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Managing 'Administrative Inconvenience': The Political Economy of Temporary Release

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Shrouded in rhetoric of the rehabilitative and humanitarianist varieties, early release schemes for prisoners have historically been hostage to conservative control imperatives. This may be understood in two seemingly contradictory but eventually complementary senses. On the one hand, early release schemes have typically been deployed as no- or low-cost tools for curbing prison overcrowding and as 'carrot-and-stick' mechanisms of incentivising orderly behaviour amongst prisoners. Both are functions which Rothman characterises under the catchall term 'administrative convenience'. On the other hand, owing to politico-economic considerations by elites in office, harsh legal and practical restrictions have commonly been placed upon the granting of early release. This has resulted in what may be termed 'administrative inconvenience', not simply in the sense of crippling the capacity of early release schemes to bring down overcrowding, but also in that resentment amongst prisoners for the lack of promised rewards in exchange for compliant conduct, often combined with frustration over degrading conditions of captivity, has eroded the effectiveness of early release as a means of pre-empting prison unrest.

Focusing specifically on temporary release schemes, this article explains how prisoner compliance may still be pursued in the absence of concrete rewards by way of transferring the incentivising properties of temporary release itself onto praise extended to prisoners for observing prison rules and regulations. The article concludes that the gains made for prison order through this process can at best be transitory; an outcome, however, which actually helps promote the broader politico-economic interests to which early release in general and temporary release in particular are usually subjugated.

External functions, internal problems

The last three decades have witnessed an immense growth in the use of imprisonment in a large and ever-

increasing number of jurisdictions around the world, affecting especially low-income groups and ethnoracial minorities. At least partly as a consequence of this, living conditions inside prison establishments have also generally deteriorated. Although public opinion has often been largely supportive of these penal policies and practices, both state and public punitiveness have typically been disproportionately high by comparison with what has purportedly caused them; that is, crime rates.

The apparent paradox is resolved once one considers the politico-economic functions performed by imprisonment. For example, the looming prospect of imprisonment for minor infractions, and under harsh conditions at that, has served to intensify the exploitability of the most marginalised segments of the population in a highly volatile labour market, forcing them to accept any available condition of work in the free community, in accordance with what is known in pertinent literature as the 'less eligibility' principle. At the same time, the expanded use of imprisonment has been deployed by governing parties as a convenient cathartic remedy for a range of discontents amongst the broader public, from heightened corporeal and ontological anxieties that are themselves the outcome of neoliberal socio-economic policies promoted by the parties in question, to increased anger with corrupt political elites. In this case, the poor conditions of imprisonment may be said to have helped unconsciously mitigate the pains of downward mobility and falling living standards for the average citizen, reassuring him or her that they still enjoy material advantages over those on the fringes of society. The point here is not so much that prisoners are held under conditions that remain inferior to those found in free society, as the principle of 'less eligibility' stipulates, but rather that free society itself tends to interpret the substandard conditions of imprisonment in terms of personal and in-group superiority — as a form of 'more eligibility', as it were.²

Such external functions of the prison system, however, are not without internal costs for prison establishments themselves, insofar as severe conditions of imprisonment have contributed to a rise in the frequency and seriousness of incidents of non-compliance by

1. Rothman, D. (1980) *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. New York: Aldine de Gruyter.
2. See further Cheliotis, L. K. (2013) 'Behind the Veil of Philoxenia: The Politics of Immigration Detention in Greece', *European Journal of Criminology* 10(6): 725-745, and Cheliotis, L. K. (2013) 'Neoliberal Capitalism and Middle-Class Punitiveness: Bringing Erich Fromm's 'Materialistic Psychoanalysis' to Penology', *Punishment & Society* 15(3): 247-273.

prisoners, including large-scale unrest and riots. The question this article explores is how prison officials seek to achieve order on the landings. Albeit far from absent, physical force cannot be relied upon as a solution, partly due to human rights obligations, but mainly because of relatively low staffing and security levels which may place officers themselves at risk within the prison. Officers are thus impelled to pursue other, 'softer' strategies aimed at eliciting cooperation from prisoners. A key means by which they do so is through offering the prospect of temporary release (known in the US as 'furlough') in exchange for compliant conduct. Given, however, that the granting of temporary release is tightly restricted by the punitive environment outside prisons, it is a puzzle how prisoner compliance may actually be realised through this scheme.

