

Prison scrutiny: Editors' introduction¹

Tomas Max Martin is senior researcher and *Andrew M. Jefferson* is senior researcher,
DIGNITY — Danish Institute Against Torture

This special thematic issue of the PSJ is about scrutiny understood as a distinct way of approaching, learning about, and knowing prisons. The question of how exactly prison life can be known and understood, by whom, with what consequence, and with what strings attached continues to dog the practices of prison professionals, prison scholars and prison reformers alike. Given the traditional opacity of prisons,² perennial questions persist about whose point of view should be privileged, what tools should be used, and who gets to judge what entry point is best. In this collection we privilege a pluralist approach unpacking various routes to knowing prisons. We do so through the notion of *scrutiny*. Each contributor has been commissioned to write about scrutiny from their own vantage point, be that of the critically engaged scholar or the involved reflexive practitioner. Our hope is that together the contributions cast new light on the variety of means and methods through which prisons might be thought about and responded to.

Our ultimate ambition is to counter the excesses of prisons and their excessive use. We posit openness as a potential, partial antidote to prison excess and scrutiny as a mode of knowing that can — when turned towards the institution — help to open prisons and inhibit inherent harms. Yet, scrutiny is also an act of power. To see, to gaze, to stare, or maybe rather to 'visibilise', is also a way to govern, objectify and control. Michel Foucault's seminal work on the disciplinary gaze of the modern prison offers key insight on this dynamic.³ However, we might also remember that Foucault was deeply committed to the detailed and practical documentation of prison conditions and practices through his strong involvement in the Groupe

d'Information sur les Prisons in France during the 1970s.⁴ We suggest that the notion of scrutiny captures this tension and pushes our joint thinking about 'looking at the prison' further.

To our knowledge the term *scrutiny* is not commonly applied to prisons; it is not part of the standard vocabulary of either insiders or outsiders, professionals, commentators, or reformers. As further pursued below, we deliberately chose an under-utilised term to rock with the taken-for-grantedness of other and more dominant concepts like prison monitoring or oversight.

The notion of scrutiny implicates a range of actors and actions that generate knowledge about prison life. These include monitoring, inspecting, auditing, researching, visiting, exposing through journalism, and representing through literature, art, photography, and film. These are some of the myriad ways in which prison life is observed, interrogated, and made known. Equally, if not more important, is the way prisons scrutinize themselves and their inhabitants.

This special issue brings different approaches to scrutiny into conversation with one another. We aspire to nuance and critically explore key issues related to access, accountability, transparency, documentation and so on with a particular focus on rationales of scrutiny, the positionality of scrutinizers vis-à-vis the scrutinized and the (possibly shared) dilemmas of scrutinizers.

What does scrutiny actually mean? Etymologically, scrutiny comes from the Latin word *scrutinium*, which means to look for something hidden, often quite carefully and hands-on. The roots refer to the noun *scruta*, rubbish or trash. Thus, scrutiny links deeply to practices of examining or sorting through scraps or shreds in the hope of identifying something of value. Reprising this origins story, we might think of present-

-
1. Acknowledgement: Thanks to the editors of PSJ for granting us the freedom to pursue the theme of prison scrutiny. In fact, this theme was first identified by PSJ's former editor Jamie Bennett whom we also thank for the idea and for suggesting us as guest editors, as well as timely feedback on our own contribution. Thanks too to Kalliopi Kambanella for reading our article and helping us nuance our argument. Finally, thanks to the contributors for sharing their insights in this forum and for responding with grace to our editorial input.
 2. Rhodes, L. A. (2001). Toward an anthropology of prisons. *Annual review of anthropology*, 65-83
 3. Foucault, M. (1977). *Discipline and Punish. The Birth of the Prison*. New York: Pantheon Books; see also Chantraine, this edition.
 4. Welch, M. (2010). Pastoral power as penal resistance: Foucault and the Groupe d'Information sur les Prisons. *Punishment & Society*, 12(1), 47-63.

day prison scrutinizers — in their various forms — as hands-on foragers for scraps in pursuit of knowledge, exposing themselves to ‘qualms’⁵ and ‘dizziness’⁶ in the process. Scrutiny is also a term historically applied to the examination of initiates into the Catholic faith. It thus has distinctly normative and evaluative connotations. It is a practice through which the inculcation of institutional norms is registered.

We suggest — as a kind of thought experiment — that *scrutiny* is different from other terms for articulating ways of interrogating and interpreting prison life. Unlike inspecting, monitoring, or auditing scrutiny is not directly linked to distinct institutional forms and practices. It is not a notion that is weighed down, for example, by presuppositions about what ought to be produced as a result — such as transparency, facts, faults, or recommendations — and what it is actually about. Deliberating collectively about prison scrutiny is to adopt a creative approach to who looks at what and who and how in prisons.

