Michel Foucault

Penal Theories and Institutions

Lectures at the Collège de France 1971–1972

Edited by Bernard E. Harcourt
General Editors: François Ewald & Alessandro Fontana
English Series Editor: Arnold I. Davidson
Translated by Graham Burchell

Penal Theories and Institutions

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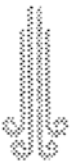
Michel Foucault



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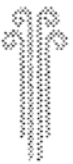
1971-1972



Edited by Bernard E. Harcourt
With:
Elisabetta Basso (transcription of the text)
Claude-Olivier Doron (notes and critical apparatus)
and the assistance of Daniel Defert.

General Editors: François Ewald and Alessandro Fontana

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Foreword

MICHEL FOUCAULT TAUGHT AT the Collège de France from January 1971 until his death in June 1984 (with the exception of 1977 when he took a sabbatical year). The title of his chair was "The History of Systems of Thought".

On the proposal of Jules Vuillemin, the chair was created on November 30, 1969 by the general assembly of the professors of the Collège de France and replaced that of "The History of Philosophical Thought" held by Jean Hyppolite until his death. The same assembly elected Michel Foucault to the new chair on April 12, 1970.[1] He was 43 years old.

Michel Foucault's inaugural lecture was delivered on December 2, 1970.[2]

Teaching at the Collège de France is governed by particular rules. Professors must provide 26 hours of teaching a year (with the possibility of a maximum of half this total being given in the form of seminars[3]). Each year they must present their original research and this obliges them to change the content of their teaching for each course. Courses and seminars are completely open; no enrolment or qualification is required and the professors do not award any qualifications.[4] In the terminology of the Collège de France, the professors do not have students, only auditors.

Michel Foucault's courses were held every Wednesday from January to March. The huge audience made up of students, teachers, researchers

and the curious, including many who came from outside France, required two amphitheaters of the Collège de France. Foucault often complained about the distance between himself and his "public" and of how few exchanges the course made possible.[5] He would have liked a seminar in which real collective work could take place and made a number of attempts to bring this about. In the final years he devoted a long period to answering his auditors' questions at the end of each course.

This is how Gérard Petitjean, a journalist from *Le Nouvel Observateur*, described the atmosphere at Foucault's lectures in 1975:

> When Foucault enters the amphitheater, brisk and dynamic like someone who plunges into the water, he steps over bodies to reach his chair, pushes away the cassette recorders so he can put down his papers, removes his jacket, lights a lamp and sets off at full speed. His voice is strong and effective, amplified by the loudspeakers that are the only concession to modernism in a hall that is barely lit by light spread from stucco bowls. The hall has three hundred places and there are five hundred people packed together, filling the smallest free space ... There is no oratorical effect. It is clear and terribly effective. There is absolutely no concession to improvisation. Foucault has twelve hours each year to explain in a public course the direction taken by his research in the year just ended. So everything is concentrated and he fills the margins like correspondents who have too much to say for the space available to them. At 19.15 Foucault stops. The students rush towards his desk; not to speak to him, but to stop their cassette recorders. There are no questions. In the pushing and shoving Foucault is alone. Foucault remarks: "It should be possible to discuss what I have put forward. Sometimes, when it has not been a good lecture, it would need very little, just one question, to put everything straight. However, this question never comes. The group effect in France makes any genuine discussion impossible. And as there is no feedback, the course is theatricalized. My relationship with the people there is like that of an actor or an acrobat. And when I have finished speaking, a sensation of total solitude ..."[6]

Foucault approached his teaching as a researcher: explorations for a future book as well as the opening up of fields of problematization were formulated as an invitation to possible future researchers. This is why the courses at the Collège de France do not duplicate the published books.

