SPECIAL SEMIOTIC CHARACTERS: WHAT IS AN OBSTACLE-SIGN?

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In Foucault’s *Discipline and Punish* (1975/1977) there is a pre-panoptic discussion of an art of signification that places representation at the heart of the public communication of a highly diverse array of punishments. Within the logic of exposition, Foucault’s discussion of the “gentle way of punishing” precedes the production of “docile bodies” and the improbable emergence of imprisonment in a “coercive institution” as a general form of punishment; in the process, the “picturesque”—to use Rudy Visser’s emphasis (1995; Foucault 19771)—penalties previously imagined by reformers are superseded. Foucault’s question is, how did prison detention become “one of the most general forms of punishment?” (120). I want to reframe this question: what was lost when the prison became “one of the most general forms of punishment”? What, in short, can be learned today from a semiotics of reform in which representation and not coercion of the individual through a “concerted orthopaedy” (130) is the goal of the penalty; where signs are not displaced by exercises, and the locus of the power to punish includes special semiotic characters that perfuse a so-called “punitive city”?

Regaining this semiogram of power will contribute to our task of bringing a Foucauldian meditation to bear upon the analysis of the neoliberal surveillance state. My specific goal is to extract and describe the features of special semiotic characters called “obstacle-signs” (*signes-obstacles*) from Foucault’s account of what he calls a “dream” of penal reform dating from the eighteenth century that died and gave way to the “great uniform machinery of the prisons” (116). The signifieds of obstacle-signs were reduced, that is, “colonized,” by prison, following the disappearance of public torture and the dissipation of the whiff of abuse and illegality that prison previously carried.

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1 All quotations from Foucault’s 1977 edition of *Discipline and Punish* will be referenced by page number only.
My task is to show the enduring relevance of obstacle-signs for critically apprehending our current situation within a burgeoning neoliberal condition. But first, a certain amount of explication of Foucault’s text is in order, to be followed by a reflection on the semiotic character of the obstacle-sign.

**Semio-technique**

Foucault describes how changes during the second half of the eighteenth century regarding property laws and the development of capitalism in the forms of intensive agriculture, investment in manufacturing, transportation, and port expansion provided the bourgeoisie with a privileged domain suited to its political machinations. Notably, these reforms also effectively introduced a “new economy” of punishment based not on spectacle, confused principles, and haphazard applications but on “continuity and permanence” (87). This “new economy” required individuals to accept a contract with society; those who break this contract through criminal acts become the enemies of society. The part and whole are related in this way: the least crime attacks the whole of society, and the whole of society is present in the least punishment. In this way, punishment is generalized, Foucault underlines. This struggle between part and whole is “unequal” (90) since the power to punish belongs only to society; vengeance should play no role. Instead, the question of punishment is the defence of society and the expression of the humane sensibility of the lawmakers, yet implying a principle of calculation deep within it (91) that attends to the recoil effects of punishment upon those who exercise it; attention is given, in other words, to the “effects of power” (92). Punishment is an “art of effects” (93). It is a matter of economy and proportion formulated to “prevent repetition” (93). Reference back to the crime in the punishment must be “discreet.” Punishment is not an example that allows for the reappearance of either crime or sovereign power; punishment therefore is a punitive “sign that serves as an obstacle” (94) and has six major rules.

Briefly, the six rules of this semio-technique are:

1. **Minimum quantity**: Reduce the advantages that a crime creates for the criminal by stripping away what is desirable about it while creating greater interest in avoiding the penalty.

2. **Sufficient ideality**: Given rule 1, the “pain” of punishment must function as an ideality, an “idea” and not a
“corporal reality,” a representation, which punishment maximizes.

(3) **Lateral effects concern the centrifugalization of the effects of punishment**: The effects of punishment spread centrifugally and must be managed. The goal is to “make others [other than the criminal] believe that he [the criminal] has been punished” (95), and to do so in a lasting way.

