Conclusion

Revelations: Towards a concluding analysis of incarceration

The writings from/on prison that were analysed in the present study play a pivotal role in clarifying the routes to understanding the diverse dimensions of incarceration. Be it the physical reality called prison, the mental condition of being imprisoned, the politics and sociology of punishment, or the philosophical idea of freedom, they are all expressed in these works. Those analysed here form only a tiny fragment of what has been penned in/on incarceration. There is a lot that is left untouched, like Fyodor Dostoyevsky's *The House of the Dead*, American prison writings by people like Malcom X, Mumia Abu Jamal, and Leonard Peltier, other phenomenal works like *Orange is the New Black*, and Genet's novels—all works that qualify to come under any study of prison writings. For the purpose of understanding the several aspects of imprisonment the present study found the works that were taken up for detailed study appropriate and adequate.

Boethius's philosophic treatise, Nehru's historical writings, and Gramsci's political/ideological writings offer a glimpse of the unconquerable intellectual and mental spirit that prisoners of special calibre could possess even while incarcerated in the worst of surroundings. Here the uncompromising attitude is seen well supplementing the supposed mental agony that the imprisoned was meant to provide. These minds never give up to this intended mechanical process of imprisonment, they rather surpass it
with ease in continuing to engage themselves in the activities, (or at least one of them), in which they were involved during their pre-incarceration times. While Boethius comes up with an epoch-making work of philosophy, Nehru writes a work of history that is equated to a postgraduate course, and Gramsci lays the foundations of the post-second world war interpretations of Marxist ideology, what they were also doing was combating the extreme loneliness, in one form or the other, that they experienced in captivity. Their works, having extremely high importance in their respective academic fields, bear testimony to the incapacity of the penal system to bring upon any pre-conceived change in the human minds. It was a vested interest of controlling the body and the mind that manifested into prison, among other disciplinary institutions and mechanisms, during the course of the eighteenth and nineteenth centuries. Foucault calls all these mechanisms collectively as "the disciplinary technology of labour" (Society 242). Such technological measures have not been successful in influencing the vigorous minds of imprisoned intellectuals. This is exemplified by writings from the Middle Ages, as in the case of Boethius and those from the troubled times of twentieth century as seen in the case of Antonio Gramsci. This trend continues in the extremely unequal prison climate of contemporary United States as well.

Aurobindo's writings trod on a different path from that of the above mentioned. He was into a spiritual transformation, which was never the intention of him being imprisoned. Although the end result of incarceration is the same in Aurobindo as in the case of Nehru or Gramsci, the method is
significantly different. So it was with Nelson Mandela. Both Aurobindo and Mandela offer a detailed sketch of the premises in which they were imprisoned to arrive at a point where they evaluate freedom and its ultimate meaning. Describing the premises of incarceration is a commonality that can be observed among most of the writings from prison. What makes the works of Aurobindo and Mandela stand out from the crowd is the generalisation that they arrive at in the end. This contemplation reminds one of the discussion pattern that Foucault employs in *Discipline and Punish*, wherein he begins with the detailed description of some cases and proceeds to theorise on the state of incarceration. The moral correction of the individual, which forms the basis of the prison complex, can be seen operating in the case of all the works studied in the previous chapters. Be it Nehru, Aurobindo, Mandela or Gramsci, the underlying intention of them being imprisoned was to "correct" their behaviour as to best fit the requirement of the governmental apparatus. This is apparently true of the various systems of imprisonment that were studied as well. The Nazi concentration camps, the Russian labour camps and the Chinese prison camps all testify to the strengthening grip of the state apparatus exercised through incarceration. These individual writings and the prison systems provide a clear understanding of the prison system as a whole and the modes and methods of coercion that operate in it. It is in this context that the theoretical elaborations become relevant. The various theories of imprisonment that were dealt with in the opening chapter provide ideas to understand the fundamental operational mechanics that govern the system.
From the analysis done so far, it is clear that the prison system has failed to deliver what it was originally intended to do: to act as an effective measure of deterrence to curb criminal deviance. On the contrary, prison deviated into several other mechanisms; of effective suppression, producing labour, enforcing propaganda, and in some cases individual vengeance. This is precisely where the arguments advocating prison reforms and concerns of prisoners' rights become relevant. While prison edges away from the outcomes that it was intended to bring forth at the time of emergence, prison management too shifted its mechanisms with the shifting focus and prisoners were pushed into a deep dilemma. This has been on the rise across the globe, especially in the liberal economies, in the last four or five decades, as exemplified by the incarceration rate in the USA.