They are not sketches for the books even though both books and courses share certain themes. They have their own status. They arise from a specific discursive regime within the set of Foucault's "philosophical activities." In particular they set out the program for a genealogy of knowledge/power relations, which are the terms in which he thinks of his work from the beginning of the 1970s, as opposed to the program of an archeology of discursive formations that previously orientated his work.[7]

The course also performed a role in contemporary reality. Those who followed his courses were not only held in thrall by the narrative that unfolded week by week and seduced by the rigorous exposition, they also found a perspective on contemporary reality. Michel Foucault's art consisted in using history to cut diagonally through contemporary reality. He could speak of Nietzsche or Aristotle, of expert psychiatric opinion or the Christian pastorate, but those who attended his lectures always took from what he said a perspective on the present and contemporary events. Foucault's specific strength in his courses was the subtle interplay between learned erudition, personal commitment, and work on the event.

*

The text of the course is followed by the summary published by the *Annuaire du Collège de France*. Foucault usually wrote these in June, some time after the end of the course. It was an opportunity for him to pick out retrospectively the intention and objectives of the course. It constitutes the best introduction to the course.

Each volume ends with a "context": It seeks to provide the reader with elements of the biographical, ideological, and political context, situating the course within the published work and providing indications concerning its place within the corpus used in order to facilitate understanding and to avoid misinterpretations that might arise from a neglect of the circumstances in which each course was developed and delivered.

*

No recordings of the lectures Michel Foucault gave for the 1971-1972 course have been found. This edition of *Penal Theories and Institutions* gives the transcript of the notes Foucault used as preserved by Daniel Defert and recently given to the Bibliothèque nationale de France. The principle of the transcription has been the most scrupulous respect for Foucault's notes, reproducing as much as possible the presentation of the

manuscript sheets, with its meaningful layout. We thank Nathalie Mauriac for her advice on the presentation of the course. The precise rules for editing the text are given before the first lecture.

Michel Foucault developed elements of this course on two specific occasions: in a lecture at the University of Minnesota on April 7, 1972 on "Ceremony, Theater, and Politics in the Seventeenth Century", and in a series of lectures at the Pontifical Catholic University of Rio de Janeiro from May 21 to 25, 1973 (published May 1974 in Brazil with the title "*A verdade et as formas juridicas*"). The French translation of *A verdade e as formas juridicas* was published in *Dits et Écrits*, volume II, no. 139 as, "La vérité et les formes juridiques", and an English translation of this was published in *Essential Works of Foucault 1954-1984*, Volume Three, as "Truth and Juridical Forms".

This volume is edited by Bernard E. Harcourt. Elisabetta Basso transcribed the manuscript under the supervision of Alessandro Fontana. The text has been fully checked, corrected, and edited by Daniel Defert and Bernard Harcourt on the basis of the original manuscript notes which are now kept in the Bibiliothèque nationale de France. Claude-Olivier Doron edited the critical apparatus which contains many contextual elements including a note on how Michel Foucault's analysis of the *Nu-pieds* sedition may be situated with regard to the debate between Boris Porchnev and Roland Mousnier (reproduced as an appendix to the "Course context").

*

Those responsible for this edition would like to express their gratitude to Bruno Racine and the team of the manuscript department of the BNF, and in particular to Marie-Odile Germain, General Keeper of the Libraries, responsible for the "Manuscripts modernes et contemporains" collections, for having facilitated their access to the sources in conditions as excellent as those that Daniel Defert had previously provided for them.

The editors also benefited from exchanges with Yves-Marie Bercé, distinguished specialist of French popular movements in the seventeenth century. Albert Riguadière, distinguished historian law in the Middle Ages, who kindly helped us establish the bibliography for the eighth (2 February 1972) and subsequent lectures. Arnaud Teyssier provided us with his knowledge of Richelieu. We have also had enlightening exchanges with Jacques Krynen and Dominique Lecourt. Étienne

Balibar, who read the manuscripts of the lectures, offered us an analysis of the relations between this course, Marxism, and the work of Louis Althusser (also reproduced as an appendix to the "Course context").

