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Chapter 9

Disavowing 'the' prison

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Resisting 'The' Prison

This chapter confronts the idea of 'the' prison, that is, prison as a fixed entity.

However hard we, that is, prison scholars including ourselves, seek to deconstruct and

critique specific aspects of confinement there is a tendency to slip into a default

position that envisions the prison as something given and pre-understood. When it

comes to prison our imagination seems to clog up. It is the political solution to its own

failure, and the preferred metaphor for its own re-presentation. In this chapter we

reflect on this state of affairs, and argue in light of this for a disavowal of 'the' prison.

We attempt also to practice this disavowal by developing new angles of critical

engagement. We hope the chapter might create space through which to dissolve the

hegemonic and universalizing idea of 'the' prison. We aim to illustrate some of the

problems of representing the prison, in which taken-for-granted aspects of its

description pre-empt and co-opt critique, trapping us in the conundrum that Stan

Cohen lamented: "Every attempt I ever made to distance myself from the subject, to

criticize it, even to question its very right to exist, has only got me more involved in

its inner life" (Cohen 1988, quoted in Rhodes 2001, 70).

The chapter is framed around two main questions. First, what holds the prison

in place? What conceptual, material, representational and political practices constitute

and entrench a particular prison-as-we-know-it? And second, what moves the prison

out of place? That is, what alternative conceptualisations, political moves and

materialities are required to move beyond the prison as an empirical institution and a

hegemonic conceptual frame? This is an experimental piece, in which both of us

move away from our comfort zones of focusing on our empirical research on and in

prisons. Instead we draw on some of these experiences but for another purpose, as an

opportunity to reflect on our own sense of feeling pulled into particular ways of

understanding and talking about 'the' prison, and to suggest some routes out of this.

But we recognise that in a book bringing together a range of chapters on specific and

concrete research projects that all in different ways speak to the themes of carceral

geography, this offering sits as a more speculative and theoretical contribution.

We organise the discussion as follows. First, we share a selection of our own

experiences as researchers to suggest how 'the' prison colonises more than bodies and

more than minds confined within its walls; it appropriates the outsider's very ability

to imagine and critique it. This begins to clarify why a project of disavowal is called

for. Then, we relate the project of disavowal to the emergent sub-disciplinary

category of carceral geography itself, using this as an opportunity to begin engaging

our first question – what holds the prison in place? Here we propose that it is the way

researchers engage with prisons that holds part of the answer. Various and recent

approaches to the carceral have attempted to gain new traction on a critical

examination of carceral space. And yet the creation of new disciplinary frameworks,

which aim to organize and focus critical efforts at the same time risk entrenching 'the'

prison. This risk, for us, necessitates a more radical project of disavowal. To develop

this, we introduce a core concept – erasure– as a means of clearing the ground we find

ourselves stuck in. The notion of erasure, as it was developed by Heidegger and

Derrida, addresses the fundamental tension of needing both to acknowledge and

ignore a thing simultaneously. It offers the possibility for one to recognise the

existence of prison while rejecting 'the' prison, to engage in a form of critique that does not simply extend and reify a particular embodiment or understanding of an object. Empowered by the notion of erasure, we then scrutinise three dominant themes of contemporary prison analysis and critique, namely agency, authority and mobility/control. These three themes, we argue, are core aspects of how 'the' prison is understood and engaged, and therefore also the sites we target for erasure. First, our personal entry points.

Getting Into Prison: Personal Entry Points

Andrew: *My interest in prisons is political and analytical and involves a problematising approach, a desire to understand and explain their workings and their position and a desire to question, question and question again. In contrast to my activist colleagues in the torture prevention business I am interested in prison practices and dynamics as they are rather than as they ought to be. Most of my work has focused on prisons in African countries and other non-western settings where normative externally-driven critiques are the norm and there is little by way of systematically-gathered emic knowledge. My work has questioned standardised responses to prisons in the south (human rights training, naming and shaming etc.) more than it has questioned prisons themselves. It was during fieldwork in Sierra Leone that I first realised the degree to which the prison metaphor dominated my thinking. Here, I saw the structural oppression and degradation of lives lived in poor urban neighbourhoods as a form of confinement neither more or less reprehensible than the physical confinement in prison that occupants of the slum were also periodically subjected to. Similarly, I recall discussions with a colleague as she began research on life in poor urban neighbourhoods in Delhi, India, originally envisaged*

as part of a research programme on sites of confinement. Our early exchanges featured a degree of mutual misunderstanding as I sought to impose the prison and the prisons literature as a way of thinking about confinement more generally and she respectfully resisted. Even though I was cognizant of the multiplicity and variation of cultures and sites of confinement (Jefferson et al. under review, Dikötter and Brown 2007) my grounding in prison studies and my obsession with the prison clouded my ability to see these other sites of confinement outside of the terms typically dominating prison studies and the frame of my own fieldwork. In hindsight I recognise this as something more than a simple blind spot. It would seem to have something to do with the power of the prison – as an institution, idea and representation. The prison captures.

Sarah: *I research prisons and am particularly interested in sites of penal culture, which for me encompass not only the immediate spaces and experiences of the confined but also the places where such spaces are planned, debated, regulated and budgeted. What this means in practice is that I spend a lot of time in offices. My office, a prison governor's office, conference halls and seminar rooms. A recent meeting with a prison official (trying to secure support for a piece of research I am hoping to do) took place at prison administration headquarters, one anonymous office building among others in a bland commercial park on the edge of town. Inside, I was led through an open plan office space full of people typing, reading and talking. Some will be working on the routine business of every work place, processing a payroll or updating a health and safety notice. Others will be preparing work specific to punishment, assembling a lifer's parole file or totting up the annual report on incidents of assault across the prison system. The prisoners in their cells will have little awareness of the staff beyond the prison who are organising their lives and*

aggregating their experiences. But it is through the work of these staff that the prison becomes visible to those in power – the senior managers who craft business plans, the policy makers who read their reports, the researchers who use their statistics. They produce penal reality and experience.

