

MADNESS

“ .. my project .. is not to write a history of the developments of psychiatric *science*, but rather a history of the *social, moral, and imaginary* context in which it developed.” (Michel Foucault, private letter to Stirn Lindroth, quoted in Didier Eribon, *Michel Foucault*, p. 84)

“We have yet to write the history of that other form of madness, by which men, in an act of sovereign reason, confine their neighbours, and communicate and recognise each other through the merciless language of non-madness; to define the moment of this conspiracy before it was permanently established in the realm of truth, before it was revived by the lyricism of protest.” (Michel Foucault, *Madness and Civilization*, xi)

“ .. the constitution of madness as a mental illness, at the end of the eighteenth century, affords the evidence of a broken dialogue, posits the separation as already effected, and thrusts into oblivion all those stammered, imperfect words without fixed syntax in which the exchange between madness and reason was made. The language of psychiatry, which is a monologue of reason *about* madness, has been established only on the basis of such a silence. I have not tried to write the history of that language, but rather the archaeology of that silence.” (Michel Foucault, *Madness and Civilization*: xii-xiii)

“ .. what is in question is the limits rather than the identity of a culture .. To question a culture on the extremities of its experience is to question it on the confines of history, on a breach that is like the very birth of its history.” (Michel Foucault, *Folie et déraison: Histoire de la folie à l'âge classique*, p. v)

“In the Middle ages, exclusion hit the leper, the heretic. Classical culture excluded by means of the General Hospital, the *Zuchthaus*, the Workhouse, all institutions which were derived from the leper colony. I wanted to describe the modification of a structure of exclusion.” (Michel Foucault, ‘Madness Only Exists in Society’ *Foucault Live*, p. 8)

Introduction/statement of problem

- *on the ascendance of reason over unreason ..*
- *how did the development of a rationality of codified knowledge impinge on the functions of bodies, and the social horizon of whole populations?*
- *in what ways was the definition of deviancy and unreason a precondition for the 'accumulation of men'?*
- *on the institutional background to modern 'bio-politics'; the technicalities of security*

“What is in question is the limits rather than the identity of a culture.”

In this session we aim to approach the question of security by way of its Other: the radically insecure; the radically dangerous; that which must be controlled, bent back upon itself, stripped of its power, its mystique and dignity. In short, neutralized, silenced. This session is concerned with the silence of ‘unreason’.

Though the modern period is somewhat consistent in its location of ‘the Outside’ for intervention (good health versus disease, the native versus the foreign, virtue versus deviancy, etc.), no other domain is *as important* - nor was regarded with the same urgency and overall level of concern (some may say ‘care’) - as that of reason itself. This was the first step. Having conceived the population as a target for useful intervention - and a social threat in itself, if left unattended - political technology/rationality specifically began to turn its gaze - as Foucault says rightly - not first to the good (as would be the general policy of the 18thC), but the Other, the mad, the insane, the melancholic and monomaniac: ***everything on the limits of society:***

“ .. of those obscure acts, forgotten of necessity as soon as they are performed, by means of which a culture rejects something that will represent the Exterior to it; and throughout the course of its history, this empty hole, this blank space with which it isolates itself, designates it just as much as do its values .. ” (Michel Foucault, *Madness and Civilization*: xi)

- *and indeed madness is only conceivable at all in relation to ‘society’*

“Madness can not be found in its raw state. madness only exists in society, it does not exist outside of the forms of sensibility that isolate it and the forms of repulsion that exclude or capture it.” (Michel Foucault, ‘Madness Only Exists in Society’ *Foucault Live*, p. 8)

- *or as Foucault writes in Folie et déraison:*

“[Madness] necessarily becomes embodied in this closed world that is at once its *truth* and its *condition*. Through a recurrence, which is

strange only if madness is taken to exist prior to the practices that define and concern it, its situation becomes its nature.” (Michel Foucault, *Folie et déraison*, p. 528)

- *or as Michel Serres has written:*

“... the perception of situation beomes the essential vision.” (Michel Serres, ‘The Geometry of the Incommunicable’ in *Foucault and His Interlocutors*, p. 41)

- *yet Foucault was also making a deeper, more profound point, as summed up by Serres:*

“It is true to say that madmen only exist vis-a-vis a given society or culture; Foucault’s book designates for us a perspective that is profound in a different way, from that which we see that there is no reason except by virtue of the madness that borders it and nourishes it, the madman against which one is always on guard while accepting it.” (Michel Serres, ‘The Geometry of the Incommunicable’ in *Foucault and His Interlocutors*, p. 52)