One of the main ideas behind using this ‘exotic’ term is to think across the different practices of scrutiny applied to prison life and to exploratively draw on a broad register of scholarship accordingly. A key source of inspiration is, without a doubt, the literature on prison monitoring that links strongly to the history and work of the International Committee of the Red Cross and has accelerated considerably in the last couple of decades since the adoption of the Optional Protocol to the Convention Against Torture (OPCAT) in 2002. The work of Mary Rogan and colleagues is a good example of this,⁷ and also features in van der Valk and Rogan’s article in this edition. Prison research too is clearly a form of scrutiny. To study the prison social scientifically, for example, is to turn the gaze of the researcher towards logics, dynamics,

practices, and effects of imprisonment as well as to the prison’s relations with society. Methodological literature on, for instance, researcher reflexivity and research ethics is a particularly relevant reference point about the nuts, bolts and politics of generating knowledge that concerns not only researchers, but also other actors engaged in scrutinizing prisons.⁸ Broadening the scope beyond prisons, there exists a vast literature on measurement and auditing more generally (including critical and anthropological scholarship on audit culture and human rights indicators).⁹ This literature addresses core and constituent elements related to the assessment of people’s and institutions’ performance that are also at stake in the particular and peculiar practices of prison scrutiny. Critical inspiration can also be drawn from surveillance studies,¹⁰ and media studies (as Bennett does in this edition). Casting the net even

wider, philosophical orientations towards perception and observation (phenomenology, for example), that have inspired the ‘sensorial turn’ in social science (and prison studies) also offer food for thought in our search for new refreshing ways to delineate ways of seeing and sensing prison life in its own terms and in the terms of those who inhabit them.¹¹

Deliberating collectively about prison scrutiny is to adopt a creative approach to whom looks at what, who and how in prisons.

The contributions

This collection features contributions that have an empirical base, focus on the ways a given form of scrutiny affects everyday prison life, and explore questions that bridge theory and practice. We are pleased to present a diverse input to a conversation about scrutiny that includes authors and cases from a range of countries. As we have persistently pointed out elsewhere, prison research must break the Eurocentric thinking about what imprisonment is and means.¹² This obviously also goes for discussions of how they can be known and scrutinized, not least as various

5. Martin, T. M. (2019). The ethnographer as accomplice—Edifying qualms of bureaucratic fieldwork in Kafka’s penal colony. *Critique of Anthropology*, 39(2), 139-154
6. Rutherford D. (2012). Kinky empiricism. *Cultural Anthropology* 27(3): 465–479; Jefferson, A.M. (2022). Prison reform and torture prevention under ‘compromised circumstances.’ *Criminology & Criminal Justice*, 0(0).
7. See for instance: Ciara O’Connell and Mary Rogan (2022). Monitoring Prisons in Europe: Understanding Perspectives of People in Prison and Prison Staff, *Law and Social Inquiry*, p1 – 31; Aizpurua, E., & Rogan, M. (2021). Rights protection in prisons: Understanding recommendations-making by prison inspection and monitoring bodies in the European Union. *Punishment & Society*, 23(4), 455–477.
8. Drake, D.H., Sloan, J., & Earle, R. (2015). *The Palgrave Handbook on Prison Ethnography*. Hampshire: Palgrave.
9. Merry, S. E. (2011). Measuring the World: Indicators, Human Rights, and Global Governance. *Current Anthropology*, 52(S3), 83-95; Power, M. (2003). Evaluating the audit explosion. *Law & Policy*, 25(3), 185-202; Strathern, M. (2000). New accountabilities: anthropological studies in audit, ethics and the academy. In M. Strathern (Ed.), *Audit Cultures*. London: Routledge.
10. Marx, Gary T. (2016). ‘Defining the Terms of Surveillance Studies’, *In Windows Into the Soul: Surveillance and Society in an Age of High Technology* (Chicago, IL, 2016; online edn, Chicago Scholarship Online, 18 May 2017).
11. Herrity, K. Z., Schmidt, B. E., & Warr, J. (2020). *Sensory Penalties*. Bingley: Emerald.
12. See for instance Martin, T. M., & Jefferson, A. M. (2019). Prison Ethnography in Africa: Reflections on a Maturing Field. *Politique Africaine*, 155(3), 131-152.

forms of policy, laws, techniques, and technicians zip around the world and are translated into different historical, political and cultural contexts with varied consequences.