On reflection I came to recognize this ordinary, generic office setting and the conversation within it as prison, too, and not in the metaphorical sense that work and its spaces can feel like punishment or confinement. It is in these settings that 'the' prison and its prisoners as objects for analysis and control are partly constituted. Contestable claims about the nature of prisoners and prisons are buried as these are turned into taken for granted assumptions and recapitulated endlessly through banal bureaucratic practices. Without the work that happens in these unthreatening rooms, the part of the prison that consists of bars and cells and bodies could not exist. As we discussed in our meeting on the proposed research, we engaged in a kind of dance. Both sides attempted to coordinate their interests in and understandings of the prison with the other. Each side kept talking, drawing in more and more of the vocabulary of the other in order that what each was trying to say could be legible to and harmonized with the partner. Together we were talking the prison into existence.

The bureaucratic spaces and discourses of punishment rarely are visible in prisons research and we know little about how their power, dynamic and scale interact with immediate settings of confinement. These are the places where the dramas on the wing are processed and documented and addressed through policies and reports. The unprecedented expansion of prison populations in the late 20th and early 21st centuries has been cause for concern, activism and study. But the concomitant growth in bureaucratic and research infrastructures dedicated to prisons has largely gone unnoticed and unexamined. The prison hides itself. This raises the

question: What other spaces, relationships and concepts - beyond immediate settings of confinement - are part of prison, what else holds it together?

Carceralising Geographies

The detention, confinement, incarceration, or quarantine of human beings is always a political practice, an expression of power with real and symbolic effects, reflecting deep-seated beliefs about the very foundations of social life. Scholarly attention given to sites of confinement continues to expand. This attention can be observed within and across a variety of disciplines and is evidenced in academic journals, networks, websites, blogs and so on. (e.g. EASA's anthropology of confinement network http://easaonline.org/networks/confinementnet/index.shtml; http://bordercriminologies.law.ox.ac.uk/; and www.carceralgeography.com). Operating within a highly politicised field these projects arguably are a response to an increasingly urgent demand to make sense of changing 'governscapes' and changing articulations of 'sovereign practice' (Stepputat 2013) of which confining practices seem an unquestioned, sometimes even unquestionable, part.

Of course, prisons have always been of significance to the social sciences because they represent the expression of power and vividly express social relations of domination and subordination as well as the relation between state and subject. However, while Foucault's connection of scientific and carceral disciplines has long been recognised and accepted, this connection rarely is reflected on and investigated in prison studies. If the organisation of the knowledge disciplines is partly what produces the disciplinary subject of the prison(er) (the deviant and the other), then a core part of research on the prison ought to be into how the social sciences are part of what holds these relations of power in place. Resonating with Foucault's ideas about

the productivity of power-knowledge, Law and Urry (2004, 391) argue that the social sciences 'do not simply describe the world as it is, but also enact it'. They give the example of public opinion as a social phenomenon that did not exist before the tool used to measure it – the public opinion survey (ibid, 393). Following this line of thinking, the methods of studying prisons and prisoners participate in creating not only a social but a concrete material reality. One of us (Armstrong 2013) has written that the effect of forecasting prison populations is the construction of prisoners as natural, empirical phenomena like hurricanes or cancer, which in turn positions prisoners as something that the state needs to *respond to* – by building adequate carceral space – rather than something that the state makes, and can unmake, at will. The more social sciences try to engage the prison, to understand its influence and growth, the more it risks reifying and facilitating these.

One neglected consequence of the increasing amounts of knowledge of the prison has been the construction of an iron cage in which particular grooves of both description and critique are so deeply established it is hard to etch lines of inquiry that elude these. It is hard to know, engage or counter the prison in alternative and transformational ways. The iron cage surrounding 'the' prison has created the ironic situation of an object of inquiry evading its own unpacking and interrogation (Brown 2013). The more we know about and challenge the prison, the less 'it' needs to be described as it becomes naturalised as something that always was and will be this way. Latour writes of objects that have been 'sociologized' (Latour 1999, 110), rendered legible through dominant modes of social explanation, asserting that this is a process that has one of two results, 'either it destroys its object, or it ignores it altogether' (ibid, 111). By destruction he does not mean erasure, but the destruction of the ability to engage the object in particular ways: 'for many sociologists, to provide a

social explanation of something means to destroy this object, to debunk the false beliefs that ordinary people entertain about them, and then to replace the idols by a true object of science' (Ibid, 110). The true object thus instantiated by social science thus pathologises other attempts at description, classification and understanding.

We are not the only ones desiring to escape the (al)lure of 'the' prison. As might be familiar to many readers of this collection, geographers represent one group of scholars attempting to relinquish fixed understandings of prisons as static and separate, emphasising instead fluidity and mobility:

Carceral geography has tended towards an interpretation of prisons as fluid, geographically-anchored sites of connections and relations, both connected to each other and articulated with wider social processes through and via mobile and embodied practices. Hence the focus on experience, performance and mutability of prison space, the porous prison boundary, mobility within and between institutions, and the ways in which meanings and significations are manifest within fluid and ever-becoming carceral landscapes (Moran 2015, 150).