- *questioning the ‘limits of a society’ is also to question the political functioning of that society. And where better to begin than with its very reason?:*

“ .. to question a culture on the extremities of its experience is to question it on the confines of history, on a breach that is like the very birth of its history.” (Michel Foucault, *Madness and Civilization*: xi)

- *Foucault then sets off to trace the hidden history to Western rationality in its relation to Unreason .. (a perfect example of the ‘great Nietzschean quest’)*

Stultifera Navis: The Ship of Fools, The Cure of Folly ¹

- *Foucault’s Madness and Civilization is a meditation on the historical conditions that make a particular mode of conceptualization (reason) possible. Foucault reveals the political role of discourse in the formation of meanings - the meanings necessary of the constitution of man’s images of himself ..*
- *He opens with an amazing description of the ‘ship of fools’; the symbol of disquiet in the European imagination at the end of the Middle Ages;*

“Something new appears in the imaginary landscape of the Renaissance .. the Ship of Fools .. ” (Michel Foucault, *Madness and*

¹ Hieronymous Bosch, circa.1494, and circa.1480 respectively.

Civilization: 7)

- *break, or transition?*

“Up to the second half of the fifteenth century, or even a little beyond, the theme of death reigns alone. The end of time bear the face of pestilence and war. What overhangs human existence is this conclusion and this order from which nothing escapes. The presence that threatens even within this world is a fleshless one. then in the last years of the century this enormous uneasiness turns on itself; the mockery of madness replaces death and its solemnity.” (Michel Foucault, *Madness and Civilization*, p. 15)

- *why the fascination with madness?*

“ .. madness fascinates because it is knowledge .. it is a forbidden wisdom, it presages both the reign of Satan and the end of the world; ultimate bliss and supreme punishment; omnipotence on earth and the infernal fall .. This false happiness is the diabolical triumph of the Antichrist.” (Michel Foucault, *Madness and Civilization*, p. 21-2)

- *steadily, however, madness loses its apocalyptic hold, increasingly included in literature and comedy*

“Displaced in the economy of narrative and dramatic structures, it authorizes the manifestation of truth and the return to reason .. Thus madness is no longer considered in its tragic reality .. Madness is deprived of its dramatic seriousness .. The classical experience of madness is born .. Forms remain, now transparent and docile, forming a cortège, the inevitable procession of reason.” (Michel Foucault, *Madness and Civilization*, p. 32, 35)

“Oblivion falls upon the world navigated by the free slaves of the Ship of Fools. Madness will no longer proceed from a point within the world to a point beyond, on its strange voyage; it will never again be that fugitive and absolute limit. Behold it moored now, made fast among men and things. Retained and maintained. No longer a ship but a hospital.” (Michel Foucault, *Madness and Civilization*, p. 35)

Reason ascends over Unreason

“ .. each form of madness finds its proper place, its distinguishing mark, and its tutelary divinity: frenzied and ranting madness, symbolized by a fool astride a chair, struggles beneath Minerva’s gaze; the sombre melancholics that roam the countryside, solitary and avid wolves .. the ‘madmen of giddy and empty heads’ .. All this world of disorder in perfect order, pronounces, each in his turn, the Praise of Reason. Already, in this ‘Hospital’, *confinement* has succeeded *embarkation*.

Tamed, madness preserves all the appearances of its reign. It now takes part in the measures of reason and in the labour of truth.” (Michel Foucault, *Madness and Civilization*, p. 36)

“The world of the early sixteenth century is strangely hospitable, in all senses, to madness. Madness is here, at the heart of things and of men, an ironic sign that misplaces the guideposts between the real and the chimerical, barely retaining the memory of the great tragic threats - a life more disturbed than disturbing, an absurd agitation in society, the mobility of reason.

But new requirements are being generated .. ” (Michel Foucault, *Madness and Civilization*, p. 37)

Madness - in the works of Bosch, Breugel or Dürer - was seen to reveal deeper truths about the human condition, and was hence kept in dialogue with Reason. Madness was to be tamed under the humanist gaze.

As we pass from the Renaissance age to the early modern, and modern age, a gap opens between Reason and Unreason: two paths diverging (on the one hand a consciousness leading to medical science; and on the other, the decadence of a silence - broken only in the furies of the works of Goya, Van Gogh, Nietzsche, Artaud ..)