This volume brings to a close the publication of Michel Foucault's courses at the Collège de France which began almost 20 years ago with the publication of "*Il faut défendre la société*" by Alessandro Fontana and Mauro Bertani.

*

This edition of the Collège de France courses was authorized by Michel Foucault's heirs who wanted to be able to satisfy the strong demand for their publication, in France as elsewhere, and to do this under indisputably responsible conditions. The editors have tried to be equal to the degree of confidence placed in them.

FRANÇOIS EWALD AND ALESSANDRO FONTANA

Alessandro Fontana died on 17 February 2013 before being able to complete the edition of Michel Foucault's lectures at the Collège de France, of which he was one of the initiators. Because it will maintain the style and rigor that he gave to it, the edition will continue to be published under his authority until its completion. —*F.E.*

NOTES

1. Michel Foucault concluded a short document drawn up in support of his candidacy with these words: "We should undertake the history of systems of thought." "Titres et travaux," in *Dits et Écrits, 1954-1988*, four volumes, eds. Daniel Defert and François Ewald (Paris: Gallimard, 1994) vol. 1, p. 846; English translation by Robert Hurley, "Candidacy Presentation: Collège de France" in *The Essential Works of Michel Foucault, 1954-1984, vol. 1: Ethics: Subjectivity and Truth*, ed. Paul Rabinow (New York: The New Press, 1997) p. 9.

2. It was published by Gallimard in May 1971 with the title *L'Ordre du discours*, Paris, 1971. English translation by Ian McLeod, "The Order of Discourse," in Robert Young, ed., *Untying the Text* (London: Routledge and Kegan Paul, 1981).

3. This was Foucault's practice until the start of the 1980s.

4. Within the framework of the Collège de France.

5. In 1976, in the vain hope of reducing the size of the audience, Michel Foucault changed the time of his course from 17.45 to 9.00. See the beginning of the first lecture (7 January 1976) of *"Il faut défendre la société". Cours au Collège de France, 1976* (Paris: Gallimard/Seuil, 1997); English translation by David Macey, *"Society Must be Defended." Lectures at the Collège de France 1975-1976* (New York: Picador, 2003).

6. Gérard Petitjean, "Les Grands Prêtres de l'université française," *Le Nouvel Observateur*, 7 April 1975.

7. See especially, "Nietzsche, la généalogie, l'histoire," in *Dits et Écrits*, vol. 2, p. 137; English translation by Donald F. Brouchard and Sherry Simon, "Nietzsche, Genealogy, History" in *The Essential Works of Michel Foucault 1954-1984, vol. 2: Aesthetics, Method, and Epistemology*, ed., James Faubion (New York: The New Press, 1998) pp. 369-392.

Translator's Note

The lack of recordings for Foucault's 1971-1972 course at the Collège de France, and so having to work with a text based on what are his occasionally quite cryptic notes for the lectures, adds to the normal difficulties faced by the translator. The difficulties increase when the text contains numerous terms referring to French institutions and practices in the seventeenth century and earlier. Most of these institutions and practices are described at various points in the endnotes.

It seems likely that in the lectures themselves Foucault would have elaborated orally at greater length and in more detail regarding some of these practices than he does in his notes. The lack of his oral presentation adds a degree of uncertainty to the precise sense in which he employs certain terms. This is particularly the case for two important terms referring to practices for which, exceptionally, no account is provided in the endnotes: *engagement* and *gages*.

Foucault refers to "the feudal form of *engagement*". In its more restricted sense, *engagement* refers to a quasi-contractual, or exchange relationship between lord and vassal in which part of the former's domain is provisionally ceded or sold to someone, the *engagiste*, for private exploitation and profit. The *engagement* could be in the form of both physical property—a fief along with its dues and rents—and incorporeal property—offices, jurisdictions, public functions. Broadly speaking it was, on the one hand, a way to raise finance (especially by the king, for example), and, on the other, it was often the way for a bourgeois or member of the

lesser gentry to acquire a fief, become a noble, and/or purchase public authority. Based on this form, *engagement* refers more generally to a much wider historical field of quasi-contractual exchange between lord and vassal, in which privileges or benefits are 'exchanged' for obligatory undertakings, with penalties in cases of failure to perform the undertaking or *engagement*.

