Revisiting the Carceral City:

From Panopticonism to Self-Governmentalism in the Late-Modern Prison

by Alexander Belser

Cambridge University

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Written in 1975, Michel Foucault's seminal work, *Discipline and Punish*, influenced a generation of subsequent criminological literature and introduced a new lexicon of penality: knowledge-power, disciplinary man, panopticonism, subjectfication and the carceral system. Now that three decades have passed, how well have his ideas withstood the test of time? A host of new technologies and public policy decisions have transformed the nature of penality on both sides of the prison wall. Witness the increased use of databases, new surveillance mechanisms, the alternatives of home detention and electronic tagging, as well as the shift toward managerialism, action 'at-a-distance' and 'self-governmentalism.' Foucault described the transformation of penality as a "technical project" or more cynically as a "technical mutation" and an "insidious extension" of disciplinary mechanisms (Foucault 1977: 176-7, 257). As penality has changed, so too has the penal subject; once a 'docile' object of the workings of power, the prisoner has now been subjectified as an active participant in the carceral system. Let us address Foucault's formulation of panopticonism and the carceral city with an eye toward

revisiting these concepts in light of the technological and control transformations of the last thirty years.

Proliferation of the Authorities of Decision-Making

The "machinery" of the criminal justice system has expanded beyond the sentencing judge and the gallows henchmen. Police officer, prosecutor, jailor, judge, jury, prison governor, prison psychiatrist, case manager, ward officer, parole officer: each individual extends the powers of judicial decision-making "well beyond the sentence" through what Foucault calls the "proliferation of the authorities of judicial decision" (Foucault 1977: 21). He distinguishes the judicial level into magisterial judgment and "penitentiary judgment" (*ibid*. : 247). The latter is part of the "declaration of carceral independence" in which the prison claims its own independent authority, an authority "that not only possesses administrative autonomy, but is also a part of punitive sovereignty" (*ibid*.). This proliferation of the agents of authority tends to create small abuses of power, which the prisoner experiences as the "arbitrary power of administration" or as "[c]orruption, fear, and the inefficiency of the warders" (*ibid*.: 266).

Foucault suggests that the multiplication of these nodes of disciplinary power was, ironically, a result of the penal reform movement. This same reform movement that rendered the pillory and the dungeon as historical relics of sovereign power ushered in a "new 'economy' of the power to punish" (*ibid*.: 80). After the penal reforms, power was neither too concentrated, nor too divided, but rather "distributed in homogenous circuits capable of operating everywhere, in a continuous way, down to the finest grain of the social body" (*ibid*.: 80). The "insidious extension" of surveillance technologies, for example, generated a "permanent and continuous field" which encompasses prisoner, officer and governor alike: "supervisors, perpetually supervised" (*ibid*.: 176-7). The surveillance network functions:

> "from top to bottom, but also to a certain extent from bottom to top and laterally; this network 'holds' the whole together and traverses it in its entirety…The power in the hierarchized surveillance of the disciplines is not possessed as a thing, or transferred as a property; it functions like a piece of machinery. And, although it is true that its pyramidal organization gives it a 'head', it is the apparatus as a whole that produces 'power' and distributes individuals in this permanent and continuous field" (*ibid*.).

The exercise of power is "multiple, automatic and anonymous," but even those who wield power in the prison (officers, psychiatrists, governors) are not masters of the system, but are rather enmeshed within it as mechanisms of its application (*ibid*.: 177). Despite the hierarchy, it seems nobody is at the helm: in the words of one British prisoner "nobody runs it, I suppose" (Crewe 2004: 4).

'Knowable Man' and the Technologies of Discipline

The carceral system, as it operates within the locus of the prison, is constituted by nodes of power and corresponding "anchorages of power" (Foucault 1977: 217, 251). With the advent of new technologies of knowledge-power relations, the number of these anchor points also proliferated. Here, Foucault develops the concept of "knowable man" (*ibid*.: 305). The prisoner is known through his or her file: it contains discrete data, biographical accounts, psychiatric case histories, reviews and measurements. More recently, it may also contain predictive data such as probabilities, actuarial metrics, risk calculations. The authorities exercise control through "division and branding," "coercive assignment" and "differential distribution" (*ibid*.: 199). Foucault continues:

> *"The examination, surrounded by all its documentary techniques, makes each individual a 'case'*: a case which at one and the same time constitutes an object for a branch of knowledge and a hold for a branch of power...this turning of real lives into writing...functions as a procedure of objectification and subjection" (Foucault 1977: 191-2; emphasis in original).

This calculated differentiation of each prisoner is a "procedure of individualization" which creates knowledge and simultaneously applies new anchor points onto the body of the prisoner. Upon these anchorages power may prod, tug and pull (*ibid*.: 305). Hence, files, databases and records of any sort become instruments of carceral manipulation—they exist at the intersection of the projects of penality and the human sciences.