Notions of governance and control are at the heart of geographies of the carceral (Moran 2015: 14). A point of departure is relative dissatisfaction with Foucauldian notions of 'docile bodies' on the one hand or Agamben's 'bare life' on the other (ibid). But while carceral geographers gesture towards alternative and broader understandings of the carceral, a prison-centric version of carcerality arguably persists. Moran's (2015) introductory text, for example, deals with three themes: the nature of carceral spaces and experiences in them; spatial geographies of carceral

systems; and the relation between the carceral and the state. Not surprisingly carcerality is central to each theme. But the meaning of the notion of 'the carceral' remains relatively under-developed. It is referred to as 'a social construction existing both within and separate from physical spaces of incarceration…' (2015, 87) said to include 'a wide range of diverse sites and circumstances "outside" prisons which are either characterized by the replication of aspects of incarceration, or are touched in some way by its effects' (ibid). By staking a claim 'outside' prison, the prison itself – the prison we seek to disavow – seems ominously present however hard it is resisted.

We may be overstating the case since geographers have engaged carceral questions in diverse ways, with some (e.g. Mitchelson 2012) emphasising the importance of looking beyond sites of institutional confinement and at transcarceral spaces and their effects on 'inscribed bodies'. They advocate broadening 'the conceptual and analytic contexts in which imprisonment is situated' (Mitchelson 2012, 148 cited in Moran 2015, 66). Sometimes this has involved moving beyond the inscribed body to focus on prisons as an expression of a wider context of structural inequality and community neglect (Bonds 2009, Gilmore 2007, Armstrong 2014), or situating prison within debates about nature and identity (Che 2005). But, to reiterate, this is more difficult than it looks. Despite the desire to look beyond the prison there appears a luring quality to the prison that draws the analysis back towards it even in the attempt to escape it.

We welcome the 'poking, prodding and testing to advance understandings of the complex relationships between mobility, liberty and confinement' (Mountz, 2013, 16) represented by the work of carceral geographers. But we also wish to push this further, and challenge in a positive spirit the very notion of a 'carceral geography'. Is this a loose descriptor of the range of ways that those working in different disciplines

engage with spaces of confinement? Or might it enact a carceral geography of its own by erecting borders through research agendas and disciplinary lines demarcating what does and does not count as part of this?

In *Carceral Spaces* Moran et al. (2013, 240) refer to Baudrillard's throwaway remark: 'prisons are there to hide that it is the social in its entirety, in its banal omnipresence, that is carceral'. Prisons give us something to stare at while distracting us from our own incarceration. Looking down on the islands and the expanse of water of the carceral archipelago, we wonder about the relationship between the parts and the whole, and the difficulty of distinguishing figure and ground. Are prisons islands - discrete yet connected or might it be more fruitful to think of water itself as the constraining phenomena? Land or water as preferred metaphor for confinement? Fixed locations or fluid spaces of betweenness? (Or the air above them? Or tectonic plates beneath?) Jensen and Ronsbo (2014) propose the concept of 'shimmering' to argue for the always already givenness of background and foreground. This may be a productive line of enquiry helping us to hone our thinking and our political practices of disavowal while resisting traditional dichotomies.

The challenge for prisons research might be to find ways of keeping background and foreground simultaneously in focus, and to beware disciplinary moves that maintain 'the' prison as a permanent background. That is, are developments like the emergence of a carceral geography dependent on the continuation of prison as the universal reference point for thinking about all kinds and sites of confinement? Our aim is not to critique carceral geography specifically, but to point out that even approaches which seem to hold great potential for breaking down particular intellectual constructions of the prison nevertheless may be reliant on them.

Hence, we move in search of perspectives that allow for engaging without maintaining the prison.

Erasure

The vignettes above present our own experience of feeling captured and overwhelmed by prison as it is conceptualised and represented through research, political discourse and popular culture. Hence, we express our intent as a *disavowal*, seeking ways of engaging the prison without hardening the carapace of its representation. Can the given terms of debate around prison be turned inside out? Can we talk about prison, its practice, its consequences, its political and societal influence outside of current ways of talking about 'it'? To succeed in this effort we require new tools of description and new frames of reference. To clear the space for these, we preface our analysis with the concept of erasure. The notion of erasure originated with Martin Heidegger (1958) but was extensively used and popularised via the deconstructionist philosophy of Jacques Derrida and his project to de-privilege presence, logos, and being in favour of a perpetual quest to destabilise concepts and language and emphasise contingency (1997[1967]). He used Heidegger's heuristic device of striking out concepts. For example, the verb 'to be'. Instead of 'I am, You are, It is' is written 'I ~~am~~, You ~~are~~, It ~~is~~, thus de-essentialising static, given notions of being, to suspend belief in the notion at stake, to allow for its questioning even while acknowledging the limits of language to think otherwise. As a device to illustrate our concern to declog the imagination about prisons this may have some value. Derrida's deconstruction resonates with our desire to disavow ~~the~~ prison at the same time as we challenge and question ~~prison~~. By striking ~~prison~~ out we seek to imply its absence and undermine its givenness.

Spivak, in her translator's preface to Derrida's *Of Grammatology* writes, "Since the word is inaccurate, it is crossed out. Since the word is necessary, it remains legible." (Spivak 1998, xiv). This captures the paradox with which we are concerned. For us the word 'prison' is inaccurate because it is incomplete, indeterminate even. It is insufficient. But it seems unavoidable. Both as a term and a practice. Erasure as a method cannot be seen as subtle. For us it is a gesture cognizant of the fact that the prison often appears fixed as a physical structure, a juridical entity – the end point of a judicial process – and fixed through its representation in language. The term itself, prison as noun, detracts from the possibility of contesting its meaning. Can the prison, we ask, be put under erasure – not simply as an act of deconstruction but in political terms? Could prisons ever become il/legible, meaning readable for what they are but not over-extended and emptied out of all meaning?