Drawing on Erving Goffman's classic work on prison order and the role of temporary release, this article develops a novel argument that helps to explain how compliance might be achieved, at least to some degree, in the absence of concrete rewards and without necessarily requiring a cognitive shift on the part of the prisoner. To examine how this might work in practice, the article proceeds to summarise findings from fieldwork undertaken in a Greek male prison, suggesting that officers engaged in efforts to transfer the incentivising properties of temporary release itself onto praise they extended to prisoners for observing prison rules and regulations. The content of such praise in this case entailed references to the ideal of a tamed masculinity that is embodied in the traditional Greek notion of *philotimo* or honour; a finding which strengthens the limited body of research that has to date identified the pacifying potential of masculine identities in prisons. As the article goes on to underline, however, any gains made for order through this process have at best been transitory, although such outcomes do not necessarily undermine, and may indeed support, the broader politico-economic functions of imprisonment.

Prison Order through Temporary Release: The Conventional View

In what follows, I have been persistent in avoiding the use of such phrases as 'maintaining' or 'securing

order', for they connote the possibility of an undisturbed state of tranquility that stands in marked contrast with the intrinsically volatile environment of the prison institution. Indeed, if asked to describe the social organisation of prisons, where humans are held against their will under conditions designed to cause pain, most insiders would subscribe to Roy King's observation that 'the control problem — of how to maintain 'good order and discipline' — is inherent and endemic'.³ This is not to deny that some version of order exists in prisons, but rather to emphasise that prison order is a matter of degree, manifesting itself variably across different times and spaces, depending on a range of factors.⁴ What prison authorities are actually struggling to achieve, then, is the *maximisation* of order in light of the circumstances at hand.

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The particular ways in which the authorities seek to maximise order inside prisons are similarly contingent upon a host of considerations. Legal restrictions and financial constraints on staffing levels, for example, often work to limit the exercise of naked force, thus pushing the officialdom to pursue order through cooperation with prisoners. Variations in penal ideology, moreover, are thought to influence whether cooperation itself is sought on the basis of prisoners' instrumental compliance or their active consent following a cognitive shift. The remainder of this article focuses on the pursuit of prison order through prisoners' own cooperation. Particular attention is paid to the possibility of temporary release as a practical means to this effect, revealing that prisoner compliance can be sought on a basis other than either pure instrumentality or consent, although temporary release has previously been credited with the capacity to bring about each of these conditions as well.

To start illustrating my point, let me first engage heuristically with some key ideas from Erving Goffman's work on prison order and the role of temporary release. Goffman⁵ has famously coined the term 'mortification processes' to describe what he sees as the systematic efforts of the prison institution to strip newly convicted offenders of their sense of self with the dual aim of punishing and controlling them. Until then, Goffman maintains, the self is defined in terms of distinctive ways of life, discretionary decisions, and support from

3. King, R. (1985) 'Control in Prisons', in M. Maguire, J. Vagg and R. Morgan (eds) *Accountability and Prisons: Opening up a Closed World*, pp. 187-203. London and New York: Tavistock, p.187.
4. See for example Adler, M. and B. Longhurst (1994) *Discourse, Power and Justice: Towards a New Sociology of Imprisonment*. London: Routledge; Jacobs, J. (1977) *Stateville: The Penitentiary in Mass Society*. Chicago: The University of Chicago Press.
5. Goffman, E. (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Harmondsworth: Penguin.

'significant others'. Now, however, the self is fully subjected to the dictates of the prison regime. To this goal an array of mechanisms are put into effect, ranging from verbal discrediting and removing possessions with which prisoners have identified themselves, to disrupting contact with the outside world. Prisoners, Goffman goes on to argue, are also subjected to an omnipresent authority that seeks to judge and regulate all aspects of their institutional life at its own whim. Within that context, 'misbehaviours in one sphere of life [may be] held against one's standing in other spheres'.⁶ Although here the institution may seek to impose order by using physical punishment against deviant prisoners,⁷ Goffman provides an account of how prison authorities try to draw prisoners into quiescence by other means.