Moving into the eighteenth century proper, madness is rejected and banished. For example, in Descartes, *Meditations*, where he rejects the possibility of questioning the truth of perception: “but so what? they are madmen,”

The Great Confinement

- *but once again - like the Ship of Fools - madness would be thrust into oblivion*

“By a strange act of force, the classical age was to reduce to silence the madness whose voices the Renaissance had just liberated, but whose violence it had already tamed.” (Michel Foucault, *Madness and Civilization*, p. 38)

- *confinement*²

“ .. the seventeenth century created enormous houses of confinement .. A date can serve as a landmark: 1656, the decree that founded, in Paris, the Hôpital Général.” (Michel Foucault, *Madness and Civilization*, p. 38-9)

- *from its inception, the Hôpital was a political tool; what Foucault called a ‘third form of order*

² for those sent on Royal authority (*lettres de cachet*)

“In its functioning, or in its purpose the Hôpital Général had nothing to do with an medical concept. It was an instance of order, of the monarchical and bourgeois order being organised in France during this period.” (Michel Foucault, *Madness and Civilization*, p. 38-9)

- *codified knowledge (science), institutionalises a break of ‘conversation’:*

“ .. the constitution of madness as a mental illness, at the end of the eighteenth century, affords the evidence of broken dialogue, posits the separation as already effected, and thrusts into oblivion all those stammered, imperfect words without fixed syntax in which the exchange between madness and reason was made. The language of psychiatry, which is a monologue of reason *about* madness, has been established only on the basis of such a silence.” (Michel Foucault, *Madness and Civilization*, p. xii-xiii)

- *the poor, the idle, magicians, suicides, beggars, vagabonds, - and later, libertines, the debauched, and homosexuals - would all be confined within the walls of the Hôpital Général, with the insane ..*

“Perhaps, this is where, for centuries, the kinship between unreason and guilt would be formed, one that today the insane person experiences as destiny and the doctor discovers as truth of nature.” (Michel Foucault, *Histoire de la Folie à l’âge classique*, p. 100)

- *Unreason had become an ‘object of perception’ within the context of a ‘realm of experience’:*

“What was the horizon against which it was seen? Clearly, against that of a social reality.” (Michel Foucault, *Madness and Civilization*, p. 100)

“From this point on, it can be exorcised all at once by dealing with each of the figures in which it is embodied, to maintain order and as a police precaution.” (Michel Foucault, *Histoire de la Folie à l’âge classique*, p. 117-8)

The New Division/the Birth of the Asylum

- *the medicalisation of internment: once we pass from the age of agrarianism to the age of industrialism there is a wholesale reformulation of the principle of internment. The “Great Confinement” ends. Capitalism needs ever greater numbers of workers. Simultaneously poverty is increasingly regarded as a primary social ill. It was clear that its remedy was to be found not in incarceration, but in reintegration into society.*

- *politics would return to the workforce all those who could be 'productive': madness once again found itself alone (the birth of Unreason) - separated from the other 'deviants' on the fringes of society. Unreason would be the sole occupant of the sites of confinement .. left only with the doctors that tended to it.*
- *madness was once again separated from all other sections of society: this marks **the birth of the asylum**. Madness was increasingly regarded as a 'mental illness', hence 'liberated' from chains, but enmeshed a new and comprehensive scientific domain of knowledge and intervention*
- *Was this a liberation? And what were the implications for the broader encompass of society?*

“The asylum of the age of positivism .. is not a free realm of observation, diagnosis, and therapeutics; it is juridical space where one is accused, judged and condemned, and from which one is never released except by the version of this trial in psychological depth, that is, by remorse. Madness will be punished in the asylum, even if it is innocent outside of it. For a long time to come, and until our own day at least, it is imprisoned in a moral world.” (Michel Foucault, *Madness and Civilization*, p. 269)