(4) **Perfect certainty**: Constitute by means of representational signs a “necessary and unbreakable” (95) link between the crime and its particular punishment. This entails a clarity of consequences and publication of written legislation and the speeches of magistrates; open access to records should also be guaranteed. Here Foucault introduces an important feature: in order to realize the perception of certainty, “no crime committed must escape the gaze of those whose task it is to dispense justice” (96).

(5) **Common truth**: Verification of the crime must obey accepted principles of truth in the arguments, proofs, and judgments that support it. This requires a transition from “ritual” acts to “common” instruments (“reason possessed by everyone” in which one is innocent until proven guilty) (97).

(6) **Optimal specification**: In “penal semiotics” (98) illegalities must be rigorously and comprehensively defined and coded, classified, categorized in a taxonomy of punishments, with no excesses or loopholes: an airtight semiotics in which there is a “total coincidence between all possible offences and the effects-signs of punishment” (98). Additionally, the “criminal himself” must be considered so that punishment may be “individualized” in a “dyad” of mutual reinforcement: “individualization appears as the ultimate aim of a precisely adapted code” (99).
Punishment could be “modulated” according to the defendant’s character, way of life, history, quality of will (99). The code and individualization scheme were developed in relation to natural history taxonomies, specifically the Linnaean taxonomy. The code was laid out in a great table, a spreadsheet, divided into crimes according to their objects and then into gradations of species, from which comparisons to another table of penalties could be made. This “double taxonomy” was more of a “dream” than a reality (100).

Obstacle-signs

Transitioning, then, from generalized punishment to the “gentle way in punishment,” Foucault explores the role of the “technology of representation” in punishment through what he calls “obstacle-signs” (104). The role of representation is to rob the crime of its attraction by communicating its disadvantages by means of such signs, thus constituting a “new arsenal of penalties” (104). The six conditions under which these types of signs function follow:

(1) Avoid arbitrariness as much as possible; be “as unarbitrary [peu arbitraires] as possible” (104). Such signs are “analogical” (based on resemblance and proximity) in design in as much as a specific punishment is immediately and transparently signified by the thought of a crime, the signified acting as a deterrent that “diverts the mind” from going down the road of that commission: “the transparency of the sign to that which it signifies” (106) is aimed at all those experiencing the representation. The semiotic relation is between signifier (crime) and signified (punishment). The link would be immediate, stable, almost natural as far as its “sequencing” is concerned. This notion of the natural sign meant that vainglory would be punished by humiliation, murder by death, theft by confiscation (105). In other words, punishment underlines the “symbolic communication” between the crime and its “analogical penalties” (105). Today, in some constituencies, chemical castration for repeat sex offenders and the death penalty for serial murderers appear to retain this symbolic principle of communication.

(2) Signs engage with and subdue, weaken, dissipate forces of desire, attraction, and sundry intensities and pleasures of crime. Force is marshalled against force, good habits against bad passions; it is advised to “set the force that drove the criminal to the crime against itself” (106). In this sense punishment is an irritant that upsets the pleasures and rewards of criminality. But this is not only a negative operation. Additionally, Foucault describes how
what is useful and respectful must be rebuilt, “reanimated” so that “the penalty that forms stable and easily legible signs must also recompose the economy of interests and the dynamics of passions” (107).

(3) The idea of the penalty involves a “temporal modulation” (107), that is, it is not permanent. Torture was no stranger to temporal considerations, and duration became a way of transformation rather than not ordeal. Diminishing intensities and greater leniencies are thus imagined as internally variable yet nonetheless fixed sequences.

(4) Punishment is not only directed at the convict: for him, the penalty is an obstacle-sign with a tight fit between crime and punishment, but the reach of the sign extends beyond the guilty to the “potentially guilty” (108) and is meant to circulate widely and rapidly, find acceptance and redistribution, shaping inter-individual discourse about crime’s falsehood. In this way public good can be made of convicts. They provide physical labour and perform a semiotic service “by the signs that [they] produce” (109). The latter is the greater utility because semiotic action is required against crimes yet to be committed and crimes not yet conceived of, but which would be decodable within this penal semiotics and the coordinates of the taxonomical spreadsheet.