By touching on the technique of erasure we have emphasized our desire to thoughtfully play with the ways in which notions of the prison and practices of imprisonment seem inescapable and un-erasable and pointed forward to ways of challenging the apparent indelibility of prison as idea and practice.

Agency, Authority and Control

Drawing on experiences of research, particularly Andrew's on non-Western prison systems and Sarah's on the bureaucratic sense-making of punishment – we consider three core themes of contemporary prisons analysis: agency, authority and mobility/control. Our position is that 'the' prison entrenched in scholarly imaginations, the one that itself is so successful at escaping direct challenge, has been erected around and held in place through these particular conceptual pillars. These themes are the conceptual mirrors of the prison visualized in popular imagination, the

one that is represented again and again particularly through genres like the American

prison film. As a project of disavowal, however, we need to approach these themes

with caution, naming them without adding to their power to fortify 'the' prison.

Agency

Analysis of penal agency tends to juxtapose the state as an agent of control (a theme

we have separated and discuss next, under 'authority') with the agency of the

prisoner, whose limited autonomy is a subject of much documentation and critical

analysis. In contrast, we hone in on the neglected agency of prison itself. We see it as

fruitful to shift talk about prisons from the obsession with structure and function

towards agency, performativity and relationships. Instead of thinking about what

prisons look like, and what they are for, a more helpful approach might be to consider

what they do: how they act or are perceived to act and how the occupants of them and

the actors with a stake in them inter-relate. Just for a moment, we bracket the question

of how we define 'the' prison, as considering the ways prisons act and are relational

leads on to the ontological question. Through exploring the ways prison acts, we are

able to define the actor.

Of course, prisons have always been thought of as acting on their occupants,

as having effects, to shape and mould those subject to them. The classic

understandings of the purpose of prison all imply that the prison environment was

formative; prisons were never set up simply to warehouse but always to change

people, even when such change was imagined as a minimalist move towards making

sure people recognised their subordinate place in the order of things. But whether

conceived of as for bodies subject to punishment or for souls subject to (self-)

discipline, the prison is more than just a tool for transformation, more than a medium.

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As already elaborated it seems to embody its own rationale in an imminent, unmediated fashion.

Prisons act on more than prisoners, and shape more than individual bodies and souls. The agentic nature of prison is far reaching; the effects of prison extend to society (and to politics) and envelop even the forces that try to transform them. Jefferson and Gaborit (2015), in their study of NGO engagement with and influence on prison climates in three different countries, coined the term institutional agency to talk about this phenomenon. The point is not to anthropomorphise, that is to treat institutions as though they were self-conscious individuals but rather to emphasise the ways in which they have effects and consequences. They are agentic but in their own peculiarly institutionalised fashion. They might be referred to as perpetrative institutions, institutions that perform, create and imagine their own institutional identities into being (Douglas 1986).

The move towards encouraging more serious consideration of institutional agency was for Jefferson and Gaborit partly a reaction to a one-sided idea that prisons are affected by reformers in a unidirectional fashion. The comparative analysis of encounters between human rights NGOs and prisons in three vastly different non-Western countries demonstrated how prisons affect NGOs, framing the ways in which interventions are designed and implemented. The three prison systems invited different forms of intervention; they called forth different types of critical responses. For example, an NGO that the researchers worked with and studied in the Philippines (Balay Rehabilitation Centre) was highly interconnected with some prisoners and prisoner groups but also, of necessity and by design, cultivated and maintained alliances with prison authorities, developing close connections to certain officials sympathetic to their change agendas. Jefferson and Gaborit wrote about the paradox

of 'Balay's encounters with the prison inside the prison perimeter, where staff often become an obstacle to overcome, and the encounters outside, where joint planning between Balay's staff and BJMP (the prison's) staff can take place at Balay's office' (Jefferson and Gaborit 2015, 173). Acts of resistance and opposition were entwined with acts of cooperation and even partnership. The prison, situated in a particular institutional and national history, created opportunities for engagement and conflict that shaped how this NGO, as with the others studied, was able to have influence.

In Kosovo, to give another example, the NGO and the authorities had a distant, formalised relationship driven on the one hand by the international community's desire to promote criminal justice practices rooted in accountability and transparency (bureaucratic rationalities) and concomitant prison inspection and monitoring practices, and on the other by a commitment by both the NGO and the authorities to the establishment of Kosovo as an acknowledged State (nationalistic rationalities). The state-in-waiting needed the NGO to help create the appearance of statehood but needed them to adopt a particular role at a particular distance. 'The' prison in this case pivoted between its role securing the support (and therefore open markets and aid) of western liberal democracies in Europe and its role asserting Kosovo's competence in statecraft, meriting recognition as an independent nation.

Elsewhere, Andrew (Jefferson forthcoming, inspired by Halsey 2007, and Jefferson, 2014a) has examined the agentic way in which prisons in Sierra Leone exacerbate already existing deprivation. They act on bodies – often quite viscerally – but on bodies that also are historically and materially situated in specific ways, by poverty, by lack of opportunity and so on. Thus, prisons can be seen to be acting in and on social processes too, though often invisibly. It is not accidental that Andrew's comparative analysis of life in poor urban neighbourhoods and prisons in Sierra

Leone ended up sub-titled 'prisons and poverty in Sierra Leone' rather than say, prisons and slums. The point is that living in poverty can be thought of as analytically comparable to living in prison if we suspend for a moment the idea of prison only as physical site. Poverty is not a place but a condition for living; so is prison. As argued in that article, confinement needs to be understood as site, practice and state of mind.[ii] The prison 'acts', therefore, as part and a reinforcement of a wider context of limited opportunity.