Deviancy, unreason, policing

- *unreason becomes an object of perception*

“What was the horizon against this was seen? Clearly, against that of a social reality. Staring in the seventeenth century, unreason is no longer the world's great obsession; it is also to be seen as a human phenomenon, a spontaneous variety in the realm of social species. What formerly was an inevitable danger inherent in things, in man's language, in his reason and his world, now assumes the figure of a character - or rather, of characters. The men of unreason are types recognised and isolated by society: the debauched, the dissipated, the homosexual, the magician, the suicide, the libertine. Unreason begins to be measured according to a certain gap dividing it from social norms .. This is the essential point: madness, abruptly invested in a social world, now puts in a privileged and almost exclusive appearance. Almost from one day to the next, it has been provided with a limited sphere in which everyone can recognise and denounce it - the madness formerly seen prowling at every border, surreptitiously inhabiting the most familiar places. From this point on, it can be exorcised all at once by dealing with each of the figures in which it is embodied, to maintain order and as a police precaution.” (Michel Foucault, *Folie et déraison: Histoire de la folie à l'âge classique*, p. 117-119)

- *steadily, over the course of the 17th and 18th centuries, psychiatry and policing came together. They had - as one can see in the Great Confinement - a similar brief, mutually reinforcing. Yet psychiatry would only really penetrate penal justice in full force in the 19thC. It then became a permanent apparatus in the emerging 'disciplinary society' .. It established and consolidated 'norms'*

“ .. psychiatry, as it developed in the early nineteenth century was not at all localized within the asylum, with a medical function, .. [which] .. then became generalised and extended to the entire social body .. [F]rom the outset, psychiatry has had as its project to be a function of social order.” (Michel Foucault, ‘Confinement, Psychiatry, Prison’ in, *Politics, Philosophy, Culture*, p. 180)

- *the asylum gave an image of scientificity (by making confinement look like a hospital). This was merely an operation of justification. The aim was to develop 'public hygiene' (public order). Hence the developing interest of psychiatry in criminality.*
- *is psychiatry the final frontier of the state?*

“After the (French) revolution .. a psychiatric project .. appears very clearly in the periodicals of the time and the speeches of psychiatrists: everywhere society is meeting a mass of problems, in the street, at work, in the family, etc. - and we psychiatrists are the functionaries of the social order. It is up to us to make good these disorders. We have a function in public hygiene. That is the true vocation of psychiatry. And that is its true context, its destiny.” (Michel Foucault, ‘Confinement, Psychiatry, Prison’ in, *Politics, Philosophy, Culture*, p. 180-1)

“When people have their own space and consequently find it easier to escape or ignore the political apparatus, or hide from it, how will they be caught? They’ll be caught on the couch, in psychotherapy, etc .. ” (Michel Foucault, ‘Confinement, Psychiatry, Prison’ in, *Politics, Philosophy, Culture*, p. 208)

the basic coordinates of our world were established: a basic mode of accumulating men - and of constituting their 'usefulness', and moral and ethical fibre, emerged.

and yet, the very figure of the madman remains - testament always to the constitution of the truth of the rest of society .. Untruth always has the last laugh ..

*and so, Foucault's Madness and Civilization, recounts not only the history of a “silence”, but also the unsteady history of “truth” - or one form of truth that has come to dominate the Western imagination - **classical/modern rationalism***

Madness and the truth of man

- *madness bound up with truth of a whole society. It is represented in his very existence: the fact that the madman is also a 'man'*

“In our time man has no truth except in the enigma of the madman, who he both is and is not: each madman both bears within him this truth of man, which he exposes in the consequences of his humanity.” (Michel Foucault, *Madness and Civilization*, p.)

“Man and madman are bound by an impalpable connection of truth that is both reciprocal and incompatible.” (Michel Foucault, *Madness and Civilization*, p.)

The institutional/discursive genealogy of 'normalising society'

- *the development of the modern 'psychiatric gaze'*

“Madness will be punished in the asylum, even if it is innocent outside of it. for a long time to come, and until our own day at least, it is imprisoned in a moral world.” (Michel Foucault, *Madness and Civilization*, p. 269)

- *psychiatric domination*

“It is thought that Tuke and Pinel opened the asylum to medical knowledge. They did not introduce science, but a personality, whose powers borrowed from science only their disguise, or at most their justification. These powers, by their nature, were for a moral and social order; they took root in the madman's minority status, in the insanity of his person not of his mind. If the medical personage could isolate madness, it was not because he knew it, but because he mastered it; and what for positivism would be an image of objectivity was only the other side of domination.” (Michel Foucault, *Madness and Civilization*, p. 271-2)

- *psychiatric policing (the constitution of the 'abnormal' individual)*

“The 'psychiatrization of crime' was enacted through primitive practices that emphasised the character of the criminal rather than the crime in which he participated. This phenomenon demanded that the judicial system focus on the criminal's potential danger to society instead of on his particular crime.” (Lawrence Kritzman, introduction to 'The Dangerous Individual' in, *Politics, Philosophy, Culture*, p. 125)

