

FOUCAULT'S PUNITIVE SOCIETY  
AND OUR OWN:  
SEQUESTRATION, ELIMINATION, AND THE  
CARCERAL SYSTEM

In a conversation with Gilles Deleuze in 1972, the year that Le Groupe d'information sur les prisons (the Prisons Information Group, the GIP) decided to disband and the year before he delivered the lectures contained in *The Punitive Society*, Michel Foucault states that “The intellectual’s role is no longer to place himself ‘somewhat ahead and to the side’ in order to express the stifled truth of the collectivity; rather, it is to struggle against the forms of power that transform him into its object and instrument in the sphere of ‘knowledge,’ ‘truth,’ ‘consciousness,’ and ‘discourse.’”<sup>1</sup> Indeed, Foucault delivered this lecture course in the midst of his own active and direct engagement in the politics of his contemporary moment. In what follows, I begin to think through some of the ways that *The Punitive Society* lectures might shed light on our present political moment. In particular, my brief reflections consider some of the ways that this text about the emergence of the carceral system is useful for contemporary critical theoretical work on the prison, mass incarceration, surveillance, and punishment. I do this by focusing on two interconnected themes: first, a consideration of the logics of exclusion, confinement, and elimination, as well as the relationships among—and tension between—these logics; and second, the emergence of

instruments of “sequestration” and the fluidity of the state apparatus. I consider how each of these themes is developed in both *The Punitive Society* and Foucault’s work with the GIP. In doing so, I show how this lecture course can shed significant light on techniques of power in the present moment, including not only the prison but also strategies of racism more broadly, such as techniques of power surrounding labor, migration, and militarization. Ultimately, I hope my reflection opens up a space to consider Foucault’s analyses here alongside contemporary feminist, antiracist, and decolonizing projects.

## EXCLUSION, ELIMINATION, AND RACISM

Foucault opens this lecture course with a discussion of the notion of exclusion. In general, he is critical of how this concept has been used as a way of explaining the “historical, political mechanism of power” that constructs—and comes to bear on—those who “may be regarded as abnormal or deviant,” and explains that the concept of exclusion is “too broad, and, above all, composite and artificial.”<sup>2</sup> At the same time, Foucault is careful to note that the notion of exclusion has been in some ways useful, and admits that he has used the notion in the past to “characterize, to designate rather vaguely the status given in our kind of society to delinquents, to ethnic, religious, and sexual minorities, to the mentally ill, and to individuals who fall outside the circuits of production or consumption.”<sup>3</sup> The useful critical function of this term, according to Foucault, has been its effect of making visible how discourses and practices surrounding abnormality and deviance have enacted and justified the marginalization—or exclusion—of these individu-

als in the sense that these individuals “no longer communicat[e] with others at the level of the system of representations.”<sup>4</sup>

Exclusion, then, effectively makes visible a pattern in the realm of representation whereby the construction of individuals as deviant or abnormal covers itself over by denying the marginalized participation in the system of representation itself. But it is because “this notion of exclusion appears . . . to remain within the sphere of representations” that it fails to account for the struggles and relations of power that fall outside of those relations.<sup>5</sup> Put differently, the notion of exclusion may be useful in describing the marginalization of the “abnormal” or “deviant” in the sphere of representation, but it is also problematic in that it seems to indicate something like total rejection or expulsion, when “behind this there are a number of quite specific, and consequently definable, instances of power responsible for the mechanism of exclusion.”<sup>6</sup> Indeed, the notion of exclusion fails to capture the diverse and particular means by which what we call marginalization—or exclusion—is enacted.

Discussing changing practices of social exclusion and inclusion in a 1971 interview about the GIP, Foucault distinguishes among “exiling societies,” “killing, torturing, or purifying societies,” and, finally, “confining societies.”<sup>7</sup> He describes the contemporary era of confinement as the epoch of normalization, in which practices of inclusion and exclusion preserve and enforce social and economic norms. The confining society, then, practices internment and imprisonment “not only to punish, but also to impose by constraint a certain model of behavior as well as norms: the values and norms of society.”<sup>8</sup> In other words, the prison is much more than a means of either

exiling or punishing criminals—it is a complex political instrument that targets and confines individuals deemed abnormal.

It is also in connection with his work with the GIP before he delivered the lectures contained in *The Punitive Society* that Foucault begins to think about the relationship between normalization and elimination—and, further, about the relationship among normalization, elimination, and race. In a 1972 interview about his work with the GIP, Foucault describes how the prison was invented to “eliminate, as dangerous, a select portion of the population,” in order to enforce economic norms.<sup>9</sup> Thus, the prison, in its fundamental role as a tool not only of punishment but—perhaps more centrally—of normalization, simultaneously serves an eliminative function. On the one hand, we might understand this description of the “eliminative function” of the prison as an example of Foucault’s own use of the logic of “exclusion”—something that is a subject of Foucault’s self-critique in the first lecture of *The Punitive Society*. But I suggest that we might alternatively (or, perhaps, simultaneously) read this discussion of “elimination” and “eliminable populations” in reference to racism and race, and as prefiguring his work on biopower and modern racism in the *Society Must Be Defended* lectures.