The term *gage* has a restricted sense of the sum paid annually to the purchaser of a venal office, or the latter's income from the purchase of an office. However, in some contexts it also has the more general sense of a pledge, in the sense of a surety or guarantee regarding an obligation (as in the sense of the English term 'gage').

The following abbreviations are used in the footnotes and endnotes:

DÉ, I-IV	*Dits et écrits, 1954-1988*, ed., D. Defert et F. Ewald, avec la collaboration de Jacques Lagrange (Paris: Gallimard, 1994) 4 volumes
"*Quarto*", I	*Dits et écrits, 1954-1975*, ed., D. Defert et F. Ewald, avec la collaboration de Jacques Lagrange (Paris: Gallimard, "Quarto", 2001)
"*Quarto*", II	*Dits et écrits, 1976-1988*, ed., D. Defert et F. Ewald, avec la collaboration de Jacques Lagrange (Paris: Gallimard, "Quarto", 2001)
EW, 1	*The Essential Works of Foucault, 1954-1984. Volume 1: Ethics, Subjectivity and Truth*, ed., Paul Rabinow (New York: New Press, 1997)
EW, 2	*The Essential Works of Foucault, 1954-1984. Volume 2: Aesthetics, Method, and Epistemology*, ed., James D. Faubion (New York: New Press, 1998)
EW, 3	*The Essential Works of Foucault, 1954-1984, Volume 3: Power*, ed., James D. Faubion (New York: New Press, 2000)
BNF	Collections of the Bibliothêque nationale de France

Rules for Editing the Text

The principle of the transcription has been the most scrupulous respect for Foucault's manuscript, reproducing as much as possible the presentation of the manuscript sheets, with their meaningful layout. The editors take full responsibility for the presentation of the text (format and content).

The double pagination in the margin correspond, for the first number, to the pagination of the manuscript conserved at the BNF and, for the second number, to Foucault's manuscript pagination.

Important passages which have been crossed out in the manuscript have been restored in footnotes. Some indications on the state of the manuscript are also noted. Subdivisions (dashes and numbering) are those used by Foucault in the manuscript. The use of quotation marks reproduces those of the manuscript; passages underlined in the manuscript are indicated in footnotes.

Every intervention in the manuscript is indicated by square brackets. Footnotes clarify the editors' choices wherever they have encountered a difficulty.

Introduction: Read Everything*

Arnold I. Davidson

Penal Theories and Institutions brings to a close the English language edition of Foucault's courses at the Collège de France. We all owe a deep debt of gratitude to Graham Burchell, who has translated all but the first volume of this series. Graham's extraordinary translations, combining philosophical depth and literary elegance, have set a new standard for the translation of Foucault, and, indeed, for the translation of French philosophical works more generally. When I first agreed to serve as the series editor of this project, I had no concrete idea how long it would take to publish these thirteen volumes nor how time-consuming it would be. After more than fifteen years of work, I am relieved to say that the remarkable richness of Foucault's courses justifies the time, sweat, and occasional tears that went into producing this edition. Who could have imagined a body of lectures that ranges from ancient Greek practices of truth-telling to contemporary economic neoliberalism, from medieval Christianity's organization of pastoral power to modern psychiatry's construction of abnormality, from the history of sexuality and marriage to the emergence of the punitive society? Whatever else one might say about Foucault, he never learned the common academic vice of being boring. Looking back over these courses, I am reminded of

* All translations are my own unless otherwise indicated. I dedicate this introduction to the people who have most sustained me during the many years of my work on this project—Diane Brentari, Daniele Lorenzini, Roberto Righi and Bianca Torricelli.