Goffman gives especial emphasis to what he terms the 'privilege system' as this may help pre-empt not only individual disruption, but also, and most importantly, collective outbursts amongst prisoners. At the same time that mortification processes are in progress, Goffman elaborates, prisoners are given a range of formal and informal instructions as to how to reorganise themselves and rise to an achieved status, thereby having their attention drawn away from group affiliations within the prison walls. Broadly speaking, these instructions provide for a set of coveted privileges, which are held out in exchange for disciplined custodial behaviour. Conversely, breaching the rules of prescribed institutional conduct entails the temporary or permanent withdrawal of privileges, or even the abrogation of the right to earn them. Temporary release is a crucial privilege in this system. Whilst prisoners engage in what Goffman calls a 'release binge fantasy', or 'recitals of what one will do during leave', certain acts of compliance with the rules and regulations of the prison institution come to be identified as means of lessening the stay behind bars.⁸ Prison authorities, in other words, hope to elicit

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conformity from prisoners through manipulating their eagerness for civilian life, as this is most fully realisable in the prospect of release, even if for brief periods of time.⁹

At first glance, the role Goffman attributes to temporary release does not differ from the idea behind the earliest recorded pre-release scheme, introduced by Captain Alexander Maconochie at the British penal colony on Norfolk Island back in the 1840s. Maconochie envisaged imprisonment as a graduated series of steps that would move prisoners from an initial period of confinement to a stage of private employment in the community under a 'ticket-of-leave', meted out in exchange for good conduct and labour productivity. Yet Maconochie's model, which soon after inspired Sir Walter

Crofton's 'intermediate prison' in Ireland, was premised on the assumption that the prison could perform both a custodial and a rehabilitative function; that it could not only guarantee public protection by way of incapacitating lawbreakers, but also render them capable of eventually leading constructive, law-abiding lives in free-world settings. Although temporary release incentivised prisoner conformity and promoted institutional order, this was meant to be part of the rehabilitative process, not an end in itself.¹⁰ The disciplinary function Maconochie reserved for temporary release thus resembles what Foucault describes in *Discipline and Punish*¹¹ as the prison's effort to 'correct'

offenders in the sense of permanently 'fine-tuning' their moral values and cognitive operations, whereas Goffman only talks about a superficial form of control over prisoners with the short-term aim of institutional order.

The logic underlying Goffman's account is, in fact, akin to Skinnerian behaviourism. According to Skinner,¹² compliance can be accomplished by being paired with the presentation of a pleasant stimulus, which takes on the role of a 'positive reinforcer'. By contrast, the withdrawal of pleasant stimuli and the reinstatement of unpleasant

6. Ibid p.76.

7. See for example Scraton, P., Sim, J. and P. Skidmore (1991) *Prisons under Protest*. Milton Keynes: Open University Press.

8. Goffman (1961) se n.5, p.77.

9. See also Glaser, D. (1964) *The Effectiveness of a Prison and Parole System*. Indianapolis: Bobbs-Merrill; Mathiesen, T. (1965) *The Defences of the Weak: A Sociological Study of a Norwegian Correctional Institution*. London: Tavistock; Messinger, S. (1969) 'Issues in the Study of the Social System of Prison Inmates', *Issues in Criminology* 4: 133-141; Powelson, H. and Bendix, R. (1951) 'Psychiatry in Prisons', *Psychiatry* 14 (1): 73-86; and King, R. and K. McDermott (1995) *The State of Our Prisons*. Oxford: Clarendon Press.

10. See further Barry, J. (1958) *Alexander Maconochie of Norfolk Island: A Study of a Pioneer in Penal Reform*. Melbourne: Oxford University Press.

11. Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin.