The first contribution to this edition is from Jamie Bennett, who dives into the role of media and art in scrutinizing prison. Bennett unpacks the powerful history and impact of Jimmy McGovern's three-part BBC TV-series *Time* as a case study to explore the potential of popular culture to be a form of public accountability that offers an independent and rounded assessment of contemporary prisons. Secondly, Kalliopi Kambanella and Brenda van den Bergh share their experiences of applying and adapting creative approaches to prison monitoring considering restrictions and challenges imposed by the COVID-19 pandemic. Together with their project partners in the Philippines, Kambanella and van den Bergh developed a model for oversight-from-a-distance, which raises new questions about core features and traditions of prison scrutiny. Thirdly, Andrew M Jefferson and Tomas Max Martin offer an essayistic reflection on the affinity between the scrutiny practices of prison monitors and prison ethnographers. Based on 20 years of doing prison ethnography, Jefferson and Martin consider the way monitors and ethnographers alike seek to put knowledge of prison life to work as they approach the prison

with professional baggage, a set of generic tools and a quest to fashion facts into narratives, often while struggling for access. Fourthly, Sophie van der Valk and Mary Rogan write about their extensive empirical research into the practices of monitoring bodies in Ireland. Based on interviews with prisoners, they examine the barriers to engagement which prisoners face when choosing (or not) to interact with prison oversight mechanisms — barriers that place a limit on when and what prisoners are willing to speak to monitoring bodies about and what is considered worth taking a risk for. The fifth contribution is from Gilles Chantraine, who innovatively turns the exploration of scrutiny styles towards the prison's own practices of gazing at prisoners. Chantraine describes two such scrutiny styles — the 'neo-disciplinary' and the 'warlike' — based on ethnographic case studies of 'prisons for minors' and 'radicalization assessment units' in France,

showing how scrutiny is a form of control, but also how it is resisted by prisoners as well as staff. Finally, the edition returns to prison scrutiny in the nexus between art and activism through Mina Ibrahim's account of the work of the MENA Prison Forum. Andrew M and Tomas Max interviews Ibrahim about the history and cutting-edge work of this network in advocating and facilitating a multidisciplinary engagement with 'the prison' and the experience of imprisonment in the Middle East and North Africa.

Themes

The contributions paint a diverse picture and offer distinct insights according to the cases and issues they address. Yet, several common themes or questions can be identified. We raise a few here. Firstly, it seems evident that scrutiny — across its many forms — has the propensity to *reproduce* institutional power, while also and concurrently having the potential to *transform* institutional power. Some scrutinizers look at prisons with a view to bring practice back on track according to formal standards. As such scrutiny is a top-down practice that seeks to strengthen managers' grip on institutions. In doing so, scrutinizers apply professional tools and discourses that to a great extent reaffirm the grand order of things, the power of

formal law and the position of elites. Yet, scrutiny also has the potential to transform. Scrutiny may produce knowledge that can hold people in power accountable for their actions. Scrutinizers may give voice to people, who are silenced and harmed and as such speak truth to power. The contributions show that these two ideal-typical forms of scrutiny are quite muddled in practice. Still, we argue, people who scrutinize prisons (and share our ambition of countering the excesses of prisons and their excessive use) need to stay on their toes to avoid merely reproducing prisons and to make the most of the transformative potential of scrutiny.

Along this line of thinking, the contributions also draw attention to the fact that scrutiny is inherently and ineluctably multi-directional. Prison managers, officers and prisoners scrutinize each other as much as they are subject to scrutiny from outsiders. As such, the contributions jointly stress that questions of whether

Scrutiny may
produce knowledge
that can hold
people in power
accountable for
their actions.
Scrutinizers may
give voice to
people, who are
silenced and
harmed and as such
speak truth
to power.

scrutiny is practiced for, with, or against 'the prison' are always at stake.

Formalized forms of prison scrutiny — preventive monitoring, forensic audits, internal inspections etc. — subscribe to certain commonsensical basics: the importance of impartiality, the credibility afforded by professionalism and formal training, the importance of 'being there' to scrutinize *in situ* etc. The contributions show how these basics are twisted and challenged in practice and how seemingly imperfect and embryonic scrutiny practices are, indeed, productive, notwithstanding ensuing limitations and ambiguities. Scrutiny is dynamic, malleable, and

contingent. The practice of scrutinizing prisons, its history, its politics, and its consequences must always be understood in context.

Finally, and accordingly, the contributions simply but importantly document that 'prison scrutinizer' is not a protected title. Divisions of labour between media, lawyers, internals, researchers etc. is widespread. With this special issue, we wish to acknowledge this diversity and to encourage prison scrutinizers to learn from each other's faults, to recognise each other's strengths, and to jointly strive to make prisons less closed, less harmful, and less predominant.