In her 1998 essay, “Racialized Punishment and Prison Abolition,” Angela Davis discusses Foucault’s visit to Attica, which he made eight months after the 1971 uprising and massacre. She describes Foucault as being “especially struck by the disproportionately large population of black men,” and remarks that “one wonders how Foucault might have responded in the 1990s to the fact that one out of three young black men is presently incarcerated or under the direct control of the crimi-

nal justice system.”<sup>10</sup> In the interview from which Davis quotes extensively in this piece, Foucault explicitly discusses the central role of race and racism in the functioning of prisons in the United States, remarking that “in the United States, there must be one out of 30 or 40 black men in prison: it is here that one can see the function of massive elimination in the American prison.”<sup>11</sup>

But though Davis acknowledges that Foucault understands practices of imprisonment in the United States as functions of a racist state, she agrees with Joy James about the need to move away from Foucault’s work in *Discipline and Punish* and toward an account of the prison that sufficiently attends to the histories and strategies of racism in the United States.<sup>12,13</sup> Davis is particularly critical of Foucault’s focus in *Discipline and Punish* on the prison as an instrument aimed at “punishing and reforming white wage-earning individuals.”<sup>14</sup> She shows how this emphasis elides the complex strategies of racist and gender oppression that have and do shape the incarceration of those bodies historically excluded from waged public economy: white women and people of color. But though Davis, like many others, is convincingly critical of Foucault’s failure to account for histories and realities of race and racism in this text, she maintains in his interview on Attica, “Foucault allows for the possibility that the prison’s purpose is not so much to transform, but to concentrate and eliminate politically dissident and racialized populations.”<sup>15</sup> Indeed, an understanding of strategies of confinement as strategies of elimination is consistent with Foucault’s stated project in the first lecture of *The Punitive Society* of “critiq[ing] the notion of exclusion or, more precisely, its elaboration in terms of dimensions that make it pos-

sible both to break it down into its constituent elements and to find the relations of power that underlie it and make it possible.”<sup>16</sup> Neither elimination nor exclusion should be understood as outside of or resistant to the carceral system but as operating through specific strategies of normalizing power that are themselves constitutive of this system.

In the same interview from which Davis quotes (the interview on Attica), Foucault states, “prison is not only punitive; it is also a part of an eliminative process. Prison is the physical elimination of people who come out of it, who die sometimes directly, and almost always indirectly.”<sup>17</sup> By emphasizing its role in a larger “eliminative process,” this description of the function of the modern prison underscores the centrality of normalizing power in the contemporary era, and of the carceral system’s purpose in this vein. This point is underscored by Foucault’s discussion of the death penalty as a penalty of confinement in the first lecture.<sup>18</sup> The notion that ours is a “confining society” on the surface seems to reinforce an understanding of the modern prison as a space of containment or, perhaps, of reform, an institution that contains dangerous individuals or remolds them (or both). Indeed, normalizing power explicitly justifies its confinement of these marginalized subjects as necessary for the protection and well-being of society as a whole. But, for Foucault, even as mechanisms of the “confining society” justify themselves as tools of preservation, in their materiality, strategies, and structures, they are actually aimed at symbolic and literal elimination, through the death penalty as well as by other means.

Though Foucault doesn’t explicitly thematize race or racism in *The Punitive Society* lectures, reading his critique of the

notion of exclusion in the first lecture alongside his interview on and analysis of Attica can shed light on the role that race and racism play in this eliminative function of the confining society. In the analysis of the Attica uprising and massacre in “The Masked Assassin,” racism is described as a key—if not the key—tool used to “fight the revolutionary movement” both inside and outside of prisons, and it is observed that “the entire black avant-garde lives under the threat of prison.”<sup>19</sup> This analysis describes the prison as a tool of racist power that preserves the normalizing social order. In his interview on Attica, Foucault again makes explicit the fundamental connection among racism, “massive elimination,” and the prison, emphasizing that in addition to being “a place of punishment,” the US prison has another function: “a role of ‘concentration camp,’ as there existed in Europe during the war and in Africa during the European colonization (in Algeria, for example, during the period when the French were there).”<sup>20</sup> By drawing a parallel between practices of confinement in the United States and these historical examples of racist, genocidal, eugenic, and colonial violence, Foucault acknowledges that the prison is not only an instrument of reformation but is primarily—and horrifyingly—a tool of racist “massive elimination.” Prisons in the United States, like the concentration camps of European colonization and Nazi Germany, unite strategies of confinement and mass murder for the purposes of racist normalization. In his interview on Attica, Foucault explicitly states that his visit prompted him to think anew about the problems raised by prisons and the kinds of resistance that can and should be levied against them.

