible interpretation is available! – has been left to others. The apparent relevance

> of Foucault's analysis may be obvious, but the way that some of the connections have been made actually arouse further controversy.[599]

Lyon's astonishment must surprise because there is a conceptual, historical, and even cultural difference between what Foucault theorises under the term *la surveillance* and what English speakers associate with the English word 'surveillance'. Most centrally, this concerns the role of computational technology and devices that are readily suggested by the English 'surveillance', yet that remain absent from Foucault's idea of *surveillance*. The chapter therefore posed again the question of the 'technical language', which authors develop. By means of exploring *la surveillance* by Foucault, two understandings of technical languages can be identified. First, using a technical language may imply the reference to a vocabulary that is already existing, such as perhaps computer technologies or other engineered devices or machinery for the purpose of 'surveillance'. This is precisely where Foucault's *surveillance* and the English 'surveillance' do not correspond to each other. Secondly, Foucault's *surveillance* corresponds to a technical language inasmuch as it characterises his argument and differentiates it from others, as I have for example shown by comparison with Sartre's *regard*. These differences in technical languages and the ways in which they construct the text matter for translational considerations such as the readability and accessibility of the works.

This thesis further contributes to the study of translation with a particular presentational layout. To ease a comparative reading on one page, I have worked with three-columns tables to discuss the selected passages. Such an approach is not uncommon to facilitate the study of texts in their original language and these methodological elements may lend themselves well to generalisability, especially perhaps for other works by Foucault. Aside from that, bilingual editions of works of course exist: in the English-speaking world, for example the University of California Press or the University of Chicago Press publish bilingual editions of poetry and other scholarly works and the editing of bilingual editions for Shakespeare is a well-established tradition; in the French-speaking world, Flammarion publishes bilingual paperback editions destined for pupils and students; in the German-speaking world, the publisher Reclam is well known for producing affordable paperback bilingual editions of a variety of fields and authors. The approach chosen for this thesis, however, goes beyond the bilingual aspect because it involves a trilingual dimension. As I noted in the Introduction, Derrida writes:

[599] David Lyon, *Electronic Eye: The Rise of Surveillance Society* (Cambridge: Polity Press, 1994), p. 8.

> Notons une des limites des théories de la traduction: elles traitent trop souvent des passages d'une langue à l'autre et ne considèrent pas assez la possibilité pour les langues d'être impliquées *à plus de deux* dans un texte. Comment traduire un texte écrit en plusieurs langues à la fois ? Comment 'rendre' l'effet de pluralité? Et si l'on traduit par plusieurs langues à la fois, appellera-t-on cela traduire?[600]

This thesis has shown the implicit plurality of a text, beyond the bilingual feature of translation. Regarding Foucault's *Surveiller et punir,* this could be demonstrated by drawing from the English and German languages and these languages are especially important because they have considerably influenced the development of Western philosophy. If we subscribe to this importance, as theorised by Derrida but also Cassin, of transporting the study of translation into a multilingual realm, this poses the question of the selection of languages under consideration in any given project. As a matter of course, comparing Foucault's *Surveiller et punir* with the English and German was partly determined by institutional and biographical considerations, but this selection also has its merits in the importance of the languages in Foucault's works. It seems to me, then, that this thesis has attempted to answer Derrida's question of 'comment "rendre" l'effet de pluralité?' inasmuch as the approach to this project is concerned. If the plurality of languages cannot easily be represented in a translation, this thesis has offered a critical discussion of those translation choices that are complicated by a multilingual approach, revealing the many ways in which the translations differ from the original text and offering a visual representation of this multilingualism present in any given text and alongside its translations. If the Untranslatable encourages a good practice that is an ever-ongoing undertaking as have proposed Derrida and Benjamin, translating becomes key to philosophy and writing for translation is a continuance never a finality. It is therefore not the discovery (or construction) of a linguistic systematicity ('une "ontologie"?', asks Cassin[601]) but it rather calls for the need to study *au cas par cas.* The point of comparing translations in this particular case is to illustrate how and why they differ, from the original and from one another,

> permettant de montrer en quoi les réseaux terminologiques sont, et en quoi ils ne sont pas, superposable d'une langue à l'autre, et même d'une œuvre à l'autre au sein d'une même langue (époque, genre, *auteur*, style); en quoi, de manière analogue, les syntaxes sont, et en quoi elles ne sont pas superposables.[602]

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[600] Jacques Derrida, 'Des Tours de Babel', in *Psyché. Inventions de l'autre* (Paris: Galilée, 1987), pp. 207-208, original emphases.
[601] Cassin, *Éloge de la traduction,* p. 139.
[602] Cassin, *Éloge de la traduction,* p. 140, emphasis added.