It also acts 'back' (Latour 1999) when it is targeted through reform projects, hiding its own processes and effects, and engaging in practices of misdirection. Sarah concluded this from an analysis of policy documents in which identified problems of a women's prison continually were articulated in terms of problems of the women prisoners housed in it (Armstrong, under review). The problems of prison thus became the problem of prison*ers*, and the harms of institutions rendered as those of institution*alisation,* meaning the harms of how individuals had responded to institutions. The policy documents were produced as part of an inquiry into a spate of suicides in Scotland's women's prison during the 1990s (SWSPI 1998). Although the inquiry collected evidence that the conditions of the prison – bare isolation cells, untrained staff, lack of supervision and support – played a role in the women's deaths, these were not treated as causal. Prison conditions exacerbated but did not create suicide risk. Instead, investigators gathered extensive evidence of the dead women's troubled backgrounds: their histories in care, their victimization and their prior instances of self-harm. 'Many [women in prison] are vulnerable to suicide attempts, with imprisonment possibly becoming the final trigger for acts of extreme desperation', and, 'the lives of many of these women - more so than for their male counterparts - are likely to be filled with addiction, abuse, anxiety and underprivilege'

(SWSPI 1998, 48, 49). The prison 'itself sidesteps causation; it is simply the last, deeply unpleasant stop of a life always already constructed as tragedy' (Armstrong, under review). The example might be compared to suicide among troops or in refugee camps – rather than addressing the violence endemic to particular settings (of war or large scale population displacement) it was treated as the property of individuals. Suicide risk among women in prison, came to be framed as contraband, something authorities needed to be vigilant of and to search for on admission, just as they would for drugs or weapons. Recommendations from the inquiry focused on mental and bodily forms of searching – checking for thoughts or physical signs of self-harm, investing in more assessment and risk-screening to excavate a women's state of mind on entry into prison. Continual inquiries into women offenders has continued to promote the narrative of troubled, vulnerable women, but by focusing on the troubles of inmates, the troubling effects, and acts, of prison itself are neglected. Instead, such investigations largely have increased the hold of prison by making the case for more investment (in training, services, staff) to support damaged inmates. In parallel with the examples of prison engagement with NGOs in Kosovo and the Philippines, it is another case of prison re-directing forces seeking to transform it.

This draws us back to the foundational question of what 'the' prison is and makes clear our performative, relational and praxiographic understanding of it. It is enacted, practiced and performed not only within and through the secure perimeter of buildings, but in the acts of others all around it who analyse, interact with and give it official meaning. The NGOs that Jefferson and Gaborit studied were drawn into differential relations with prisons, enacting them as spokes – or even tentacles – of the prison, drawn into inevitably complicit relationships of which they were more or less conscious. The shifting relations and visible and invisible acts of prison further

emphasise the need for a processual account of what 'it' is and what 'it' makes possible. Prison makes and re-makes itself continuously through a range of practices and relationships, many of which do not involve the prisoner directly, and which do not take place in sites of confinement.

Authority

The nature of authority in prison is at the heart of prison sociology and related critique. The literature on penal authority and (il)legitimacy is vast, but we note two common features of it. First, questions of authority and legitimacy typically are analysed in terms of state sovereignty, with sovereignty understood specifically (though often implicitly) in the context of a liberal democratic, Western state. Second, assessment and critique of prison authority tends to be organized around some notion of penal order – the ability or failure of prison to secure order, specifically inside spaces of confinement (e.g. Sparks et al. 1999). Overall, then, 'the' prison premises an understanding of authority as organized from the top-down, and from outside in (though we acknowledge shifts towards more processual understandings of legitimacy as represented for example by the work of Bottoms and Tankebe (2012) and Tankebe and Liebling (2014)). Although prison ethnography has shown over and over again that order (and authority) also are produced through subcultures and subgroups within settings of confinement, these generally are analysed as subversive and resistant sources. Hence, even alternative and critical accounts secure, that is hold in place, dominant explanations of 'the' prison, in this case explanations of normal forms of order and authority.

One move towards disavowal is to challenge (or make a start on challenging) this way of conceiving, analysing and critiquing prison authority. Knowledge about

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non-Western prisons offers a basis to challenge the hegemony of Western prisons scholarship and these fundamental beliefs about prisons, their inner workings and their sources of (appropriate) authority. The default understanding among Western prison governors and prison reformers is that authority is a given and, through its balanced application, produces legitimacy. But in prison systems beyond the Western world, in countries as diverse as Tunisia, Lebanon, Honduras, Sierra Leone, Uganda, the Philippines, the Ivory Coast, Rwanda – just to name those that have occasionally featured in the literature or our own research – authority is distributed diffusely across prisons and legitimacy is better understood 'through analysis of its production in practice' (Jefferson 2014b, 249)[iii].

Taking into account these prison systems beyond the west reveals a range of authority models. Authority might be delegated more or less openly by the authorities to trusted and privileged prisoners in a semi-organised and semi-transparent fashion. It can be abrogated by powerful prisoner groups as is common in Latin America. Or, to give a third example which by no means exhausts different styles of authority in prisons systems across the world, the prison is divided - whether by intention or default - into areas where state officials maintain authority and areas where prisoners effectively self-govern. At a recent high-level meeting that Andrew attended in Geneva the head of a European prison service listened aghast to first-hand accounts of prisoner self-governance in Asia. This reaction encapsulates the extent to which the idea of the state having authority is a taken for granted fact and value of western prison practice and scholarship (and in UN norms and minimum standards). But, in fact, only a minority of prisons globally operate under such a logic. Self-governance in prisons, where order is produced pluralistically or in ways that appear disorderly to the Western eye actually is the 'norm'.