Questions related to prison reforms have been in the air for a long time now. It could be said that the idea was born with the system itself. It has gained higher importance in the final decades of the twentieth century with the publication of crucial studies on incarceration like *Discipline and Punish*. The number of scholars engaged in prison related researches too increased during this period. The rapid rise in prison population during the post 1970s period too has contributed to this increased interest in prison studies. Reforming the prison system would also mean creating a better imprisonment environment for the prisoners. In this context, the idea of reform has to be based on a human rights perspective. While prison has outgrown all the systems of law and emerged as the central punitive mechanism, it has also succeeded in generating an invincible picture in the
minds of the people. It is hard to convince people that prison can be replaced with other methods. This is one of the major factors that contributed to the abolitionist movement never getting a good grip among the public.

Prison reform should essentially begin with a better prison management system and for that the initial prerequisite is a group of well trained professionals. As mentioned in Andrew Coyle's *Prison Reform Handbook*:

In any democratic society, work in prison is a public service. Prisons are places, like schools and hospitals, which should be run by the civil power with the objective of contributing to the public good. Prison authorities should have some accountability to an elected parliament and the public should be regularly informed about the state and aspirations of the prisons (13).

For such an accountable nature what is of primary importance is prison management operating on the grounds of a basic ethics. While law prescribes how prison should be operated, what it lacks is this ethical grounding. Andrew Coyle mentions a serious hurdle in this process of introducing such an ethical backing elsewhere:

In recent years the central organizational structure that governs prisons has expanded considerably. In hand with this growth in bureaucracy has come an increasingly sophisticated set of arguments to justify why the prison must continue in its present form. Much of this
justification is based on the symbolism which the prison carries

(Understanding 168).

The growth of the carceral mechanism coupled with its strong position in the psychic temperament of the society posits substantial challenge in bringing forth any positive change in prison system from a human rights perspective. Whereas the position of prison moved from the periphery of the society to its centre, as argued by James B. Jacobs in Stateville, the conditions within the system have not changed much from what it used to be at the time of its initial development. Although governmental arguments have always presented prison as "an essential tool in the 'war against crime,' (Coyle, Understanding 168)" no corresponding evidence is ever produced as to reveal the positive effect that prison has had on crime control.

Andrew Coyle echoes the need of the hour when he says:

despite the current enthusiasm for imprisonment and the growth in its use in many countries, it may be that the time has come for a radical review of the use of imprisonment as a sentence of the court, for a discussion about the extent to which it benefits society, satisfies victims and is the best way of dealing with those who break the criminal law (Understanding 169).

In the context of the wide acceptability of the prison system, it would be a herculean task to convincingly present Coyle's review plan. Yet another argument is that the changes in prison system in the last couple of decades
of the twentieth century is causing a reversal of what Jacobs identified thirty forty years ago. As Fred Alford argues:

the opposite phenomenon is currently occurring, prisoners once again being moved to the margins, and beyond. The privatization of prisons, which dates from the mid-1980s, is a dramatic indicator that no matter how enlarged, the centre is always recreating the margins against which it defines itself. The more encompassing the centre, the more marginalized the margins. In the case of private prisons, the boundary between public and private is itself being redrawn, although this is not for the first time (126).

Such complexities problematize the entire incarceration scenario in such a way that any move in the direction of reform is rendered extremely difficult to materialise. Alford says that the prison as it exists today is not completely modelled on Bentham's panopticon, or at least not all prisons are so. While Bentham viewed surveillance as the core practice of incarceration, modern prison management is said to be relying more on the control over entry and exit. This is where the power is exercised and not in continued surveillance. Alford says, "When you control the entrances and exits, you do not have to look. It is that terribly simple, the principle, and goal, of all power" (131). It is the absence of supervision, and not surveillance, that Alford is concerned with. What is questioned here is not control or coercion but how responsible the system is and how it makes sure that the inmates, who are sent there because the law thinks that they need some kind of correction in order to be part of the society once again, are given proper chance to transform
themselves into better human beings. Such an indifferent attitude that the prison management takes causes the legal ambitions to lay asleep in the pages of law. This falls within the focal plain of the issue of prisoners' rights and is hence deemed to be of some importance in the context of prison reforms.