(5) Terror may have been engraved on the memories of those who witnessed public executions, but obstacle-signs are “decipherable” by all. This results from the “learned economy of publicity” (109) in which obstacle-signs deliver unambiguously decodable moral lessons. They radiate a clarity of message evident to all. Another “double” emerges: the double affliction of the citizen who ignores the law and becomes in the process a criminal “lost” to society (110). Sadness and mourning rather than vengeance are the emotions proper to this ritual; the effect is not terror, but a legible publicity of punishment: “it must open up a book to be read” (111).

(6) In making the criminal a source of instruction, the “dubious glory” of the criminal may be extinguished. This requires constant reinforcement by the circulation of obstacle-signs. The “positive mechanics” of which recode punishment so that the pleasures of crime are diminished and crowded out in popular discourse by fear of punishment. Discourse as the vehicle of punishment captures poetry, popular tales, folklore, the moral lessons that parents tell their children: the imaginary “punitive city” is perfused with public obstacle-signs.

According to the logic just presented, imprisonment or detention would correspond to a crime such as kidnapping or hostage taking. It is the sort of punishment that suits a specific type of crime and is analogically related to it. It
is semiotically coherent: “it will be important to avoid utilizing the same punishment for different crimes—which would be like using the same word to say different things. Instead of putting lazy vagabonds in prison, put them to work” (Ransom 1997). In other words, imprisonment lacks specificity when used generally and it is criticized in this way by reformers who believed it to be counterproductive. Foucault writes, “prison as the universal penalty is incompatible with this whole technique of penalty-effect, penalty representation, penalty-general function, penalty-sign and discourse” (114–15). Still, by 1810, it occupied “almost the entire field of possible punishments” (115). In all of its manifestations, prison was a “monotonous figure … of the power to punish” (116).

Special Characters

Obstacle-signs are framed in the terms of a conceptual language with which we are familiar from structural linguistics, but the specification of the conditions of signification are divergent: the relationship between the signifier and signified of an obstacle-sign diminishes in arbitrariness as resemblance, analogy, and proximity are underlined as the principles of motivation governing the system of crimes and punishments. Obstacle-signs need to be rendered starkly transparent and intelligible so that the unity of the signifier and signified cannot be shaken or diverted by the affective charms of crime or the hope of non-detection either through a blind spot of signification or a fuzzy polysemy. This requires reinforcement through a comprehensive and intensive mediatization—the “ever-open book” to be read by all (111). Thus, a semiotic must be cruel in its clarity and cold in its ineluctability, yet delivered through a landscape perfused with “tiny theatres of punishment” (113) where discourse and performance deliver the strictest of lessons and semiotic disobedience is minimized. Therein representation is not at all festive and engages multiple media as well as linear textual and visual modalities (posters and heraldry). Recalling Jean Baudrillard’s (1993) discussion of the sure signs of a symbolic order prior to the emergence of modern signs marked by simulacra, obstacle-signs answer to this transparency of certainty and circumscribed circulation as lessons in prohibition, acceptance, and submission.

Obstacle-signs are positive in the sense that they are defined by the fullness of the motivated relations between signifier and signified rather than solely by the negative differences between signifiers and their meaning effects as the source of their meaning within the penal code. The translation of the recurring phrase *jeu de signes-obstacles* by “complex of obstacle-signs” (106 and 108) allows the weight of an ensemble as code to come through but without
resorting to the more structural language of system. The signified is not an effect of the structural interdependence of signifiers. Each obstacle-sign is quite specific in its construction; the uniformization of the penalty by prison effectively destroyed the internal diversity of obstacle-signs. Recalling Fredric Jameson’s (1991) analysis of postmodernism in which the interdependency of signifiers “snaps,” revealing the “rubble of distinct and unrelated signifiers,” Foucault’s description of a pre-modern semiotic imaginary is likewise snapped over the course of some twenty years (approximately between 1790 and 1810) in which the signified is banalized and monotonized as a single kind of penalty that is no longer “telling” in relation to the specific offence committed. While Jameson describes the schizophrenic consequences of the snapping of the signifying chain in which a subject is “engulfed” in the “vividness” of an isolated signifier heavy with affect, we may see in the transformation of the signified as imprisonment, the general form of punishment, not only an evacuation of variation, but a stripping away of the communicative effect in which a subject no longer confronts obstacle-signs that warn against specific criminal activities at every turn. Rather, with the disappearance of the public signscape of crime-punishment scenarios, and their multiple activations of fear and acceptance, this movement is also a desocialization that escapes into the coercive institution of prison. Signs are replaced by architectures.

