CORPOREAL PUNISHMENT
Prisons and Sexual Difference

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Abstract

This research explores the corporeality of punishment, arguing that the day-to-day regulation of the prison marks the body of the prisoner in particular ways. Of critical importance are concepts of materiality and subjectivity examined here through a range of disciplinary practices based on notions of abjection, fluidity, space, time and desire.

The role of the body in the analysis of punishment, including the way in which the prisoner’s body is seen as abject and permeable, is a key concern. It is argued that the questionable material status of the prisoner leads to a range of intrusive surveillance practices that deny the prisoner control over their physical integrity. Such practices include management of bodily waste and other bodily fluids, testing for disease and addiction and subjection to physical violence.

The placement and maintenance of boundaries and borders is of crucial concern in terms of both their intransigence and their transgression. It is not only the boundary of the prisoner’s body that is in question but also the prison as a site of containment and exclusion, a place where ongoing attempts to shore up the difference between the outside and the inside are in clear evidence. Such practices include the design of prison buildings, the geographical placement of prisons and other processes of cultural exclusion.

The concept of motion encompasses the irruptions of discourse and the routines of the everyday. It is argued that spatial and temporal modes of disciplinary organisation are critical to the materiality and subjectivity of the prisoner. Questions of space point to the built form of the prison and the way in which prisoners move within it. Questions of time focus on the impact of the synchronisation, ordering, sequencing, control and measurement of prisoners’ lives.

Finally, it is the specificity of sexed and desiring subject positions that is explored. Critical questions of desire and identity, with a focus on gay, lesbian, bisexual and transgender prisoners are asked in an
exploration of the ways in which the disciplinary apparatus works to impose notions of sex- and hetero-
normativity in the prison and the ability of prisoners to resist such impositions. Desire and identity are no
longer fixed, raising the possibility of alternative materialities and subjectivities.

Overall, this research argues that the prisoner is made outcast within the regulatory practices of intimate
daily discipline, founded upon specific understandings of abjection, fluidity, space, time and desire.
Through a range of manoeuvres that recall (failed) attempts to exclude and contain women, prisoners are
made other. It examines concepts of punishment and sexual difference in the light of each other, arguing in
the end for their inseparability.
Declaration of Authorship

I, Marion Elizabeth Frere, declare that this thesis comprises only my original work, except where due acknowledgement has been made in the text to all other material used. This thesis is less than 100,000 words in length, exclusive of tables, maps, bibliographies and appendices.

Marion Frere
August 2000
In memory of my mother Hannah Frere
and my grandmother Margaret Foley.
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Part I

Discipline
Introduction

Ned Kelly, arguably Australia’s most famous prisoner, was hanged in the Old Melbourne Gaol on 11 November 1880. Following closure of the Gaol in 1929, Kelly’s remains, along with those of 134 other executed prisoners were exhumed and removed to Pentridge Prison. According to newspaper articles of the time, the bones were found when the lip of a steam shovel used for excavation work tore the lid from the rough wooden coffin in which Kelly’s body was buried. The Herald Newspaper, 12 April 1929, reported that “[i]mmediately the discovery became known there was a rush to the grave. Some of the workmen grabbed bones which they intended to keep as momentoes. Mr H. Lee of Lee and Dunn the contractors for the building secured the skull. There was a complete set of teeth in the upper jaw but morbid souvenir hunters removed most of these”. The next day, 13 April, the paper stated that “[t]he Premier shares the indignation felt by the public at the ghoulish scramble for portions of the skeleton of Ned Kelly”. Furthermore, in an attempt to explain why the grave site had not been moved prior to the excavations, an official of the Chief Secretary’s Department suggested that the reason why the bones were not removed “was the general belief that the practice of burying the bodies of executed persons in quicklime disposed of all traces of them within a few days”.