12. Skinner, B. (1938) *The Behavior of Organisms: An Experimental Analysis*. New York: Appleton-Century-Crofts.

ones are said to operate in a punitive fashion, as 'negative reinforcers', decreasing the probability that disobedience will occur again. A key practical problem with Goffman's analysis of the privilege system inside prisons, as much as with the Skinnerian behaviourism that lies implicit in it, is that important reinforcers may be only partially available or even wholly unavailable in the first instance. Temporary release is arguably the most paradigmatic case in point in that the level of its actual deployment is usually inversely proportional to how coveted it is amongst prisoners, as a result of restrictions posed by exogenous factors such as party-political interests and punitive public opinion.

The Role of Symbolic Rewards

Whether consciously or otherwise, prison officials often appear to seek solution in what more recent psychological work has described as a process of behavioural modification that does not merely entail the presentation of an inherently rewarding stimulus (the 'primary reinforcer'), but also systematically incorporates the association of that stimulus with communicative gestures of acknowledgement of a certain type of attribute (the 'secondary reinforcer'), the latter gradually assuming all reinforcing properties, albeit without necessarily provoking any deep cognitive change.¹³ Goffman at best only alludes to this process

when he explains how prisoners are encouraged to outgrow their 'ascribed' status of degradation and rather strive towards an 'achieved' status of recognition in the eyes of the officialdom.

Subsequent accounts of the prison institution have revealed official efforts to incentivise prisoner compliance where it is given symbolic recognition as an indicator of 'responsibilised' character. The focus of these accounts, however, has been restricted to positive characterological

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assessments by the authorities as a necessary prerequisite for prisoners to attain more tangible rewards such as home leave or parole, whether in the context of a 'carrot-and-stick' system aimed to elicit instrumental compliance or as part of a 're-education' process in Foucault's sense of the term.^{14,15} What is thus missed is the potential role of favourable official attributions of character as 'secondary reinforcers' that enhance prisoner compliance in the relative absence of tangible rewards themselves; a form of compliance that is not ideological even though it can only have limited grounding in instrumentality.

Part of my work on the use of temporary release in Greece has sought to specify the content, identify the mechanics, but also evaluate the actual effectiveness of such a 'secondary reinforcer'. Fieldwork conducted in the early 2000s in a male prison southwest of Athens revealed an ongoing effort on the part of the authorities to promote prison order by transferring the incentivising properties of temporary release itself onto recognitions of prisoners' embodiment of the traditional Greek concept of *philotimo* or honour. That honour should be deployed as a means of holding prisoners in check appears paradoxical inasmuch as the prison works to dishonour those it keeps confined within its walls,¹⁶ thereby also pushing them towards alternative forms of honourability defined and attained in opposition to institutional structures.¹⁷ The paradox is resolved, however, as soon as *philotimo* is understood in its proper cultural context.

As Campbell¹⁸ has argued, *philotimo* or honour 'as the recognised integrity and value of the individual personality is profoundly important to Greeks, whether they are peasants or cabinet ministers'. A basic ingredient of *philotimo* is manliness, a concept which connotes not only physical strength and the condition of being

13. See further Schwartz, B. and D. Reisberg (1991) *Learning and Memory*. New York: W. W. Norton.
 14. See for example Cheliotis, L. K. (2006) 'Demystifying Risk Management: A Process Evaluation of the Prisoners' Home Leave Scheme in Greece', *Criminology & Criminal Justice* 6(2): 163-195; Crewe, B. (2009) *The Prisoner Society: Power, Adaptation, and Social Life in an English Prison*. Oxford: Clarendon Press; Rothman, D. (1980) *Conscience and Convenience: The Asylum and its Alternatives in Progressive America*. New York: Aldine de Gruyter; and Toch, H. (1988) 'Rewarding Convicted Offenders', *Federal Probation* 52 (2): 42-48.
 15. In the former case, 'responsibility' is just another descriptor of compliance, whereas in the latter case it connotes the cognitive and other skills that may be acquired through acculturation into compliance during custody.
 16. Wacquant, L. (2001) 'Deadly Symbiosis: When Ghetto and Prison Meet and Mesh', *Punishment & Society* 3(1): 95-133.
 17. See for example Sykes, G. and S. L. Messinger (1960) 'The Inmate Social System', in R. A. Cloward et al. (eds) *Theoretical Studies in the Social Organisation of the Prison*, pp. 5-19. New York: Social Science Research Council; also Sabo, D., T. A. Kupers and W. London (2001) *Prison Masculinities*. Philadelphia: Temple University Press.
 18. Campbell, J. K. (1964) *Honour, Family and Patronage: A Study of Institutions and Moral Values in a Greek Mountain Community*. Oxford: Clarendon Press, p.41.