The opposite of prison’s generalization of the signified is the inability to find a signified. A loosening of the analogical tightness of the sign may be described by the intrusion of an obtuse factor, what Roland Barthes (1977, 54) theorized as an excessive and elusive supplementary dimension of meaning. Such indifference to obviousness challenges the clarity of the obstacle-sign, and the result is a “signifier without a signified” (61). Thus, a representation that fails to communicate a specific punishment has broken down. It is not necessarily bad theatre, but a theatre not in control of the effects of its representations, and unable to manage the accents emerging from it. Foucault does not acknowledge that among the hundreds of tiny theatres attempting to communicate to the “potential guilty” that there must have been, in this vision of reform, not only aberrant significations but challenges to the machinery of representation. For the obtuse, as Barthes explains, resists description and representation.

“Hundreds of Tiny Theatres of Punishment”

Within the neoliberal diagram of power, governing through wars on crime is a standard conservative strategy. The dream of a public and “permanent lexicon of crime and punishment” (111) suggests to me Ronald Reagan’s utilization of
anti-drunk driving legislation in the early 1980s (see Lerner 2011). In this era, federal legislation normalized blood alcohol content levels, enshrined license suspension and mandatory penalties, and established better law enforcement. The National Minimum Drinking Age Act was also passed during this era with the support of groups like Mothers Against Drunk Driving (MADD), who advocated for victims’ rights and found a fertile political and media environment for its cause. If we consider the desired effects of obstacle-signs to be beyond the convicted to the “potentially guilty,” then the ways in which they shape discourse, annotate, and even revise the book to be read, as it were, is especially pertinent.

In the case of drunk driving, the link between the presence of a blood alcohol content at or above the minimum as the single causal factor in 50 percent of car crash fatalities cemented the signifier-signified relation in which the crime of drunk driving (blood alcohol level) and its punishment (analogically understood as a suspension of one’s license to drive, and later, in terms of proximity, cars that test such levels and block ignition) circulated in mass media and exercised a remarkable moral authority, for a short time. The publication of the names of those convicted of driving while intoxicated reveals what Foucault considered a double payment of the convicted: the consequences of a DWI (driving while intoxicated) conviction and the production of obstacle-signs for those who might consider driving (or operating another kind of vehicle like a boat) after or while consuming any amount of alcohol; ultimately, this would bleed together intoxication and driving under the influence. Of course, the overdetermination of the idea of “drunk driving” (as opposed to “drink driving”) and the isolation of the single most important cause of car crash fatalities as blood alcohol content (as opposed to alcohol’s behavioural effects on driving ability) were criticized by multifactorial causal analysis and re-examination of the myth of the drunk driver as the “villain of traffic safety” (Lerner 2011, 97). But this villain, as a “rentable property” (109), once put into circulation, effectively “recoded” drunk driving as the act of an “enemy” of society, assisting in the diminishment of any value accruing around the desire to engage in such activity, and therein limiting appeals to alibis such as tolerance for social drinking and recourse to populist nostrums like having “one for the road.”