Recognising the extent of these pluralistic forms of penal authority, assists the process of erasure and of 'the' prison. They unsettle a singular norm or model of legitimate order in prison, and moreover, de-couple the issue of legitimate order from that of moral authority. That is to say, we need not conclude that alternative forms of prison order and authority are normatively superior or not. We remain agnostic about this question. The more important point is that by acknowledging that penal order is produced in a range of societies, political systems and cultural contexts, we are able to see the form of authority arising in Western prisons as contingent and normatively ambiguous.

Martin, Jefferson and Bandyopadhyay (2014) and Jefferson and Martin (2016) develop the notion of prison 'climate' based on ethnographic engagement with African prisons (and owing some debt to the work of Liebling and Arnold (2004) on quality of life and moral performance). The notion of prison climate attends to both the interior dynamics of prison life and the persisting and mutating historical and societal position of any given prison. The climate concept was proposed against the backdrop of a frustration with diagnoses of prison reliant on externally derived criteria (standards, norms, check lists) and the tendency to characterise in terms of lacks (lack of space, lack of health provision, lack of food, lack of justice). Such approaches may contribute more to fixing prisons than dismantling them, contributing unintentionally to reinforcing the non-erasable status of the prison. They *maintain* as much as they *constrain.* And what they maintain is a Westernised ideology of order that sometimes has the additional effect of pathologising alternative, locally situated practices of imprisonment, conflict resolution or justice.

Hence, Western-sponsored reform initiatives in the global south arguably do more to authorise the prison than disavow it. A standard policy response to the

problem of prisons beyond 'the West' (their perennial crises of legitimacy; their tendency to violate human rights; the collateral damage they inflict; their afflictive nature) is to build better or more prisons, or to improve the way they operate or are evaluated. Prison legislators, managers and reformers alike, tinker with the prison complex rarely seriously considering alternatives, or envisioning alternatives that do not ape the failed solutions of the West (such as expansion of community punishments and the particular, and particularly technologised, forms of mass control and surveillance these entail). Those objecting to the deleterious consequences of imprisonment and the cruel and degrading treatment it so often involves seek through practices of checks and balances, appeals to transparency and accountability, and advocacy of external scrutiny, improved training and more knowledge to contribute towards best or better practice, where 'best and better' are determined by the extent to which a prison system approximates the envisioned ideal of imprisonment in a European liberal democracy.

Part of this is due to a commitment to Western values and models pursued through the proliferation and spread of legal norms. Analysis of reform attempts in West Africa suggest that the legal norm-based paradigm with its deliberate intention to be universal, impartial and a-contextual carries with it certain risks when attached to concrete situated attempts to bring about change. The very strengths of the legal paradigm are its weaknesses when translated into non-legal practices of attitude and behaviour change. The language of law – and by extension the language of rights – is neither the best nor the only language for transforming prisons. As Sally Falk Moore puts it:

> A rule-focussed compliance/deviance approach reduces the colorful
> hurlyburly of social life and the dynamic logic it has for the actors to so arid a
> pair of pre-selected and pre-interpreted obedience categories, that
> understanding of what is actually going on on the ground may be blocked.
> (Moore 2000[1978]: 3)

In justice sector development, for example, the institutional and social conditions and societal structures which allow for the persistence of injustice – and the persistence of prison – are recognized as the reason or grounds for intervening in the first place. But as policies and programmes are developed these situational factors which triggered intervention fade into the background and are overshadowed by technicalities, institutional constraints and instrumental compromises (Mosse, 2004).

An example worth some extended reflection is the Justice Sector Development Programme (JSDP) in operation for several years in the mid-2000s in Sierra Leone. Its goal was:

> improved safety, security and access to justice for the people of Sierra Leone.
> The purpose is to support the development of an effective and accountable
> Justice Sector that is capable of meeting the needs and interests of the people
> of Sierra Leone, particularly the poor, the vulnerable and the marginalised.
> (JSDP 2004: 4)

The assumption underlying the JSDP strategy was that developing the justice sector would ultimately benefit Sierra Leone's poor, vulnerable and marginalized people. It would allow them access to a better functioning system. The programme's attempt to

bring formal institutional justice was many steps removed from the realities of the suffering people who were to be the ultimate beneficiaries. People in the ghetto living informal lives at the margins of the state were largely untouched. Analysis of some of the policy documents of JSDP illustrates the distance between programme thinking and everyday mundane realities.

For instance, JSDP's project memorandum (JSDP 2004) is a good, clear, efficient description of what they plan to do and how they plan to do it which ties justice sector reform into a discourse featuring good governance, democracy and human rights.[iv] One quote will suffice to illustrate the distancing logic instantiated in the grammar and syntax but by extension also in the activities of the programme:

> The Government of Sierra Leone (GoSL) is committed to restoring the rule of law, preventing further conflict and improving safety, security and access to affordable and equitable justice for people, particularly the poor, the vulnerable and marginalized groups. The Justice Sector Development Programme (JSDP) will *support these aims by helping to improve* the performance of key sector institutions, policies and practices and by *strengthening the justice sector's ability to create an environment* where grievances can be addressed, economic growth can be stimulated and poverty reduced. (JSDP 2004: 4 our emphasis)

Note here the level of ambition displayed in the first sentence on behalf of the Sierra Leonean Government (who are not the authors of the policy). In turn, the grammar of the second sentence is striking. Whilst sounding active the sentence is effectively devoid of agency! Imagine a diagram of concentric rings with the vulnerable subject

in the centre. Each ring represents a different layer of separation implied by the language. JSDP will 'support aims', which in turn will 'help to improve'. They will strengthen, not the justice sector (and certainly not the marginalised and vulnerable), but the sector's 'ability to create an environment'. Activities whilst sounding concrete and immediate are in actual fact diluted by the grammar into relatively insipid aspirations. In one sense this makes them more realizable; in another it raises the question of what kind of change is really envisaged. Whilst framed as a declaration of noble intentions its grammar reveals a paradoxical neglect of the daily realities of injustice faced by many residents of Sierra Leone - and the prison stays unmoved and unchanged, its authority as preferred criminal justice solution unchallenged.