- *and why emphasise the criminal rather than the crime?*

“Throughout the nineteenth century .. one sees the emergence of a new strategy for exercise of the power to punish .. the economy of illegalities was restructured with the development of capitalist society .. this new strategy falls easily into the general theory of the contract. The citizen is presumed to have accepted once and for all, with the laws of society, the very law by which he may be punished .. He has broken the pact, he is therefore the enemy of society as a whole .. He is nothing less than a traitor, a ‘monster’. The right to punish has been shifted from the vengeance of the sovereign to the defence of society.” (Michel Foucault, *Discipline and Punish*, p. 81-2, 87, 89-90)

- *social contract theory made the ‘madman’ a criminal category (someone who would dare to rise up against a social order that explicitly set itself the aim of facilitating life - biopolitics)*
- *psychiatry and the penal system come together in the body of the **criminal***

“ .. hardly had the great eighteenth-century legal reformers completed the systematic codification of the results of the preceding evolution³ .. when a new crisis began to appear in the rules and regulations of legal punishment. “What must be punished, and how?” That was the question to which, it was believed, a rational answer had finally been found; and now a further question arose to confuse the issue: “Whom do you think you are punishing?” In this development, psychiatry and psychiatrists, as well as the notion of ‘danger’, played a permanent role.” (Michel Foucault, ‘The Dangerous Individual’ in, *Politics, Philosophy, Culture*, p. 128)

- *above all psychiatry emerged in penal law in the cases in which the crime had been spontaneous - unexplainable in all other terms - and unrelated to prior mental disturbance⁴ .. one can almost feel the paranoia that must have run through society in relation to certain spontaneous acts of cruelty. Psychiatry emerged - throughout the 19thC as an amelioration to these ‘unknown impulses’ .. it was a body of knowledge that aimed to master the unpredictable event ..*

“ .. in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality.” (Michel Foucault, ‘The Order of Discourse’, Inaugural lecture at the College de France, December 02, 1970, reprinted in, Robert Young (Ed.), *Untying the Text*, p. 52)

³ the disappearance of the spectacle of punishment (the scaffold). We will deal with this specifically in week 8. In the meantime, be reading *Discipline and Punish*.

⁴ what Foucault termed the ‘zero degree of insanity’ (‘The Dangerous Individual’, p. 130)

- *psychiatry also aimed to control ‘dangers’. In that sense it infiltrated the hierarchy penal justice from the top down (whereas prior to the 19thC, insanity was raised predominantly in relation to petty crimes)*
- *up until the 19thC insanity was never an excuse for the most serious of crimes (because these crimes had a focus - the despot, the King). After the 19thC (into modernity proper) the penal system opposes the ‘offender’ not to the King, but to society as a whole (and especially a society that operates to facilitate the individual⁵, and life in general). The greatest of crimes can not therefore be understood. Why would one bite the hand that feeds?⁶*
- *none of this is conceivable in the absence of that basic reformulation of ‘political technology’ that emerged with the new model of ‘society as a social contract’! All of this is the outgrowth of the revolution in Italian conceptions of the ‘art of government’*
- *it is little surprise that the ‘Enlightenment philosophes’ so revered John Locke!*
- *yet social contractarianism is but one platform for the rise of psychiatry in the penal process: as Foucault describes, a more effective legitimation of psychiatry’s legitimate place is in relation to crimes against kin. Such crimes could properly be seen to be ‘abnormal’ (pathological) .. against nature⁷*

The ‘pathologification’ of crime

- *at the end of the Great Confinement, psychiatrists like Pinel protested that delinquents were confined alongside madmen. And yet, shortly afterward, psychiatry tries to re-establish the kinship (e.g., monomania: mental illness as criminality)*
- *why did psychiatry take a renewed interest in delinquency?*

“Crime .. became an important issue for psychiatrists, because what was involved was less a field of knowledge to be conquered than a modality of power to be secured and justified. If psychiatry became so important in the nineteenth century, it was not simply because it applied a new medical rationality to mental or behavioural disorders, it was also because it functioned as a sort of public hygiene.” (Michel Foucault, ‘The Dangerous Individual’ in, *Politics, Philosophy, Culture*, p. 133-4)

- *psychiatry, Foucault argues, was at the heart of the development of the study of populations (statistics, political arithmetic), and the means by which knowledge would be invested in outcomes (bio-power)*

⁵ liberalism

⁶ rather than that which takes (i.e., the King and taxation, for instance)

⁷ see George Canguilhem, *The Normal and the Pathological* (Zone, 1991). Canguilhem was one of Foucault’s mentors, and a great influence on his thought throughout Foucault’s life.