The modern, centralized database stretches the institutional memory of a prisoner's interaction with the carceral system. For example, instead of using his or her discretionary authority to reprimand a prisoner, an officer may now simply add a sour note to the file, silently ruining chances for future parole; the inmate can be "killed off on file" (Crewe 2004: 6). In the bureaucratic matrix, the carceral system assigns aspects of the individual's identity into pre-formed categories. These categories serve to

differentiate the prisoner into easily recognizable aggregates (e.g. juvenile, high risk, drug user, kitchen staffer) which may be sorted, tabulated, processed and reordered. The real world of the prison may be processed and reordered to reflect these movements. Indeed, Sparks has argued that any "programme for comparative penological research" must acknowledge that intrinsically, "every act of penal decision making whatever" is underlain by these meaningful representations; the offender is constituted by a "historical dispensation of penality" (Sparks 2001: 171). With new technologies of power come new modes of idenity constitution. For example, the rules governing a database inform the possible structuring of the knowledge-power system—it may allow certain combinations of social identity, certain levels of rehabilitative progress, certain expressions of penal compliance (Aas 2004). In this sense, the digital reality of the database has important real world implications for the construction of corporeal reality, or bodies in space and time.

The rendering of prisoners as objects of knowledge allows for the commodification of offenders; an offender management system can manage humans in much the same way as it can manage goods and services. For example, in the United States, the Bureau of Prisons ("BOP") has established an online "Inmate Locator" tracking database. One can now track a human by typing in a BOP inmate number just as easily as one can track a package on dhl.com or federalexpress.com (Bureau of Prisons 2004). These offender management systems recast prisoners not just as commodities, but as consumers of goods and services. Within the consumerist and 'systems management' paradigms, the systems gather information on levels of service, and strive for "efficient and effective 'service delivery'" (Jones 2001: 12; Garland 1997: 189; see also Foucault 1977: 144). The "new penology" relies on the adoption of new technologies at every nexus within the prison's carceral network; each data entry point provides feedback to the managerial decision-making armature, which orchestrates at-a-distance, far from the landings of the everyday prison world (Jones 2001: 12; Garland 1997: 183).

For Foucault, the introduction of the biographical into the penal marks an important shift away from the *offense* and into the *offender*. It establishes the "'criminal' as existing before the crime and even outside it" (Foucault 1977: 252). It sets up a "psychological causality," and broadens the scope of the penal project beyond the body,

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to the very "soul" of the offender (*ibid.*: 16, 252). The aim of rehabilitation is no longer the "expiation" of the crime—the aim is now the transformation of the criminal (*ibid.*: 183, 252). The dynamic Foucault outlines between knowledge and power becomes all the more important if one accepts that the human individual is not merely "knowable," but also calculable. The emergence of the idea of "actuarial justice" demonstrates the success of the notion that statistical data and risk calculations can provide a basis for penal decision-making: arrest, admittance to a program or release (Feeley and Simon, 1994: 197n; Jones 2001: 11; Valier 2001: 26; Garland 1997: 182)

Surveillance and the Carceral Archipelago

Let us briefly review that ideal type of the carceral: the Panopticon. Foucault adopted the concept from Bentham's utilitarian vision of a prison where the few see the many (Foucault 1977: 200; see also Mathiesen 1997: 215, 219). Confined in a cell, each prisoner exists under the perpetual gaze of the guards. The side walls prevent communication with other prisoners. Foucault states: "He is seen, but he does not see; he is the object of information, never a subject of communication" (Foucault 1977: 200). The centralized gaze constitutes a power that is both "visible and unverifiable" (*ibid.:* 201). Never knowing whether he or she is being watched, the prisoner internalizes this gaze, always acting in accordance with the norms established by the system. Foucault variously described the Panopticon as a "royal menagerie" and as a "laboratory of power" (*ibid.*: 203-4) Most importantly, it "must be understood as a generalizable model of functioning...a figure of political technology," and not just as the particular instance imagined by Bentham (*ibid.*: 205).

Panopticonism illustrates the spread of the carceral beyond the walls of the prison—an "uninterrupted play of calculated gazes" is becoming a manifest reality in society through the proliferation of mechanisms of surveillance and social control (*ibid.*: 177). Foucault used the term "carceral archipelago" in the 1970s to characterize the Western world's growing mechanisms of social control as part of the "discipline-penality-delinquency system" (*ibid.:* 290, 301, 303). The phrase is a reference to Alexander Solzhenitsyn's *The Gulag Archipelago*, and it serves as an indictment of the Western illusion of social freedom. Regardless, Foucault's ideas here have been

formative in the discourse on surveillance (Lyon 1998; Lyon 2001: 15; Jones 2001). The continental philosopher Gilles Deleuze, a friend of Foucault, elaborates on Foucault's model of discipline, updating the notion of "control" to account for the technological explosion in the last two decades (Deleuze 1995; Deleuze 1997; Jones 2001: 9).