What such interventions have achieved is the proliferation of a universalised kind of penal order and authority, characterised by a neglect of local context and histories and an almost incontestable but ultimately imaginary version of reform. It is the order of an arguably neoliberal governance that glosses over the messy dynamics, the 'hurly burly of social life' and the profound inequalities of a place like Sierra Leone. It is as if the prison, as a marker of human rights compliance and good governance is necessary to the liberal reform project in order that improvements over time can be marked. The abolition of prison, or its replacement with some locally developed form of justice would be translated as the failure of progress, the loss of authority. We urge, therefore, that both authority of prison as an empirical reality and an analytical construct, ought to be part of a research agenda that moves 'the' prison out of place.

Mobility and Control

Our final core theme of prisons scholarship, focuses on mobility and control dynamics of prison. A distinguishing characteristic of 'the' prison and of penal power is its self-evident ability to immobilise and to control through physical containment, whether through the individual isolation of a cell or the social isolation of a security perimeter. However, critical prison scholarship, and emergent lines of analysis (as in the work of carceral geography noted earlier) have begun to challenge these taken for granted qualities of prison, documenting instead the way prisons are part of and can orchestrate mobile lives. Words like porosity, liminality, betweenness, inside-outness and a range of others are now being employed to challenge and modify claims about prison as a total institution. While such work aims to challenge and loosen fixed ideas about the nature of prison space, at the same time, we argue, such characterisations have the effect of firming up 'the' prison. That is, the prison only needs to be qualified as less total, more liminal, less bounded, more porous when we have already conceded at some level the givenness of prison – otherwise why make arguments that the prison is less prison-like in some places and practices? What remains untouched as well as unexamined is the essential prisonness against which there are subversions and limited forms of escape. For example, Moran (2013: 347, and echoing the work of others writing on prison visiting) identifies conjugal visit areas in prison as liminal because it is a space where 'home is "performed"… in which a kind of "normal" life can be performed' and where 'material items brought in from the "outside"… accessorise the experience'. What lies implicit in the discussion is that prison is *not* home. A familiar binary descends: prison/community, state controlled existence/'natural' personal life, inside/outside. Performativity in such accounts seems to play less of a role in asserting a relational and dynamic model of space than to observe the out-of-place-ness and even inappropriateness of a concept like 'home'

in something called prison. Inmates might play house, but they are not at home. Accounts of prison's liminality and porosity ironically hold prison in place by staking out the territory between here and there, inside and outside without ultimately challenging the totalising and discrete qualities ascribed to the prison. In other words, talk about the way borders are transgressed instantiates rather than dissolves the institutions the border holds separate.

While rendering ourselves vulnerable to the same critique, we employ the notion of fluidity, in contrast, to understand prison's materiality and effects in terms that are not pre-conceived through binary oppositions and organised around the inflexibility of prison buildings and their security regimes. (Recall our allusion earlier to land/water and the carceral archipelago). We apply the idea of fluidity to put 'the' prison under erasure while not denying the force and experience of imprisonment. Let us revisit and challenge the binary opposition of prison and home, institutionalised and 'normal' life. In our respective work we have both argued that confinement exists inside and outside of 'the' prison. In Sarah's case, research she conducted with a colleague explored people's experiences of short-term imprisonment in Scotland. This research documented that people moved in and out of prison so regularly that:

> separating out experiences of punishment from one's life on the "outside" eventually came to feel like the imposition of an artificial boundary. Being in and out of prison was, for many participants, akin to the experience of being in and out of the office, or school; a regular life activity that had to be balanced with, and which intruded on, time devoted to other needs and interests. Participants adapted strategies for managing other parts of their lives around a regular schedule of prison stays. They had better or worse options for arranging

childcare, taking time off work, continuing with studies and avoiding loss of

housing. … imprisonment was but one more obligation to be worked around.

(Armstrong and Weaver, 2013: 291)

Some of the participants in this research were going to prison three or four times

every year, staying for periods of a week up to several months. These very short-term

prisoners did not experience prison as a total institution or as a liminal space

(compared to the less liminal spaces of long term prisoners) that was distinguishable

from their or an idealised notion of everyday life. Prison was something they

occasionally desired (when resorted to as detox or to as refuge from a particular life

crisis) and often did not desire (in the more typical scenario of being arrested and

sentenced), but almost inevitably expected. In this sense, imprisonment was very

much part of one's normal life, a regular and predictable activity:

But unlike other regular activities that make up significant parts of our lives,

like work, school and family, short prison stays had a severely-limited potential

to develop a person's capabilities or support networks and, in fact, often did just

the opposite, interfering with or suspending these. (ibid: 292)

Rather than separating out the pains of imprisonment into those that happen inside

and those that arise on the edges or after prison, fluidity gives a name to the process

by which prison flows into, through and around lives without interruption.

Imprisonment can be an element of normal life, one of many places a person stays in

over a lifetime, not the ideal of home, but as much of a home as any number of other

precarious spaces in which the poor find themselves corralled. In this sense, and

echoing our comments above, prison is akin to poverty or pollution. It is something that certain groups are particularly at risk of and damaged by but this does not diminish the fact that they are living meaningful lives through it and with it. Fluidity as a way of describing prison may assist the researcher in resisting the impulse to 'other' prisoners through (often classed and usually implicit) pity or critique, to avoid becoming complicit with formal institutions in stigmatising their life experience.

