

Revolution in Penology

Rethinking the Society of Captives

BRUCE A. ARRIGO and DRAGAN MILOVANOVIC

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For Michael Swisher:

You understood my capture;
you made it speakable;
you helped to set me free.

BAA

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Foreword

The number of people serving sentences in state and federal prisons in the United States has grown from 196,000 in 1972 to more than 1.4 million today, with an additional 750,000 Americans in jails, amounting to 2.4 million people incarcerated. Indeed, according to a recent JFA Institute report, *Unlocking America*, the American prison-industrial complex is a “self-fuelling system” with a 40 percent recidivism rate for the 650,000 prisoners released each year that results from “a range of policies that increase surveillance over people released from prison, impose obstacles to their reentry into society, and eliminate support systems that ease their transition from prison to the streets” (Austin et al., 2007, 1). Moreover, the report states, “prison policy has exacerbated the festering national problem of social and racial inequality. Incarceration rates for blacks and Latinos are now more than six times higher than for whites; 60% of America’s prison population is either African-American or Latino. A shocking eight percent of black men of working age are now behind bars, and 21% of those between the ages of 25 and 44 have served a sentence at some point in their lives” (Austin et al., 2007, 1). This is the stark culmination of prison policy informed by modernist penology. Clearly, something is fundamentally wrong with our current ways of dealing with criminal offenders, and it is toward a total reframing of penology that the authors of *Revolution in Penology* aim.

At first, it might seem strange that a book ostensibly about penology, the systematic study of penal systems, is founded in a theoretical framework, “constitutive thinking,” that extols the potential of human liberation, and not just for prisoners or the punished but for us all. Of course,

that is the point, for this radically provocative book is the antithesis of modernist penology. It screams for a revolution in our thinking about and practice of dealing with those who offend, not least to take down the prison-industrial complex that has resulted in the well-documented explosion of the prison population. As the book's authors say in their introduction, "*Revolution in Penology* intends to be a flash of light, a poetic spark, a fleeting epiphany, a coupling moment. It intends to communicate that subjectivity can be recovered for any one or group in which dispossession or alienation prevails. It intends to communicate that becoming other can be resuscitated for any one or group in which oppression and disenfranchisement triumphs." The prospect is for transformation to become more fully human, not as an endpoint but through an ongoing process of becoming.

Bruce Arrigo and Dragan Milovanovic—each highly accomplished critical criminologists with a penchant for postmodernist, particularly French, social theory (Jacques Lacan, Gilles Deleuze, and Felix Guattari)—cast off from our 1990s collaborations, which established a postmodernist-influenced constitutive criminology, to chart this new territory. Nurtured on the theoretical milk of social constructionist ideas about reification and objectification, as well as the seemingly indigestible 1960s assertion that reality, not least prison, is socially constructed through the ideologies of penology, these authors set out to deconstruct penological thinking and challenge us to reconstruct our world in nonpunitive, less harmful ways. To do so, they draw on often unfamiliar concepts, such as "molar and larval selves," and difficult-to-comprehend terms, such as "rhizome" and "Möbius," embodied in postmodernism, poststructuralism, chaos theory, and dynamic systems theory, which lead us into new ways of seeing, doing, and being. They draw on Deleuze and Guattari's concept of "a molecular subject" with "the capacity to mutate, transform, metamorphosize, and to always dwell in the process of becoming" as a way of "breaking free from restrictions placed on free-flowing desire."

At its core, their vision is premised on a holistic conception of humans-in-the-world that resists false separations from it, whether these are manifest in the form of autonomous individuals, groups, or institutions. Rather, following the coconstitutive, coproductive concepts from constitutive theory, they come to see that prison and its complicit conspirator penology are internal human social and symbolic processes that have real external harmful consequences on those of us in and out of prison, regardless of whether we mask this control in seemingly less limiting aspects of disciplinary apparatuses, such as rehabilitation or restorative justice. In this revolutionary vision, Arrigo and Milovanovic share Loïc Wacquant's view of penalty as the ensemble of categories, discourses, practices, and institutions concerned with enforcement of the sociocultu-

ral order that has become a major engine of urban and social change in the twenty-first century. In countering this historical development, Arrigo and Milovanovic "suggest a replacement vision of crime control that reconnects the components, parts, and segments to the whole in dynamic configurations rather than furthering the analytical and institutional separation that conventional penology prescribes."