The basic shift in the carceral climate in the post-1970s was that of penal ideology moving from the correctional treatment of delinquents to neo-liberal risk management. This has extensively been mentioned in the writings of the period, like that of David Garland and John Pratt. Michael Tonry mentions what happened just before this shift in the opening pages of the book *The Future of Imprisonment*. Tonry says, "For a brief period in the 1960s and 1970s, prison populations fell, decarceration programs rose, and alternatives to incarceration proliferated" (4). In comparison to this we may place the prison condition today as seen in what Peter Scharff Smith says:

One can argue that even when treatment programs and rehabilitative efforts are used in prisons today they are often focused more on the individual prisoner's internal psychology (such as cognitive programs) and less on relations with the outside world (family, social contact, education, work, and so on), whereby the criminal 'Other' and the dangers (and risks) it allegedly presents become the focus of attention rather than a prisoner's rights or welfare needs (34).

When prison management moves away from the society, it can hardly be expected to transform delinquents and make them fit for a societal re-entry.
Thus prison becomes a mechanism to ensure the well-being of the power centres and not that of the society. In this way, the prison system not only exhibits a non-adherence to the minimal welfare plans it initially had, but has also transformed into a mere asylum for locking up individuals whom these power centres consider dangerous. Mass incarceration and the construction of maximum security prisons are the concrete results of this turning tide.

There has also been a more toughening punitive policy in force during this period, which has caused the compassion towards criminals diminish. By being an incapacitating mechanism preventing serious crimes prison has not only been a supporting factor for state regimes but has also been able to penetrate into the social psyche through promises of safe living.

Although prison has gained wide acceptance in the name of the safety that it claims to offer, ironically there has been no evidence whatsoever of crime rates being influenced by prison sentences. As mentioned in an earlier chapter, several bureaucratic statements have appeared claiming a close relationship between lowered crime rates and increased imprisonment rates, though scientific studies have proved it otherwise (Lynch). The American incarceration scenario illustrates this point. While the incarceration rate in the United States has skyrocketed in the past three or four decades, the crime rate hasn't shown a corresponding fall. Such a disconnection is not an isolated case with the US alone, rather this scenario prevails all around the world. It is in this context that the carceral scenario in the Scandinavian countries becomes relevant, where humane prison conditions, low rate of imprisonment and low crime rate co-exist. Here the very foundation of
imprisonment calls for a critique. If prison, on one side, hasn't been able to deliver what it had promised and, on the other hand, it has transformed into a mechanism for the seamless functioning of the power centres, then it seriously has some fundamental problems with its existence as such.

What prison calls for is a radical shift, from what it is today into what it would have been if the humanitarian grounds on which it was said to be erected on were adhered to. And for that it is inevitable that the structure of the carceral system changes on all levels; the theoretical, the legal, the architectural, the sociological and the governmental. Furthermore, the notions of punishment too need to be radically reconsidered. State apparatus should refine the legal texts to erase the nuances of vengeance from the act of punishment. Judicial distancing from the act of punishing, for which the orders are given by the judiciary itself, should the pave way for a more responsible and active judicial supervision. These are all conclusions that one draws from the theoretical, criminological and literary representations of prisons that were analysed in the present study. Yet, these are nowhere near complete. It is beyond any doubt, at least based on the details analysed in the present study, that prison is a troubled institution. The central idea of prison is governed by, as Foucault mentions in one of his lectures in College de France, a technology of power applied:

to the loving man, to man-as-living-being; ultimately, if you like, to man-as-species. To be more specific, I would say that discipline tries to rule a multiplicity of men to the extent that their multiplicity can and
must be dissolved into individual bodies that can be kept under 
surveillance, trained, used, and, if need be punished (Society 242).

It is this fundamental operating principle that need to be challenged, if prison 
is to be reformed. And it is the underlying power structure that needs to be 
put to serious questioning, if the practice of incarceration has to be 
restructured. The various theories of imprisonment, the criminological and 
sociological inquiries into the carceral system and the reflections of 
icarceration in the form of memoirs, fiction and poetry, all point to this 
direction. Indications of change are already in the air, as shown by some 
recent voices from the governmental side in the US and in some European 
countries. Yet such isolated moves, apart from addressing some localised 
specific issues, don't suffice to bring about a shift in the carceral climate in 
general.