Ethnographic work on women's imprisonment in India has made a similar argument (Bandyopadhyay 2010). When women were interviewed about their experiences of imprisonment their narratives were always attached to stories of their pre-prison experience. For them it did not make sense to distinguish life in prison from life before prison. The prison experience only made sense in the light of life trajectories. Grounds and Jamieson (2003), and Jefferson (2014a) also have noted how the effects of imprisonment can only be understood across longitudinal life trajectories where prison is one part of a historical life process still unfolding even as people traverse multiple sites of confinement. One striking feature of this work is the way in which exit from prison is not automatically experienced as liberation. The opening of the gates for release does not signal freedom in a similar fashion to the way the opening of the gates for entry is often not the first deprivation.

The strongest example of this that we have encountered is Lawrence Langer's analysis of video narratives of Holocaust survivors where he demonstrates quite viscerally that being liberated from concentration camps was not experienced as freedom. Exit is not liberation. From Langer we learn that human expressions of suffering need to be treated seriously as is, as given, as experienced. They should not be diluted, contained, romanticised/pathologised or ripped out of history. Our point is that prison is not the only history that matters to people, nor a history that should

automatically be treated as abnormal, and people's lives should not be segmented into the prison's categories unreflexively: pre-prison, prison, post-prison. Experiences of prison are fused with other life experiences. The intertwining of confinement and subjectivity is not limited to the assumed-to-be-distinctive site of the prison.

Confinement, then, as must surely be clear by now is, in our optic, not limited to sites. Of course, sites do confine, but so do practices, and so do states of mind as we are reminded by William Blake's famous reference to 'mind-forged manacles'.

Employing fluidity to understand and conceptualise confinement does not diminish the specificity of prison. Instead it shifts the analysis of specificity focused on a particular site (a given prison building run by state actors according to legal rules) towards an understanding of prison as continuously present in lives and lives continuously present in spaces of confinement. We believe that fluidity therefore assists the project of continuing to specify and distinguish the particular qualities of imprisonment (and its meanness, per Christie 1978) as a form of punishment. Fluidity forces us to follow and trace rather than conflate diverse forms and sites of confinement. This includes detention or detention-like confinement of migrating and asylum-seeking people; civil forms and post-penal confinements (as with those detained on grounds of being at risk of terror or sexual offences); those with mental health issues; refugees; and more. There may be important continuities between the detention of migrants, the mentally ill and the criminally convicted but we question the automatic tendency to place these forms of confinement on a continuum in which prison sits at one end as the form of confinement against which the others are compared and proved more or less unjust or normal.

Fluidity, therefore, is not fluidity between concepts of confinement, it is a specification of the quality of penal power itself. Deleuze (1992) writes of 'circuits' of control in which the oppressive power of institutions is not in their force as enclosures where the individual is held, but as way stations that mark individuals for continuous intervention on particular grounds: the hospital and the patient, the school and the pupil, the prison and the prisoner. Each untangles flows of populations into groups who are subject to control processes. Instead of connecting up various and discontinuous forms of detention, a notion of fluidity might support disavowal of the prison as it leads us towards neglected connections to practices that do not look like prison but are bound up in its flows.

Exit Points: On Disavowal

In this chapter we have advanced the claim that the prison captures and the prison hides. It resists resistance, and the idea of its longevity and inevitability seems fixed in political and even critical scholarly consciousness. Thus, we have starkly questioned what is so often taken for granted, namely the prison itself, the prison referred to with a definite article: 'the' prison and its power to represent itself as such. Further, we have experimented here with writing and thinking about prison without inadvertently avowing it. We have exemplified some of the multiple ways in which the prison fixes imagination and remains fixed in practice at the same time as we have tried to put 'the' prison under erasure. We have avoided the obvious clarion calls for reform and abolition, calling instead for a subtler intellectual and practical project of disavowal. Disavowal requires us to question not only buildings with bars but also the bureaucrats and regulatory frameworks and development projects and think tanks dedicated to 'humane' prisons systems that hold these in place.

We have begun a process of disavowal by suggesting a re-think of prison's agency, its authority and its fluidity. Bringing together our respective research experience has been productive for exploring how these factors are part of prison's hold, and yet might, nevertheless be questioned through a practice of erasure. In particular, we hope that research in non-Western prison systems and non-front line penal spaces might come to have more than a tokenistic effect on prison studies and conceptions of penal power. Such research exposes 'the' prison that is fixed in the background of much research as itself a contingent, cultural anomaly.

To disavow 'the' prison is to repudiate, to refuse responsibility and withhold support for the prison. We hope our attempts to transgress the limits that notions of 'the' prison have set on our own thinking and critical practice might encourage others in similarly transgressive directions.

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[ii] This contrasts with Wacquant's (2001) analysis of the symbiosis of 'ghetto' and prison, where the (racialised) poor are circulated back and forth through these. Wacquant emphasises the structures of racism and poor control underlying circulation between neighbourhood and institution, thus analytically separating the two as sites. The question of whether different sites of confinement – prisons, ghettos, re-education camps – are best understood as homologous or part of a continuous system is raised

by Jefferson et al.(in review) as part of a proposed special issue on confinement and experiences of stuckness.

[iii] Jefferson (2014b: 249) argues that 'instead of thinking about legitimacy through the relatively static terms of power-holders and audiences—implying possession and imposition' that it might be more fruitful to think of legitimacy 'as produced, mediated, and diffusely distributed and not as something to be held or possessed, or intrinsic to a position or a status'. This reorientation echoes the work of Finn Stepputat (2013) on the concept of 'sovereign practice' where sovereign power is analysed not with reference to its holders or subjects but through its diverse and variegated forms approached via an ethnographic sensitivity.

[iv] See Kjær and Kinnerup (2002) for a useful discussion of these (con)fusions.