

Carceral social zones

Vincenzo Ruggiero considers a theoretical mapping of the functions of imprisonment

Broadly distinguishing critical approaches to the analysis of punishment, two extreme positions can be observed: the former emphasises the institutional function of imprisonment, while the latter stresses its material function. The first is embedded in the notion of retribution and, in its extreme manifestations, addresses imprisonment as a means for the destruction of bodies. The second looks at prison as a regulatory tool and mainly focuses on the productive use of bodies. Of course, analyses adopting a mixed approach are numerous, but for the sake of clarity, here, the two positions will be kept separate. Founding theorists of the respective approaches are Rusche and Kirchheimer (1939/1968) on the one hand, and Michel Foucault (1977) on the other.

General deterrence

In a book that was never completely shelved since its original publication in 1939, Rusche and Kirchheimer associated both individual and general deterrence to the material sphere of society. Every system of production, they argued, tends to discover punishments which correspond to its productive relationships. It is self-evident that enslavement as a form of punishment is impossible without a slave economy, that prison labour is impossible without manufacture or industry, and that monetary fines are impossible without a money economy. Therefore, during depressions and with a labour surplus, there is a lowering of salaries and a correspondent deterioration of prison conditions. Ideally, this surplus labour should be destroyed, as should other commodities whose availability on the market is excessive. Consequently, the prison population, which is a sector of the surplus labour force, can also be

destroyed. Prison conditions become more severe because they must be less eligible than the worst possible social condition. Conversely, in periods when the commodity-labour is scarce, its reproduction becomes of crucial importance for the productive process, and as a consequence prison conditions will improve.

Even offenders, in such circumstances, will be persuaded to become productive. The reformation of convicts is thus regarded as a good investment, and not merely as a charitable whim. The need to use offenders productively, in certain circumstances, goes as far as prompting the use of medical evidence certifying that thieves are, in fact, kleptomaniacs. Conversely, when discussing the severe economic and political crisis experienced by Germany in the 1930s, the authors noted how prisons were filled to capacity for the first time in many years, and how prison conditions automatically deteriorated. Special laws were introduced, while the enlightened separation of law from morality was replaced by moral precepts around 'national healthy sentiments', the 'welfare of the people' and the 'racial conscience'. Political opponents were accused of treason. Rusche and Kirchheimer noted that such fascist penal programmes entailed tremendous waste, and therefore they were mainly applied, with particular severity, to political offenders.

Surveillance

According to what can be defined as the institutional approach, typified by the work of Foucault, prison constitutes the emblem of the modern disciplinary universe; it is a metaphor less addressed to prisoners themselves than to society as a whole. Foucault's analysis of the

Panopticon, in this respect, is widely known. The major effect of the Panopticon, in Foucault, is to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. Surveillance must be permanent in its effects, even though it can be discontinuous in its action: power should tend to make its own actual exercise unnecessary, while rendering itself independent of those who exercise it. A two-way current is set up between dominators and dominated. That is, there exists an interaction between the two poles of the disciplinary universe, without which the mechanism itself could not function. This principle is already present in Bentham's architectural-institutional paradigm, in which a certain arrangement of space is expected to induce an internalisation of power and norms: self-discipline, in fact, is expected to lead to the self-management of norms. Coercion, ideally, should be exercised by prisoners on themselves. To Foucault, the clientele of prison is not simply formed by citizens as productive beings, but by citizens as citizens, therefore as emotional, social, sexual beings who interact with the institutions, with one another and with their own 'knowledge'.

In Foucault the institutional function of imprisonment is shaped into a disciplinary form embracing all facets of individuality. However, in periods of particularly harsh social conflict, such function may assume the form of warfare. Prison regimes will tend to become destructive, as if inspired by purely military necessity: the state must destroy its enemies. Thus, brutal punishment may be interpreted as the characteristic of emergency periods, of transitory social unrest which, once subsided, might give way to more congruent forms of rehabilitative treatment for offenders. This interpretation emphasises both the extreme and the moderate institutional aspects of imprisonment, while omitting any consideration on the relationship between punishment and the economic sphere.

According to related critical analyses, it is inappropriate to draw a neat line between harshness and

leniency, with the first characterising punishment for serious offenders and the second treatment of 'ordinary' offenders. Trends observed in many European countries indicate that the latter are met with increasing degrees of severity, even though they are punished in the 'community'. Disciplinary aspects and the emphasis on surveillance are becoming inescapable traits of 'alternative' penalties to the point that the very survival of non-custodial alternatives could be put in danger if these traits were to disappear (Ruggiero, 2010).

Institutional function

The tentative theoretical map drawn so far should incorporate an additional element. Contemporary prison systems can be identified as a synthesis of the institutional and the material function. Although the former seems to be prevailing, the latter is far from having become redundant. The institutional function is undergoing a technical evolution and manifests itself in the metaphorical annihilation of those prisoners who are deemed impervious to treatment. The material function, in turn, is also undergoing wide modification. We can still employ the term 'material' because it conjures up a notion of productivity, but suggest that it should not be assimilated to the notion of the workhouse nor with that of 'prison as factory' of early capitalism. Prisoners' work and exploitation

mainly take place beyond the prison walls, notably in those social areas where marginalised activities and precarious jobs intermingle with overtly illegal activities. We could term these areas *carceral social zones* to which a variety of forms of control and punishment are addressed, including, when softer forms prove unsuccessful, the threat of physical and mental destruction. In such areas, the general and individual deterrent roles of punishment are not only directed to repeat or unmanageable offenders but also to the excluded populations in general.

Concept of repression

Carceral social zones host a mixture of official and illegal activities, and witness a constant flow of commodities and service delivery whose nature may be legal or otherwise. In such areas, 'crime as work' means that poorly-paid regular work, unregistered jobs, underemployment and criminal activity proper are not part of a definitive occupational choice. In them, people 'commute' from one activity to the other, and in doing so expose themselves to the institutional as well as the material aspect of punishment. To remark that those inhabiting these areas are met with increasingly punitive measures is to provide a partial picture of the relationship between punishment and the material condition of those punished. In other words, the concept of repression is insufficient,

as it leaves out the 'educational' content of state intervention. If we attempted to test Rusche and Kirchheimer's model of interpretation to the carceral social zones, enormous problems would arise, in that such zones do not display the conventional traits of labour markets.

Even if we decided to adopt a 'long cycle' or 'long wave' of , respectively, economic development and incarceration, problems would remain, because in the carceral social zone, unemployment, semi-employment, underemployment and illegal work co-exist, at times in the same person. On the other hand, it has to be stressed that the educational or material function of punishment in these areas, do not cease to be exercised. The marginalised, the underemployed, the occasional workers, the petty criminals and all the others whose lifestyle and economic activity straddle legality and illegality are 'trained' to remain and survive in their areas of exclusion, like its counterpart in the past centuries was trained to the discipline of industrialism. Prison discipline aims at lowering their social expectations, an aspect that leads us to the concept of rehabilitation. Prisoners are deemed rehabilitated when they accept to remain in that specific sector of the labour force and inhabit the carceral zone assigned to them. This 'criminal' labour force and the adjacent marginalised labour force constitute the repository of the prison population, the human reserve upon which custody, with its diverse degrees of harshness and rehabilitative rhetoric, projects its shadow. ■

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References

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