Foucault explains that the rethinking of offenders as "delinquents" allows for a wholesale reorganization of the mechanisms of discipline beyond the prison walls; it establishes the prison as merely a concentration point within the greater "carceral texture of society" (Foucault 1977: 304). In the United States, with 6.9 million individuals either incarcerated or on probation or parole, the spheres of control have grown to mammoth proportions (Sentencing Project 2005; see also Christie 2000). Sentencing alternatives such as electronic tagging and home detention expand the scope of the carceral through an automation of the mechanisms of surveillance (Garland 1997: 192; Jones 2001: 13). While not as complete as the total institution of the prison, these alternatives do subject the 'delinquent' to invasive exercises of disciplinary control: "for persons under court-ordered surveillance, their homes, financial affairs, sex habits and bodily fluids are subject to inspection by the government" (Russell 1993: 39). For Foucault, once the offender is conceptualized as a life-long delinquent, the process of rehabilitation may never be complete. His seventh and final "universal maxim of the good penitential condition" states that "[i]mprisonment must be followed by measures of supervision and assistance until the rehabilitation of the former prisoner is complete (Foucault 1977: 269-70). Foucault claims that we are all inside the "panoptic machine," subject to its power effects as well as agents of its mechanism (*ibid.*: 217).

Subjectification: Performance, Compliance and Self-Governmentality

Thus far we have discussed prisoners broadly as *objects* of knowledge within the carceral system. This formulation is paramount in *Discipline and Punish*, written in 1975. However, in later years, Foucault moved toward a conceptualization of prisoners (in fact, all individuals within the carceral network) as *subjects* of knowledge-power—as active and self-governing participants in their own incarcerations. Let us elaborate on this theme through the concepts of performance, compliance and self-governmentality.

In a prison system which incentivizes 'good conduct' and rewards those who conform to established norms, the performative aspect of behavior overshadows its genuine expression. Foucault metaphorically describes the cells of the Panopticon as "so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible" (Foucault 1977: 200). The 'actor' prisoner is encouraged to perform the role of the model prisoner by the carceral system: s/he parrots its language and is persistently polite, even when that courtesy is disingenuous (Garland 1997: 198). A prisoner may, for example, claim to be a drug addict, thereby donning the mantle of victimhood and granting satisfaction to the authorities through the success of their 'treatment' regime. The performative ritual of the Medieval public execution has been transmuted into the systematic performance of the normalized, incarcerated subject (Foucault 1977: 183).

Active compliance in the "late modern prison" is part of the shift from the objectified prisoner ("docile bodies") to the subjectified agent (*ibid.*: 81, 138; Crewe 2004: 1). On the macro level, the Key Performance Indicators for prisons in England and Wales have their parallels on the micro level with the Incentives and Earned Privileges scheme. Foucault briefly addresses the issue of rewards when he identifies within a facility a "trial area," "punishment area" and "reward area" (*ibid.*: 245). As Crewe notes, to 'succeed' as a prisoner within the current system, one can no longer simply obey orders—one must actively participate within the incentive system: "As one lifer outlined, there was also something deeply oppressive in itself about knowing you had to participate in your own carceral management" (Crewe 2004: 5-6)

In the final years of Foucault's life, his work turned toward the idea of the "government of one's self" (see Garland 1997: 174). This self-governing can be seen as a pernicious affront to the dignity of the incarcerated. It requires that a prisoner internalize the prison ethos and actively engage with the disciplinary mechanisms on their own terms, thereby legitimating their existence and ethos. As Foucault puts it: "he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection (Foucault 1977: 203). The invitation to perform compliance—to manage one's own incarceration—acts as a self-legitimating mechanism for the late modern prison: the subjects themselves join in a chorus of

institutionally gratifying lip service (see Crewe 2004: 10). The inculcation of self-governmentality situates the prisoner not in conflict with the powers that be, but as a product of the institution itself: "[t]he delinquent is an institutional product" (Foucault 1977: 301; Garland 1997: 174). This may help to explain why new prisoners may demonstrate an "uncritical acceptance of the incentive system" (Crewe 2004: 3).

Garland points to the "responsibilization strategy" as the logical development of Foucault's concept of the internalized gaze of the panoptic eye (Garland 1997: 188). He cites the example of the "Personal Development File" used by the Scottish Prison Service to mold the prisoner "as an entrepreneur of his own personal development, rather than an objectified or infantilized client upon whom therapeutic solutions are imposed" (Garland 1997: 191). This is part of the larger trend toward subjectification of the individual within the modern welfare state (Garland 1997: 188). The economic model of the free-market agent, combined with the tradition of political liberalism have encouraged the portrayal of the delinquent as the primary agent of self transformation. As Garland explains:

> "this method of governing does not rely upon sovereign force, nor even upon discipline. Instead, it rests upon a multiplicity of expert authorities and upon the willingness of individuals…to exercise a 'responsibilized' autonomy, and to pursue their interests and desires in ways which are socially approved and legally sanctioned" (Garland 1997: 179-80).