The issue of what to do with the remains of executed prisoners currently buried in unmarked graves in Pentridge Prison, Victoria, including those of Kelly, has re-arisen with the closure of the prison in February 1997. The burial ground, wedged between prison buildings inside the prison walls, measures about 20 metres by 30 metres. According to the original legislation on capital punishment, executed
prisoners had to be placed in unmarked graves. Therefore, to provide Kelly and the other prisoners executed in Victoria with a burial service or memorial plaque would require a legal ruling on whether the intent of the defunct capital punishment law (overturned in 1975) still applied. No such ruling has been made.

While Kelly's skull has never been returned after its theft from the Old Melbourne Gaol in 1978, his death mask, made after his head was removed from the rest of his body, remains on public display in the Gaol. So too did the skulls of Frances Knorr and Martha Needle, until a campaign to have them removed achieved its goal in February 1998. The Anarchist Media Institute, one of the key players in this campaign, argued that “[i]n today, in this day and age, it is totally inappropriate to be displaying body parts in such a macabre and intrusive fashion”. However, the display of prisoners' body parts after execution, without question macabre and intrusive, is only one example of a whole range of contemporary practices that reinforce the outcast position of prisoners within the social imagination. It is timely now, at this point in the development of Australian penal theory and practice, to pose a number of critical questions about the way in which we treat our prisoners and the assumptions upon which we design this treatment. This timeliness is due, in large part, to the sharply rising level of imprisonment across all Australian jurisdictions which has resulted in significant changes in our prison infrastructure as we continue to build more and bigger prisons, with an increasing reliance on technological surveillance. It is also due, however, to the critical nature of contemporary debates on the privatisation of the prison system; continuing high levels of violence within prison; blood, urine and DNA testing of prisoners; the transmission of HIV/AIDS in prison; deaths in custody; and the needs of specific groups of prisoners, including women and Aboriginal prisoners. These debates continue to garner significant public interest, touching as they do on a number of broader concerns to do with the meaning, appearance and substance of social order. In particular, they raise questions about precisely how society will punish those who do not obey its laws. Where and when does punishment begin, how does it proceed and what are its limits?

In the opening paragraphs of this Introduction, I pointed to the belief of prison authorities that a bucket of quicklime would cause the speedy disintegration of the remains of executed prisoners. As the quote from
the Chief Secretary’s Department indicates, it was expected that the prisoners’ bodies would disappear within a few days. Not only were their graves to be left unmarked like those of animals, but their deathly remains were expected to rapidly turn to liquid and be reabsorbed into the ground, leaving no traces. In other words, the materiality of executed prisoners was seen to be easily dispensed with. In order to understand the basis on which this assumption was made, it must be asked if the material of the prisoner’s body was seen to be different in some way from that of everybody else’s body? And if this was indeed the assumption, why and how could this be so?

It is one of the principal contentions of this thesis that the way in which society views the body of the prisoner, including its limits, will determine how it is punished. Therefore, in order for us to understand current punishment practices better, we must understand not only the materiality of the prison but also the corporeality of the prisoner. Such an understanding will provide us with insight into why, as a society, we think it is acceptable (and effective for the maintenance of social order) to imprison people who break the law, and in so doing reconfigure their physical boundaries.

Of critical importance to this argument is the already outcast status of the prisoner who is seen to pose a threat to social order, including order which is founded on an understanding of ‘sexual difference’. Sexual difference, it is argued here, is one of the fundamental organising principles of contemporary social order. It refers to the regulation of sex and sexuality, concepts which are understood through a binaristic logic of difference. The application of binary logic to the concept of difference, which only has room for same and other, has a central role to play in the maintenance of social order and the organisation, classification and hierarchisation of social bodies. Indeed, it allows for an analysis of the ways in which certain types of bodies are valued in society and others, including prisoners, are not. The claim that social order is strongly dependant on the maintenance of sexual difference, and that the position of prisoners is reflected in this process, is made evident through both the representation of prisons and prisoners in a range of cultural discourses and also through punishment practices within prison.
This work thus proceeds along two major axes. It seeks to explore punishment in the light of sexual difference, and sexual difference in the light of punishment. In examining these two concepts and the ways in which they are enacted in the name of social order, a number of complex issues arise in relation to our understanding, in particular, of materiality and subjectivity. Indeed, it is argued that notions of materiality and subjectivity are essential to our understanding of both punishment and sexual difference and that they, in turn, raise issues to do with identity, change and social order. I will return to all of these points below. Clearly, the specificity of the prison and the prisoner's body is fundamental to this task and they have been chosen as the site for this exploration of punishment and sexual difference for a number of reasons, each of which reflect different desired outcomes of the project.