Reading the first lecture of *The Punitive Society* alongside these other texts, then, makes room for thinking about the central role of racism in the context of techniques of elimination, and of the centrality of tools of racist elimination to the carceral system of power more generally in Foucault's work. Subjects who are targeted by such techniques are certainly excluded in the sense that, as Foucault describes in first lecture of *The Punitive Society*, they are marginalized relative to the field of representation. But behind this function of marginalization "there are a number of quite specific, and consequently definable, instances of power responsible for the mechanism of exclusion."<sup>21</sup> Racism must be understood as a set of techniques that are central to this exclusion, or elimination, in our contemporary moment.

## SEQUESTRATION AND THE FLUIDITY OF THE STATE APPARATUS

My reading of Foucault's discussion of race in his analysis of Attica alongside his work in *The Punitive Society* underscores how elimination should be understood as a part of the carceral system. That is, just as for Foucault the logic of exclusion can be useful but is imprecise in describing the functioning of power in our punitive society, our understanding of the logic of confinement is incomplete if it does not account for the full complexity of the carceral system's functioning. In the first case, exclusion should not only be understood in terms of ejection, and, in the second, confinement should not only be understood in terms of containment.

In the twelfth lecture of *The Punitive Society*, Foucault establishes that in the contemporary carceral system "the func-

tion of apparatuses in relation to marginality is quite different from the monotonous system of classical confinement.”<sup>22</sup> Instead, he says, this new set of strategies of confinement function in “fixing individuals to and distributing them across social apparatuses.”<sup>23</sup> It is at this moment in the lecture that Foucault introduces the term sequestration in order to distinguish between classical confinement and a new set of strategies—those that fix and distribute bodies in diverse locations. Referring to this new set of techniques of power he says, “They are no longer institutions of the classical type of confinement, but rather of what we may call ‘sequestration,’ by reference to that kind of arbitral authority that seizes something, withdraws it from free circulation, and keeps it fixed at a certain point, for a certain time, until the court’s decision.”<sup>24</sup> The primary strategy of the carceral society, then, must be understood as a strategy of control or coercion by various means and in various spaces. Put differently, sequestration is a set of strategies that monitors, controls, and regulates the movement of bodies, a set of strategies that both fixes bodies and distributes and moves them through space.

In the context of his introduction and discussion of sequestration in lecture twelve of *The Punitive Society*, Foucault describes how this set of strategies has resulted in what he calls “a spreading” of the instruments of power in the carceral system. Foucault remarks that “what is interesting is the position and interplay of these instruments of sequestration in relation to what we usually call the State apparatus,” and goes on to describe the decentralization of the state apparatus that was effected in and through the transition from classical confinement to the contemporary carceral system.<sup>25</sup> While the state

had the tendency to centralize instruments of punishment in the late eighteenth century and early nineteenth century, in the carceral system of the twentieth century “when we see all of these flourishing and proliferating of instruments of sequestration, we have the impression that there is, rather, a spreading that in a sense escapes the State.”<sup>26</sup>

This description of strategies of power as immanent, diverse, and fluid, which prefigures Foucault’s more robust analysis of normalizing power or biopower in later texts, is interesting for my present analysis of how power functions in the contemporary context because of the clear connection Foucault draws between sequestration (the fixing and location of bodies) and the proliferation of power in ways that “escape the state.” Indeed, in the manuscript for this section of lecture twelve Foucault goes further, stating that “it is not a State apparatus, it is an apparatus caught up in a state node.”<sup>27</sup> Foucault, of course, does not mean that the state is irrelevant in the context of the contemporary carceral system. Indeed, in this lecture he describes how instruments of sequestration “still rely on the State apparatuses for a whole system of referrals and reciprocities,” and points to how, for instance, “the workshop could not function in the structure of the convent or barracks if there were not the police or the army alongside.”<sup>28</sup> While not all strategies of sequestration originate from or are explicitly operated by the state apparatuses, the state apparatus participates in, reinforces, and is reinforced by these strategies of power. Foucault’s emphasis on fluid institutions and patterns of power in this vein resists the primacy of the state in analyses of power. At the same time, Foucault’s account emphasizes the

state's critical role in the proliferation of strategies of sequestration.