Cassin notes this point when discussing the issues of machine translation, in which she describes the attempts to gather and systematise data as an illusion to seize language in its entirety in order to uncover all languages' ultimate signification. She furthermore writes:

> Traiter le cas par cas, c'est 'déquantifier' le cas, ou le 'requalifier', par une analyse du symptôme: une 'analyse', vraiment une analyse, temporalisée, qui s'éloigne de la pratique du DSM [Diagnostic and Statistical Manual], liée au traitement automatique des malades comme la pratique du TAO [traduction assistée par ordinateur] au traitement automatique des traductions. Les intraduisibles sont des *symptômes* de différence entre les langues: cette définition est à prendre avec le plus grand sérieux et au pied de la lettre. D'un nuage d'homonymes à une nuage d'homonymes, la traduction est une clinique du cas.[603]

Cassin's statement is forthright, and it is useful to situate this within the context of her adherence to the movement 'Appel des appels', initiated by the French psychoanalysts Romain Gori and Stefan Chedri in 2008. This group, aiming to 'remettre l'humain au cœur de la société'[604], tasked itself with campaigning against the ways in which professionals in the fields of health care, secondary and higher education as well as research, law, and culture are made to practice and evaluate their work following economic criteria only. Gori, Chedri and Cassin contest the data-driven handling of human beings, insisting on the need for specialised and individual care and treatment.

Cassin's philosophy of the Untranslatable aligns with these principles and argues against automatised procedures. The possibility to methodologically expand Cassin's approach beyond this thesis and to apply it to other thinkers and their works therefore precisely lies in the possibility of making visible and traceable the *singular* ways – resisting the call for an *overall* generalisable method – in which these thinkers have engaged with preceding and contemporary debates. Accounting for these conceptual and linguistic interactions is possible in the sort of commentary I have proposed. Cassin's Untranslatable may invoke a general consensus insofar as it argues against the homogenisation or systematisation of philosophical discourses in European languages. Moreover, the Untranslatable identifies and exposes the singularity of ideas and languages. As such, it is useful in foregrounding the text, context of – *in this case* – the author Foucault and the conceptual network he constructed. As an approach, the Untranslatable does not *generalise*; instead, it *generally* understands languages as singular logologies, following Cassin, within a plural setting.

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[603] Cassin, *Éloge de la traduction,* p. 144, original emphasis.
[604] *L'Appel des appels,* website, 2011, <http://www.appeldesappels.org/> [accessed 22 March 2022].

To take the discrepancies between translation theory and practice further, a project could be done to investigate the extent to which translators actually work with translation theories or how they themselves theorise their work and approach. This still appears to be a missing link. The current trend of publishing translators' memoirs or reflective essays such as Mireille Gansel's *Traduire comme transhumer* (2014), Kate Briggs' *This Little Art* (2017), or Mark Polizzotti's *Sympathy for the Traitor. A Translation Manifesto* (2018) has already provided a valuable insight into the ways in which translators think about their work and translation in general, putting into question the various methodological lenses through which a translation may be studied by a researcher. Yet further research needs to be done to offer a more useful and text-specific discussion about the various possible choices that the translator considers. The consideration of a variety of different translational possibilities has prompted Cassin to transform the approach to translation into a 'philosophy of the best suited translation':

> Il n'y a pas de point de vue de Dieu pour unifier toutes les perceptions des monades. Pourtant, et c'est là ce que manquent à voir tous nos contemporains qui vilipidient le relativisme, toutes les opinions ne se valent pas. C'est pourquoi il faut, pédagogiquement et politiquement, pour les individus comme pour les cités, rendre capable de préférer la meilleure, à savoir la meilleure pour.[605]

Whilst this philosophical call to remain in the space of uncertainty and perpetual (re)consideration negotiates the dangers of universalism, it may complicate methodologies of detailed text-based analyses by relativising, precisely, real mistakes. This thesis has tried to find a balance between not just theoretically affirming the difference between languages and translations but demonstrating where and how this can be discussed at the level of a chosen text. The study of these influential texts which discuss philosophical and political ideas as well as cultural, social, and economic developments produces a set of multilingual relations, which is essential for the work of translation because it 'marks their [these texts'] stage of continued life'.[606]

[605] Cassin, *Éloge de la traduction*, pp. 158-161.
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