As a starting point, this research sets out to demonstrate the grounded possibilities of theory through both its subject matter and its methods of analysis. It will test notions of materiality and subjectivity by looking at everyday life in prison, aiming to contribute new approaches to contemporary debates on both punishment and sexual difference.

In an attempt to seek new ways of thinking about feminist theory/practice, it is useful to examine the discussion that took place between Michel Foucault and Gilles Deleuze on intellectuals and power (Bouchard, 1977: 205). In this exchange, Deleuze suggests that a new manner of thinking is becoming increasingly evident in relation to how theory/practice relations are conceived and used. He suggests that, prior to this new manner of thinking, practice was seen to be either an application of theory or an inspiration to theory. Always however, their relations were conceived in a totalising way. He suggests that we look at it in another way. That, in fact, theory and practice relations are far more partial and fragmentary. To this end, Deleuze suggests that theory is always local, and related to a limited field but that it can be applied in other spheres, more or less related to it. However, no theory can develop or move into other spheres without encountering some type of block or wall and it is practice which has to bore through the wall. Practice thus becomes a set of relays from one theoretical point to another (in their different domains), and theory a relay from one practice to another. What you end up with is a lot of little fragments and pieces which are, at the same time theoretical and practical. Deleuze asks:
Who speaks and acts? It is always a multiplicity, even within the person who speaks and acts. All of us are "groupuscules". Representation no longer exists; there's only action, theoretical action and practical action which serve as relays and form networks (Deleuze in Bouchard, 1977: 206).

Such an approach has direct applicability to the current research. In examining the prison, and in seeking to uncover the workings of power which underpin our concepts of materiality and subjectivity in this one, local site, I am fully engaged in the action of theory. Action which will problematise both the way in which we conceptualise a wide range of theoretical issues, and the impact that these conceptualisations have on the position of prisoners both in the social imagination and within the prison walls.

While the body of penal theory is extensive, the application of postmodern theoretical approaches to the prison has, to date, been rather more limited. As such, the investigation of the prison and the prisoner in relation to a number of key postmodern concepts is of critical importance and forms an important component of this research. As will become increasingly clear, a key premise of this theoretical exploration is a belief that current prison practices need to improve dramatically. By examining concepts such as materiality and subjectivity, it is hoped that we can move to a better understanding of the assumptions that underpin prison practices including the foundational assumptions about the prisoner’s body that make extreme forms of punishment possible. It is hoped that exposure of these assumptions will make such practices less possible to maintain.

The methodological approach that I have taken in this research is highly interdisciplinary with a broad-ranging emphasis on writings from a variety of academic perspectives on punishment and sexual difference. In a way that opens up the opportunity for methodological boundary-crossing, this thesis merges philosophy and criminology, architecture and history, politics and geography, sociology and law, deploying a mix of texts that seek to explore both the everyday practice of punishment and the cultural representation of prisons and prisoners. As all disciplines have their particular methodological traditions, this approach has the potential to cause some unease, as qualitative, quantitative and textual analyses
come to be placed alongside each other in ways which vastly enrich the insights they bring to our understandings of contemporary imprisonment practices. In this way, public policy documents, films, social research, government surveys, correspondence and professional journals (for example) come to illustrate specific elements of prison life and social order. They provide an essential complement to writings from a range of academic perspectives on materiality, subjectivity, corporeality, difference, deviance, abjection, contagion, fluidity, power, motion, space, time, identity and desire.