Foucault's analysis of sequestration and the state in the twelfth lecture of *The Punitive Society* sheds light on how structures of power constitute and come to bear on strategies of confinement other than the prison. The movement—and fixing—of bodies is controlled and coerced in various locations and through various means, including war (for instance, both the Syrian conflict and the US War on Drugs), sexual and gender normalizing violence, economic exploitation, and other forms of violence, surveillance, and regulation. Migration, for instance, is coerced both at the state level through official policies such as migrant worker programs, as Nicholas De Genova has argued, and through intrastate institutions like the practices of the agricultural industry in the United States.<sup>29</sup> In this way, an analysis of “sequestration” as a set of strategies that not only imprison but also fix and distribute bodies brings to the fore how the control, regulation, and coercion of migration must be understood as a central function of the carceral system.

At the same time, this analysis of sequestration and the carceral system can help us think through how, in the US context in particular, the prison industrial complex acts not only to fix bodies in spaces of “classical confinement” (like the prison) but also to move and redistribute them for particular purposes. For instance, the prison industrial complex operates not only to criminalize and imprison racialized bodies but also to alternately relocate previously-imprisoned bodies into the labor pool only to remove and confine them again, all through a kind of “arbitrary authority” of sequestration. Such an analysis suggests not only that the control and coercion of migration is part

of the carceral system but also that perhaps the prison itself is not the only—or best—location for our analysis of how normalizing power functions in the contemporary context.

Indeed, Foucault's account of sequestration and the fluidity of the state apparatus in *The Punitive Society* also makes room for an analysis of how institutions and strategies of sequestration function not only internally but also across state boundaries, and do so in the surveillance and regulation of human migration. Strategies of coercion and control that are not functions of the state itself but that act across state boundaries, including economic exploitation as well as other forms of violence, can and should be understood in relation to the state's functioning and to the functioning of the carceral system as a whole. Foucault's analysis of the fluidity of the state apparatus thus opens up room for thinking about how systems of power and knowledge like those that converge in the prison industrial complex can—and do—extend beyond the boundaries of states at the same time that they rely on states for their functioning.

This analysis of sequestration and the fluidity of the state apparatus cannot be understood as separate from Foucault's discussion of exclusion in the first lecture, or from his reference to the eliminative function of racism in his discussion of Attica. Understood together, the two themes—and two moments in *The Punitive Society* lectures—that I have briefly reflected on here offer a richer and more nuanced account of the carceral system. Such an analysis opens up space for new ways of thinking about the integral connections among racist strategies of power, techniques of sequestration, and the state apparatus. This project, then, might be useful for antiracist and decoloniz-

ing work surrounding the prison, migration, militarization, as well as other strategies of racist and gender-normalizing power. The lectures of *The Punitive Society* are relevant not only in the context of Foucault's political moment but also to contemporary critical theoretical projects and political struggles.

## NOTES

- 1 Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithaca, NY: Cornell University Press, 1980), 207–8.
- 2 Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972–1973*, ed. Bernard E. Harcourt, trans. Graham Burchell (New York: Palgrave Macmillan, 2015), 2–3.
- 3 Ibid.
- 4 Ibid., 3.
- 5 Ibid.
- 6 Ibid.
- 7 Michel Foucault, “Je perçois l’intolérable,” *Dits et Ecrits I* (Paris: Gallimard, 2001), no. 94, 1071.
- 8 Ibid.
- 9 Michel Foucault, “Le grand enfermement” (1972), *Dits et Ecrits I*, no. 105, 1165.
- 10 Angela Y. Davis, *The Angela Y. Davis Reader*, ed. Joy James (Oxford: Wiley-Blackwell, 1998), 98.
- 11 Ibid.
- 12 Ibid., 96.
- 13 Joy James, *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture* (Minneapolis: University of Minnesota Press, 1996), 33.

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- 14 Davis, *The Angela Y. Davis Reader*, 97.
- 15 Ibid., 98.
- 16 Foucault, *The Punitive Society*, 5.
- 17 Michel Foucault and John K. Simon, "Michel Foucault on Attica: An Interview," *Social Justice* 18, no. 3 (Fall 1991): 30.
- 18 Foucault, *The Punitive Society*, 11.
- 19 Joy James, *Warfare in the American Homeland: Policing and Prison in a Penal Democracy* (Durham, NC: Duke University Press Books, 2007), 147 and 155.
- 20 Foucault and Simon, "Michel Foucault on Attica: An Interview," 29.
- 21 Foucault, *The Punitive Society*, 3.
- 22 Ibid., 208.
- 23 Ibid.
- 24 Ibid., 208–9.
- 25 Ibid., 209.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid.
- 29 Nicholas De Genova, "Immigration 'Reform' and the Production of Migrant 'Illegality?'" in *Construction Illegality in America* (Cambridge: Cambridge University Press, 2013), 37–62.