Foucault's remarks in the "Introduction" to the second volume of his history of sexuality, *The Use of Pleasures*. He is speaking of the "quite simple" motive that drove him to undertake these studies:

> It is curiosity—the only kind of curiosity, in any case, that is worth the trouble of being put into practice with a bit of obstinancy: not that curiosity that tries to assimilate what it is advisable to know, but that which allows one to detach oneself from oneself.[1]

It is this detachment that provokes one's losing one's way or going astray in the search for knowledge (*l'égarement de celui qui connaît*), a thoroughly positive intellectual virtue in Foucault's eyes. This straying curiosity allows one to "think differently than one thinks and perceive differently than one sees," and thus to go on looking and reflecting.[2]

And Foucault adds, in a beautiful moment of self-description:

> As to those for whom to create difficulties for themselves, to begin and begin again, to try, to be mistaken, to take everything up again from top to bottom, and still find the means to hesitate from one step to the next, as to those for whom, in short, to work while behaving with reserve and restlessness is tantamount to resignation, well we are not, it is obvious, from the same planet.[3]

The inhabitants of Foucault's planet do not yield to the temptation of static complacency, they are unafraid to get lost in the unknown, taking the chance, and the risk, of emerging with a genuinely different perspective.

In his last course at the Collège de France, at the very end of his final lecture, and after telling us that he has more to say, Foucault concludes:

> But, well, it is too late. So, thank you.[4]

Quite apart from the retrospective pathos of these words, thanks to the continuing posthumous publication of his work, it was not too late for Foucault—his voice continues to resound—and it is most certainly not too late for us. The scholarly exegesis of Foucault's work will persist as long as scholars do. Yet surely it is time to think more intensively and systematically about the uses of Foucault. Rereading his work opens up new possibilities, not always envisioned by Foucault himself, and it is

the active creation of these new, Foucault-inspired possibilities that remains critical to our work. I am not at all surprised that some of the most accomplished Foucault scholars have also been the most creative users of his work. I am thinking, for example, of Daniele Lorenzini, Judith Revel and Frédéric Gros. With respect to Foucault, scholarly interpretation and productive use ought to go together. Foucault is not only a corpus, but also an attitude.

In the famous debate on "Philosophy and Truth," in which Foucault participated, Georges Canguilhem scandalously argued that philosophies cannot be judged according to a criterion of truth and falsity. On Canguilhem's view, philosophies can be great or small and narrow, but not true or false:

> ... perhaps a great philosophy is a philosophy that has left an adjective in popular language: the Stoics have given us stoic, Descartes has given us cartesian, Kant has given us kantian and the categorical imperative; otherwise put, there are philosophies that have indeed totalized the experience of an epoch, that have succeeded in being diffused into that which is not philosophy, into the modes of culture...and that which have had in this sense a direct impact on everything that one can call ordinary life, everyday life.[5]

Foucault has indeed bequeathed us "foucauldean"; it is not uncommon to hear people talk about the panoptic gaze or the repressive hypothesis who have no clear idea that these are terms of foucauldean provenance. Our modes of culture are suffused with Foucault. If these courses have helped to solidify Foucault's adjectival status, their publication has been justly rewarded.

Anyone who attended Foucault's courses felt the electricity of his lectures. His voice, his laugh, his gestures, his movements, even his pauses, all worked together to produce his unforgettable *éclat*. Listening to and reading Foucault was (and still is) an experience that left us with those vibrations of intensity, a sort of, as it were, physical enthusiasm, that revived one from his or her intellectual torpor.[6] It was as if his very presence was a field of energy that agitated one into action. Gilles Deleuze once remarked that when Foucault entered a room, the atmosphere changed—that is what I think of as the Foucault effect.