After outlining their core assumptions, the authors explore the way expressions of power "emerge from within historically mediated sociocultural conditions," which give rise to penal forms that sustain the social structures that produce them in a dynamic relationship of mutual coproduction. This is not so much replication as it is reproduction in multiple and manifest forms that reflect and resonate with the whole of which they are parts. They outline, particularly in chapters 2 and 3, how the discourse of penology, penal policy, and penal practice play a pivotal role in this regenerative process and, through them, how all in society are victimized as they are limited from what they might otherwise have become. To avoid their own engagement in this ongoing pattern of destructive development, Arrigo and Milovanovic adopt the reflexive strategies of the "criminology of the shadow" and the "criminology of the stranger" in what they call the phenomenology of penal harm. The criminology of the shadow unveils the structural harms that are embodied in all that is penal. Within this analysis, the authors take a critical psychoanalytical turn, drawing on Erich Fromm, Jacques Derrida, Jacques Lacan, and Gilles Deleuze and Felix Guattari, among others, to "demonstrate how the recursive activities of existing correctional abstractions, categories, and practices work to coproduce and reify the prison-form, its constitutive parts, and the whole of society that legitimizes and essentializes the discourse of penology." For example, Fromm is mined for his insight into mechanisms of escape from automaton conformity toward realizing positive freedom of self, one without regulation of thought by the state. Symptomatic of this desire to escape their own powerlessness is the public's "habitually uncritical regard for penal harm," reflecting their insignificance and simultaneously insulating them from that reality. The public's *unconscious mind* could be shaken from this complacency by exposing it to the reality of penal harm. Here, the authors ingeniously draw on Derrida's deconstruction, particularly his hierarchical oppositions and reversal of hierarchies, to do the heavy linguistic lifting of exposing the ideological positions amid a contested terrain buried beneath the penological shadow. Through applying the work of Lacan, they reveal the absence of a philosophy of the human subject in penology, but with Deleuze and Guattari, the endless process of change and becoming is unlocked, freed from stasis, the reactive and resistive forces that curb human desire; this is the molecular rather than the molar. Applying this analysis to

desistance theory, whereby over time many offenders mature out of crime, Arrigo and Milovanovic go beyond the view that prison disrupts the process of going straight to show that such analysis is merely reconstitutive of the existing molar (static) institutional forms that smother human desire. In contrast, the criminology of the stranger offers a “transdesistance” approach that “examines how the activities of the recovering subject (being) and the transformative subject (becoming) recast the character of human agency as constituents of a replacement discourse and logic.” Here, in a radical, indeed revolutionary, approach, the authors are able to untangle the difficult problem of acknowledging the harm of offence without bringing harm to the offender. In exploring the possibilities of becoming that overcomes the limits of existing approaches to prisoner release, they state, “Each subject, then, in accord with Deleuze and Guattari, must be seen as a multiplicity, not a subject that lives only within the narrow diagrams of the release plan. . . . What needs to be sought are the imminent forces of deterritorialization, of desires captured in one set of assemblages rather than another, of the body and its multiple forms of expression, only some aspects of which are allowed materialization.” In other words, radical transdesistance theory seeks to open up the multiplicity of avenues for desire to make connections, rather than to restrict these to investing energy into reconstituting the dead skin of the existing order.

In chapter 4 the authors examine the self-fueling system of incarceration-release-reincarceration known as the “pains-of-imprisonment” thesis. In a critical assessment of modernist penology’s account of the punitive violence of prison, they show how the roles of prison actors (prisoners, correctional officers, public officials, and the general public) take center stage in the production of their violent conditions of confinement. Whether it is the systems approach to violence prediction of actuarial science with its multicausal analysis of violence or the progressive liberal analysis “that stresses violence as an artifact of social disorganization,” these approaches offer an inadequate account of the penological problem. In contrast, Arrigo and Milovanovic apply a probing constitutive critique that feeds on Michel Foucault’s concepts of the microtechnologies of disciplinary power and institutional surveillance, Deleuze and Guattari’s concept of continuous control that pervades the informational pathways of our “socius” and that is embodied through discourse as our subject identity, and Jean Baudrillard’s consumption of simulacra in which the prisonization process engulfs society through film, video, and computer gaming that elevates us to controllers and violent oppressors of fictional others: “Rapaciously devoured by an insatiable society hungry for more sights and sounds, the various messages these hyperreal images convey leave no room for distinguishing between what is real and what

is illusion, between what is authentic and what is representational. Thus, reality implodes. Foundations disappear and with them the grounding of truth, the factual, the real, and, more troubling, the self and the social." The authors go on to demonstrate the key role that existing institutional processes play in normalizing violence and limiting the process of human transformation into a continuous state of becoming, thereby amplifying the criminological shadow. This curtailing of possibilities affects not only prisoners but all those involved in prison work and, ultimately, the whole society for failing to realize its own transcendent potential.

Unlike the pessimistic social theorists on whose work they draw, Arrigo and Milovanovic offer a way out through acknowledging "indigenous forces, minor narratives, and subaltern voices," which can displace, replace, and resist homeostasis and equilibrium conditions that are characteristic of the molar forces. This analysis is given concrete form in chapter 5 through a detailed and vivid microanalysis of the case of "Mary," a homeless woman of color, whose struggles to emerge from the cocoon of her oppressive existence overwhelm her glimpses of an alternative future.

Overall, Arrigo and Milovanovic have challenged penology to stand outside itself and, in doing so, to herald the possibility of the postpenological society, one that calls for us to "accept the potentials that inhere within each of us" and to resist the tendency to "limit these becomings." In their radical, provocative, and complex analysis, we are freed to envision not only a *Revolution in Penology* but a release of possibility toward the liberation of humanity. As a reader, your reentry into society has just ended; your release from it has just begun.

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