“At the turn of the nineteenth century, psychiatry became an autonomous discipline and assumed such a prestige precisely because it had been able to develop within the framework of a medical discipline conceived of as a reaction to the dangers inherent in the social body.” (Michel Foucault, ‘The Dangerous Individual’ in, *Politics, Philosophy, Culture*, p. 133-4)

- *medical psychiatry was the physician of the social body in its entirety*
 - “ .. they were all conscious that they were treating a social ‘danger’, either because insanity seemed to them to be linked to living conditions (overpopulation, overcrowding, urban life, alcoholism, debauchery), or because it was perceived as a source of danger for oneself, for others, for one’s contemporaries, and also for one’s descendants through heredity. Nineteenth-century psychiatry was a medical science as much for the societal body as for the individual soul.” (Michel Foucault, ‘The Dangerous Individual’ in, *Politics, Philosophy, Culture*, p. 134)
- *yet its emergence was not uniform, and was indeed resisted by the judicial process*
- *medical psychiatry found its way-in not through codified law, but through the; ‘mechanics of punishment and the interpretation given to them’*
- **‘reforming’ became the responsibility of medical psychiatry**
- *medical psychiatry establishes itself in the modern world on the back of a basic reformulation of the power to punish (which was itself part of the broadest inward transformations of knowledge, politics, economy and society, known to us now as the transition from the Classical episteme to Modernity proper).*

“The forms of punishment to which the late eighteenth-century reformers, and all the early nineteenth-century legislators rallied - that is, imprisonment, forced labour, constant surveillance, partial or total isolation, moral reform - all this implies that punishment bears on the criminal himself rather than on the crime, that is on what makes him a criminal, on his reasons, his motives, his inner will, his tendencies, his instincts.” (Michel Foucault, ‘The Dangerous Individual’ in, *Politics, Philosophy, Culture*, p. 137)

- *psychiatry was where aptitudes to delinquency would be reformed; where normality would be enshrined, and deviance erased*
- *reforming demanded that one know the reasons of the crime .. one must know ‘who’ the criminal was .. what the **motivation** was*

“The doctors who were normally called in only to certify cases of *dementia* or of *furor* began now to be called upon as ‘specialists in

motivation'; they had to evaluate not only the subject's reason but also the rationality of the act, the whole system of relationships which link the act to interests, the plans, the character, the inclinations, and the habits of the subject." (Michel Foucault, 'The Dangerous Individual' in, *Politics, Philosophy, Culture*, p. 138-9)

- *justice could only proceed on the assumption of intelligibility. There is a deeper transition here than simply the absolution of responsibility in cases of dementia and furor. Acts have to be found to be psychologically determined ..*

Summary: Explaining the intervention of medical psychiatry in 19thC penal justice

- *two principle reasons, one broader one:*
 - i) Medicine as a public hygiene
 - ii) Legal punishment as a technique for transforming the individual

“ .. these two new demands are both bound up with the transformation of the mechanism of power through which the control of the social body has been attempted in industrial societies since the eighteenth century.” (Michel Foucault, 'The Dangerous Individual' in, *Politics, Philosophy, Culture*, p. 138-9)
 - iii) The birth of bio-power; the birth of bio-politics
- *as soon as the discourse of the 'dangerousness' of the criminal emerges, a new form of knowledge of that danger is demanded .. a form of knowledge that goes quite beyond previously established juridical notions. 'Dangerousness' and 'criminality' have no juridical basis, and;*

“ .. can be made to function in a rational way only within a technical knowledge-system, a knowledge-system capable of characterising a criminal individual in himself and in a sense beneath his acts; a knowledge-system able to measure the index of danger present in an individual; a knowledge-system which might establish the protection necessary in the face of such danger. Hence the idea that crime ought to be the responsibility not of judges but of experts in psychiatry, criminology, psychology etc.” (Michel Foucault, 'The Dangerous Individual' in, *Politics, Philosophy, Culture*, p. 144)