Foucault did not like to talk directly about himself, but one of those moments that I think best describes his own attitude occurs in his *hommage* to Gaston Bachelard. Entitled "Piéger sa propre culture" ("Trapping one's own culture), and less than a page long, this text is—and in more than one way—a miniature masterpiece:

> What very much strikes me about Bachelard is that, so to speak, he plays against his own culture with his own culture. In traditional teaching—and not only in traditional teaching, in the culture we receive—there are a certain number of established values, things that one should say and others that one should not say, works that are respectable and then others that are negligible, the great and the unimportant; there is, in short, a hierarchy, this entire celestial world with its Thrones, Dominations, Angels, and Archangels!... All of this is very hierarchical. Well, Bachelard undertakes his own detachment (*se déprendre*) from this entire set of values, and he brings about his own detachment from it by reading everything and playing off everything against everything.
>
> He makes one think, if you like, of those skillful chess players who succeed in taking the important pieces with the little pawns. Bachelard does not hesitate to oppose to Descartes a minor philosopher or a scientist... a scientist of the eighteenth century, well, a bit ... a bit imperfect or whimsical. He does not hesitate to put into the same analysis the greatest poets and then a little minor one that he will have discovered like that, by chance, at a second-hand bookseller...And while doing this, it is not at all for him a matter of reconstituting the great global culture which is that of the West, or of Europe, or of France. It is not a matter of showing that it is always the same great spirit that lives, swarms everywhere, that finds itself the same; I have the impression, on the contrary, that he is trying to trap his own culture with its cracks, its deviancies, its minor phenomena, its little discordencies, its false notes.[7]

Foucault himself never inhabited a celestial world of fixed values; he did not believe in an immobile or intrinsic hierarchy, one determined, for example, by the intrinsic value of the texts one reads—Descartes *versus* a whimsical eighteenth-century scientist. In some contexts a "minor"

figure or an ordinary, seemingly banal, set of texts may be more significant than the works of the "great" philosophers. Reading everything and playing everything off against everything ensures that the hierarchy is not already established, given in advance, frozen in stone; when one chooses to discuss certain texts and particular events, and not others, as one inevitably does, it is due to one's questions, one's diagnosis, one's perspective or angle of thought, and not because of some purportedly fixed hierarchy of values. *Historie de la folie à l'âge classique* and *Surveiller et punir*, for instance, are full of so-called "minor" events whose status is overturned in Foucault's account: the minor becomes major. Foucault played history against philosophy and vice versa. He challenged philosophical claims with historical archives, and subjected supposedly 'bare' historical events to philosophical diagnosis and analysis. He was, at one and the same time, both a philosopher and an historian, or, as he sometimes liked to say, neither a philosopher nor an historian. In the contemporary academic world, Foucault was *atopos*, unclassifiable and disconcerting. No doubt that that is one of the reasons why his work is loved by some and despised by others, a source of both admiration and anathema.

I distinctly remember one California evening when, over dinner, a quite unremarkable pizza, Foucault smiled and said to me: "I have only one methodological rule." I was a young Assistant Professor and I took a deep breath of youthful naiveté, and asked: "Well..." Foucault's smile became a laugh, and he replied: "Read everything." I didn't realize the seriousness, the full significance, of that remark until much later; it was not a mere witticism nor a vague personal aspiration, but a genuine, if ideal, rule of method. Foucault, like Bachelard, lived by this precept. We can see how central it was to his work by focusing on an extraordinary moment at the end of the conversation, "Le jeu de Michel Foucault." We can discern a person's deepest commitments by seeing what provokes his or her shame. At the very conclusion of this discussion, a question comes up about the date of the invention of the modern baby bottle. Foucault confesses to not knowing this date. When he is given the answer, he responds with these forever memorable words:

> I renounce all my public and private functions! Shame rains down on me! I cover myself with ashes! I did not know the date [of the invention] of the baby bottle![8]

I can imagine no other philosopher who would be ashamed of not knowing such a date. Even Foucault could not read everything, but he inflicted a price on himself for this failure. This is the foucauldean attitude that I find not only singular but exemplary, and that I continuously admire as I read through his courses.