Yet these ideas persist in the popular imagination because alcohol still forms part of a preparation kit for driving under certain, perceived-to-be-difficult circumstances (e.g., driving at night, in the snow). It is hard to describe this persistence of the obtuse, as Barthes taught, because it resists articulation. At the same time, the blurriness of the obtuse may be redeployed and is regularly integrated into representations of perceptual impairment through the
lens of alcohol (i.e., seeing the world through the bottom of a empty glass of beer). The anti-drunk driving “serious theatre” of the punitive city is perhaps best witnessed in the MADD red ribbon and other campaign materials, liquor control board moral messaging, and holiday clampdowns at the roadside. These campaigns attempt to lock-in the signifier-signified relation of drunk driving-license suspension by scare tactics. The signified of license suspension is a “telling” punishment, as is the installation of an ignition locking device—so-called “alcholocks”—for repeat offenders. But since the 1980s one may see in the penalty for street racing—vehicle impoundment—a similar obstacle-sign of a “safe roads” code working in concert with other driving penalties. What I am maintaining is that for a brief period in the 1980s the legible lesson of the crime and punishment ligature was tightly wound in the spirit of obstacle-signs. But this period gave way to confusion among different constituencies (states and provinces) about the language of driving while intoxicated and driving under the influence (DUI is known in Canada as impaired driving, yet it persists in the common language as it is undoubtedly inspired by television cop shows).

Obstacle-signs appear to be “naturally” politically conservative and support a moral mission through multimedia representation, what we now call in Canada a “punishment agenda” and “governing through crime” in the United States; conversely, the political use of public drinking by a subculture to carve out a space for itself is arguably restricted to similar conservative outcomes, in addition to the proliferation of obstacle-signs (Marcus 2005, 271). They also still give way to either the generalization of punishment in the form of prison and mass incarceration. The eighteenth- and twentieth-century examples share this generalization of punishment. Because they communicate the kind of “certainty” that reduces what Foucault terms the “coefficient of improbability” (96) that otherwise loosens the bond between crime and penalty, a further apparatus is required. Surveillance—the “gaze of those whose task it is to dispense justice” (96)—is the means by which this reduction would take place in support of the surety of laws, their publication, and advertisement, yet Foucault only pursues the issue of the gaze (single-normalizing-permanent) within the context of disciplinary institutions (173–74), that is, after dispensing with obstacle-signs. It is less remarkable that the gaze appears within the discussion of obstacle-signs than the loss of the explicit study of signs (not the power of ideas and diagrams) in Foucault’s subsequent treatments of the contributions of the human sciences to the prison’s productivity in its fabrication of individuals (delinquents) as effects of power/knowledge. The contribution of signs to “epistemological power” (Foucault 2002) appears limited to a brief and somewhat dreamy historical moment, and quickly pales beside psychiatry and criminology, and is thrown out by Foucault with the
bathwater of “structure.”

Foucault does not concern himself with the semiotic vicissitudes of the punitive city. Further, even though he has at his disposal an understanding of the unwieldy nature of public corporal punishment based on his analysis of the theatricality of public torture and the political problems created by the public’s behaviour (e.g., making the criminal a hero, mocking the sovereign, generating new and dangerous solidarities), he does not transfer and apply this to the “punitive city.” This is undoubtedly due to his inclusion of semio-techniques among all of the refinements of penal reform; that is, all of the ways to make punishment more subtle, more logical, more balanced, more qualitatively nuanced. Hence, a shift from the referent to the sign, from the real to the ideal, in the (re)presentation of crime and punishment: the theatre replaces the scaffold, semiosis substitutes for ritual.

As I have suggested in this article, obstacle-signs are special semiotic characters that have a more recent history, remain in circulation today, and are well-adapted to specific political climates and temperaments for demonstrations in reactionary civics. The survival of certain obstacle-signs does not mean the “punitive city” of dispersal and diversity of control has been realized, even in the most theatricalized “gradations” of community correction/treatment schemes (Cohen 1979). These surviving signs carry with them, however, obstacles to a future made tense by the perceived need to prevent its inevitability—both by the potentially innocent (exonerated guilty) and by their nefarious others.
Works Cited