The extension of panopticonism beyond the prison walls and into the social is discussed by Garland as the "criminogenic situation" (Garland 1997: 187). This concept is a welcome update to Foucault's concepts of the "disciplinary society" and the expansion of the carceral city through mechanisms of social control (Foucault 1977: 209).

Points of Resistance: the Location of Power

How do we liberate ourselves from these "institutions of repression, rejection, exclusion, marginalization"? (Foucault 1977: 308). Foucault insists that even these notions "are not adequate to describe, at the very centre of the carceral city, the formation of the insidious leniencies, unavowable petty cruelties, small acts of cunning, calculated methods, techniques, 'sciences' that permit the fabrication of the disciplinary individual" (*ibid*.: 308). Where are the points of rebellion, the levers of carceral transformation? In

times past, when power was vested with the sovereign, there was always the latent danger that the public spectacle of a hanging would incite a rebellion against the throne (*ibid*.: 63). However, the "faceless gaze" of the panoptic field "automatizes and disindividualizes power" (*ibid*.: 202, 214). In reference to Auburn Prison's model of silence, Foucault argues that the power is organized according to a hierarchy which permits only vertical communication and prohibits "lateral relation[s]" (*ibid*.: 238-9). He fleshes out discipline's reaction to the rebellious inclinations of "counter-power":

> "[Discipline] must also master all the forces that are formed from the very constitution of an organized multiplicity; it must neutralize the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it: agitations, revolts, spontaneous organizations, coalitions— anything that may establish horizontal conjunctions" (*ibid*.: 219).

Rebellious disquietude against 'the man,' 'the machine' or 'the system' has no central outlet for expression (Crewe 2004: 6). Even if the forces of counter-power were to assemble, it could find no point of application; there is no "centre of power," no Cyclopean eye, no brain, no core, no singular point of weakness in the great carceral social body[1] (Foucault 1977: 307). Power is not easily dismantled (Foucault, 1979: 89) (see also Valier 2001: 437-8). The system works through our bodies—we ourselves are inculcated agents of its perpetuation, whether as chattering criminologists, objectifying scientists or performing prisoners (Foucault 1977: 304).

Others have argued that self-harm and prisoner on prisoner violence are best conceived as oppositional responses to the application of disciplinary power (Huspek and Comerford 1996; Groves 2004). As power shifts "upwards," "outwards" and becomes inaccessible to the grievances of inmates, frustrated prisoners may demonstrate their rebellion through self-mutilation—a literal evisceration of the inculcated, panoptic dark forces (Groves 2004: 54-5, 59; Crewe 2004: 4). Self-harm curtails the institution's power, since the institution is responsible for the body of the prisoner. In this sense, self-harm exploits a weakness of the system (Groves 2004: 60). Outside the prison walls, the resistance counter-power of the 'delinquent' is systematically neutralized. A permanent, apparently marginalized, "but in fact centrally supervised milieu" of delinquents populate

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[1] This idea has caught the public's imagination, with the success of movies such as *The Matrix* and *The Truman Show,* as well as the musical group Rage Against the Machine.

the ghettoes of the cities. It is here that parolees will return: the "delinquent inevitably fell back on a localized criminality, limited in its power to attract popular support, politically harmless and economically negligible" (*ibid*.: 278). Both inside and outside the prison gates, counter-power struggles to find channels of resistance against the proliferating mechanisms of the disciplinary society.

How, then, might it be possible to foster hope of in the age of the carceral city? Despite his cynicism, Foucault was himself an activist, a protester, a voice against the encroaching surveillance and control mechanisms of the panoptic machine. In the modern prison, the prisoner has been rendered as an object of knowledge by both the human sciences and by the project of penality. Enduring commodification, surveillance and the new technologies of discipline, the prisoner has now been asked to participate in his or her own incarceration as the subjectified delinquent, performing normative compliance for the benefit of the institution as part of the new 'self-governmentalism.' The metaphor of the prison lurks in the carceral city as a tangible expression of the systems of knowledge, power, discipline and control which inform our daily lives. Prison is the "detestable solution," but in our efforts to reform it, panopticonism puts blinders on our ability to "'see' how to replace" the prison (*ibid*.: 232). The workings of knowledge, power and control are complex in relation to to the human experience; unlike 'knowable man' they defy calculation and prediction. It remains to be seen what will come to replace the carceral city and the panoptic prison.

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