In *Pirkei Avot*, a tractate of the Mishnah, one finds the following remark:

> Ben Zoma says: Who is wise? He who learns from every person...[9]

If we pursue this idea of being wise, Foucault radiated wisdom. He learned from everyone, every book, every event. His life was, until the very end, a model of transformative knowledge:

> But what therefore is philosophy today—I mean philosophical activity—if it is not the critical work of thought on itself? And if it does not consist, instead of legitimating what one already knows, in undertaking to know how and to what extent it would be possible to think differently... The "essay"—which one should understand as a modifying test of oneself in the game of truth, and not as the simplifying appropriation of others for the ends of communication—is the living body of philosophy, as long as philosophy is still now what it was in the past, that is an "ascesis," an exercise of oneself, in thought.[10]

Testing and transforming himself, Foucault also put us to the test. Whether, and how, we respond to his example is a constant challenge that remains for each of us: the restless energy of ascesis or the somnolent inertia of self-satisfaction—restiveness or repose.

NOTES

1. Michel Foucault, *Histoire de la sexualité 2, L'usage des plaisirs* (Paris: Éditions Gallimard, 1954) p. 15.

2. Ibid., pp. 15-16.

3. Ibid., p. 14.

4. Michel Foucault, *The Courage of Truth: Lectures at the Collège de France, 1983-1984* (Hampshire: Palgrave Macmillan, 2011) p. 338.

5. Michel Foucault et al, Philosophie et vérité" in *Dits et écrits I, 1954-1975* (Paris: Éditions Gallimard, 2001) pp. 488-489.

6. I have in mind here the opening pages of Michel Foucault, "La vie des hommes infâmes" in *Dits et écrits II, 1976-1988* (Paris: Éditions Gallimard, 2001) pp. 237-239.

7. Michel Foucault, "Piéger sa propre culture" in *Dits et écrits I, 1954-1975*, op. cit. p. 1250.

8. Michel Foucault, "Le jeu de Michel Foucault" in *Dits et écrits II, 1976-1988*, op. cit. p. 329.

9. *Pirkei Avot* (Brooklyn: Artscroll Mesorah Series, 1989) 4,1.

10. Michel Foucault, *Histoire de la sexualité 2, L'usage des plaisirs*, op. cit. p. 16. On a related theme, see my essay "Hilary Putnam: cambiar de idee como ejercicio espiritual" in Arnold I. Davidson and Hilary Putnam, *Una espiritualidad no dogmática* (Barcelona: Ediciones Alpha Decay, 2017).

one

24 NOVEMBER 1971

Methodological principle: analysis of the penal system (penal theory, institutions and practice) to be set in the context of systems of repression in order to throw light on the historical development of moral, sociological, and psychological notions; political crime and common law crime. ~ Historical object: to study the repression of popular riots at the beginning of the seventeenth century in order to trace the birth of the State; the penal ritual deployed by the Chancellor Séguier against the uprising of the Nu-pieds *(Barefeet) in Normandy (1639). ~ The* Nu-pieds *uprising: an anti-tax riot against a system of power (against the tax collector, against the homes of the wealthy); the attitude of the privileged classes, of members of the Parlement: neutrality, refusal to intervene.*

No introduction [1/-]

- The reason for these lectures?
  - One has only to open one's eyes.
  - those who may find this distasteful will find the same thing in what I will be talking about.[1]

- The object:
  - penal theory and institution
  - a missing third term: practice
  - seventeenth and eighteenth centuries

- The method:
  to approach it neither on the basis of penal theories
  nor on the basis of penal legislation or institutions
  but to situate both of these in their overall operation, that is to say in systems of repression:
  - double-sided systems:
    who represses and who is repressed
    the means of repression and what is repressed