courageous, but also 'the ability of a man to do something efficient and effective about the problems and dangers which surround him ... whilst disciplin[ing] animal strength and passions'.¹⁹ Campbell's understanding of composed manliness as an integral component of *philotimo* is of vital importance for it breaks with widely accepted stereotypes that cast masculine honour solely in terms of virulent aggression, thus also anticipating later scholarship that has sought to reveal the inherently contested nature of the concept, including the role it may play in bringing various manifestations of violence to a halt.

The politico-economic benefits of 'administrative inconvenience'

Sooner or later, however, the limits to the language of *philotimo* as a mechanism of prisoner control were bound to be laid bare by the restricted use of temporary release itself. That is to say, practical restrictions in the granting of temporary release, whether in terms of the number of prisoners released or the promptness and frequency of their release, eventually gave rise to feelings of resentment amongst the majority of hopeful prisoners. It is not simply that recognition of one's individual worth was in itself inadequate as a long-term substitute for temporary release; the moral weight of masculine honour that was attached to compliance made the authorities' failure to grant the earned reward of temporary release all the more egregious. Ultimately, in fact, resentment helped

to undermine rates of prisoner compliance itself: unrest and even riots were becoming evermore frequent in the prison, with the underuse and unfair administration of temporary release being consistently one of protesting prisoners' key grievances, alongside degrading physical conditions of confinement and inadequate medical provision.²⁰

It should nevertheless be recognised that persistent or even intensified 'administrative inconvenience' for prison establishments is not incompatible with, and may in fact help promote, broader politico-economic projects. In Greece, for example, prisoner unrest and rioting have commonly been evoked in mainstream political and public discourse to lend retrospective justification to stereotypical representations of prisoners as untameable and incorrigible, thereby also helping to rationalise recourse to continuing and intensified punitiveness against them. There is no doubt this has made matters worse for prison administrators and officers in that it has created a cycle of disorder within prison walls. Beyond the confines of the prison, however, the punitive policies and practices facilitated by the repeated surfacing of violent prisoner imagery have supported important symbolic and material functions in the political arena and social life in Greece, from the politically convenient cathartic discharge of socio-economic insecurities amongst the public to the sustenance of an exploitable labour force.²¹ It turns out that the external, politico-economic functions of the prison may give rise to internal, institutional strain through which they can be reproduced.

19. Ibid p.145-6.

20. See further Cheliotis, L. K. (2012) 'Suffering at the Hands of the State: Conditions of Imprisonment and Prisoner Health in Contemporary Greece', *European Journal of Criminology* 9(1): 3-22; and Cheliotis, L. K. (2014) 'Order through Honour: Masculinity and the Use of Temporary Release in a Greek Prison', *South Atlantic Quarterly* 113(3): 529-545.

21. See further Cheliotis, L. K. and S. Xenakis (2010) 'What's Neoliberalism Got to Do With It? Towards a Political Economy of Punishment in Greece', *Criminology and Criminal Justice* 10(4): 353-373; Cheliotis, L. K. and S. Xenakis (2011) 'Crime, Fear of Crime and Punitiveness', in L. K. Cheliotis and S. Xenakis (eds) *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, pp. 1-43. Oxford: Peter Lang AG; and Xenakis, S. and L. K. Cheliotis (2013) 'Crime and Economic Downturn: The Complexity of Crime and Crime Politics in Greece since 2009', *British Journal of Criminology* 53(5): 719-745.