
The Spectacle of Punishment

In Michel Foucault's *Discipline & Punish: The Birth of the Prison*, the author revels in tales of past penal methods involving brutal torture of the convicted criminal as a popular public spectacle. He subtly denounces the rigid yet humane schedules applied to contemporary imprisonment and the growing distance between the judicial system and the punishment of prisoners. At first, Foucault's concern over a system in which criminal justice takes place mostly behind closed doors makes sense. Would it not be effective to scare potential wrongdoers into righteousness with horrific public scenes of pain and slow death of local criminals? However, in careful consideration, there are a multitude of flaws in Foucault's sentiments. It is my belief that the long-ago methods of theatrical *amande honorable* are not an effective penal measure because they turned criminal punishment into a celebratory affair. The scenes of blood and gore were viewed by all, and Foucault ignores the fact that the corporal consequences were often much more despicable than the initial crime committed. Criminals are not deserving of society's center stage. Instead of being dehumanized, they should be made relatable to the common person so one could imagine their own abhorrence to such a situation. While I agree with Foucault that a visual component can have great effect upon people, this aspect should come in the form of a thorough education in a class such as this in contrast to a common spectacle associated with excitement and merrymaking. *Discipline & Punish* analyzes the evolution of criminal consequence with criticism towards a system less noticeable by the public with very little regard for alternative methods of viewing the criminal justice solutions such as education for the wellbeing of the community.

First and foremost, it should be recognized that the types of severe corporal punishment that Foucault is not necessarily advocating for, but using in example of a proper and effective spectacle, often end in death or at the very least bodily harm and deformity, such as the case of Damians in which "the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers [...] and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire" (3) This is the type of solution that he deems necessary to properly create "the gloomy festival of punishment" (8), and it is a very permanent one at that. Though never explicitly stated in the first chapter of his work, by his tolerance for spectacle punishment Foucault either assumes that the justice system is entirely without fault or that if someone were to be wrongly convicted, their unmerited torture would be acceptable for the higher purpose of setting an example for the public. The prospect of mistakenly convicting a regular upright citizen and subjecting them to such irreversible horrors is enough to make this penal method objectionable.

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Also concerning the justice system, Foucault has some contradicting words on how the modern public perceives the judicial branch after penal reform, what he calls “the great ‘scandal’ for traditional justice” (7). He believes the haste, privacy, and almost clinical manner to contemporary executions reverses the role of the punisher and the punished, making the judge, jury, and executioner appear evil in the public eye (9). He claims “the public execution is now seen as a hearth in which violence burst again into flame”, which creates a martyr of the convicted. While I am vehemently opposed to the death penalty, I still find noteworthy contradiction in Foucault’s explanation because it seems to me that nothing puts the law in a more negative light than having the torture they inflict upon prisoners be much more heinous and gruesome than the crime that initially warranted punishment. As for the thought of the criminal becoming a subject of pity or admiration (9), it is worse to make them the center of attention, the main object of a torture celebration. When witnessing a beating or a hanging is a community activity, the excitement of the spectacle is associated with violence it is based upon. This is likely to desensitize the populace to cruelty and bloodshed, therefore promoting criminal behavior rather than deterring it.

Additionally, Foucault asserts that there is a movement towards more “humanization” of the criminal, and this is not favorable to “the great public execution” (7, 14). In the past, those to be punished in public were veiled, their faces hidden beneath dark cloth, so as to make a crime faceless and to make a monster of the criminal (14). I disagree that this practice would be more impactful in discouraging criminal behavior because it allows people to separate themselves from what they see and know about punishment. By making prisoners appear as human as they are, they become relatable to the average citizen who can then imagine themselves in a similar position and feel dissuaded from it. On one argument *Discipline & Punish* is unmistakable – “visible intensity” of criminal penalty is highly significant. The public should be well aware of criminal consequences because such consciousness keeps unlawful behavior in check (9). Nevertheless, this need not involve violent public spectacle and instead should focus on education. Foucault makes no mention of teaching the community the ways of the law and the consequences of breaking it, he only gives attention to the effectiveness of startling people into submission by way of spectacular horrors. Today we have better methods for introducing the public to the unpleasantness of a criminal lifestyle via prison visits, police ride-alongs, criminal justice education, and the ever-present media coverage.

In “The Body of the Condemned” Foucault is quick to dismiss the example of a prison timetable in favor of the public spectacle punishment. The value in such a prison system is overlooked. Instead of using the criminal simply as an example of wrongdoing and its abhorrent ramifications, prisoners can be more valuable to society and for a longer time frame through the involuntary labor they perform. By continuing their education and providing labor services, some prisoners of lower-grade offenses can become better candidates for reform and the rejoining of society, which is another aspect Foucault disregards. Overall, as Foucault begins his analysis in

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the first chapter of *Discipline & Punish*, he demonstrates a tendency to look back upon barbaric penal methods with praise for their effect on society as a deterrent of criminal behavior, while questioning the punishments of the more humanitarian approach of contemporary prison systems as appropriate reprisal for unlawful and immoral actions. Upon close inspection, there are significant flaws to the typically violent public spectacle that call for a more progressive prison-based criminal justice system that makes itself visible in more forward-thinking ways.

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