Within this interdisciplinary methodological framework, three sources in particular have been essential for the demonstration of a number of my key points. Firstly, I undertook a close examination of contemporary Australian literature with reference to prisons including poetry, short stories, novels and plays. Secondly, I surveyed in detail all major Australian newspaper reports on prisons over a three-year period from 1995 to 1998. Finally, I conducted interviews with fourteen people who have been in prison, seven men and seven women, who were recruited through public advertisement and through prisoner support networks. Participants in the study were encouraged to talk in detail and at length about their impressions of prison life and about issues as varied as accommodation, food, health, recreation, work, education, sex and relationships. The overall aim of these interviews was to create a picture of the patterns of daily life in prison and the insights from participants form a vital component of the study.

Dependence on such texts (literature, media, personal accounts) for “evidence” of my claims makes it clear that the development of my argument will rely significantly on the use of metaphors in describing the position of the prison in society and the experience of everyday life in prison. I find it useful to think of a metaphor as a conceptual map, a way of imagining one domain of thought in terms of another. As such, I have employed an understanding of metaphor that refuses the disjunction between literal and metaphorical speech, and which seeks to show that we can at least partially shake off the conceptual structures that mould our thought by looking for the patterns which shape our metaphorical associations. As Alison Young points out, however, “[m]etaphor generally restricts and concentrates meaning, collapsing a multiplicity of connotations into one” (Young, 1996: 6, footnote No. 9). In seeking to metaphorically position prisoners as the other, I run the risk of eliding or erasing a whole range of
associations which have not, as yet, been rendered possible. As such, it is essential to also pay close attention to the not-said, that which the metaphor fails to compare and see if such a move can begin to enable a different social position for the prison, the prisoner and punishment per se. 7

In effect, the interdisciplinary approach and reliance on a broad range of texts that I have utilised is in the spirit of Foucault’s archaeological approach to knowledge (Foucault, 1989). Indeed, I have sought, as suggested by Foucault, to “be ready to receive every moment of discourse in its sudden irruption” (Foucault, 1989: 25). The focus on the irruption, the use of concepts of discontinuity, threshold, limit and transformation in Foucault’s method, suggests to me new ways of thinking about the totality of discursive formations, as well as their specificities and changeability. The links that can be made from one irruption to the next are also, however, critical. As Foucault argues, a discursive formation becomes a "system of dispersion" between a number of statements. This system of dispersion requires an order, correlations, positionings, functionings and transformations. Therefore, in order to look upon or enter this discursive formation, it is necessary to decipher its "rules of formation" including its objects, its modes of statement, its concepts and its thematic choices (Foucault, 1989: 38). This research follows such a schema in its illumination of the patterns and correlations in the relations between punishment and sexual difference, materiality and subjectivity.

Grounded in an archaeological approach and drawing from a wide range of discursive texts, there are four broad themes that this study will address. These four themes are interwoven in a complex manner at all levels, and remain linked by the two major foci of the study: the analysis of punishment through sexual difference and the analysis of sexual difference through punishment.

The first theme of this study is the role of the body in our understanding of materiality and subjectivity. Fundamentally, it is an inquiry into the embodied forms of sociality of the prison, the way in which corporeality shapes the prison day and informs the identity of the prisoner. To this end, I am seeking to elucidate the way in which the body is conceptualised in theories of punishment, studies of imprisonment, representation of the prison and prisoner and contemporary prison practices. It will be argued that the
way in which we understand the body as material, having certain material needs, as sexed and sexualised, influences the way in which we try and discipline it. The intimate bodily control of prison life, exhibited in the discipline of such acts as eating, sleeping, personal hygiene, exercising and sexual exchange, strongly indicates the importance of the prisoner's body in the power regime of the prison. As such, the corporeality of subjectivity as sexed and sexualised, forms the point of departure for this study of punishment and sexual difference. Such a focus on the materiality of the body in prison life does not, however, in any way suggest an artificial distinction between body and mind. Rather, it refuses the separability of the two terms. While the evidence presented in the chapters to follow is undeniably on the fleshly impact of prison practices, it is strongly argued that such corporeal touch is inextricably linked to emotional life.

Secondly, it is the importance of a whole economy of boundaries and borders that exists in relation to the prison, materiality and subjectivity which will be explored. Prisons have concrete walls, razor wire, steel bars, locked doors and armed guards. These formidable barriers exist to keep the distinction between inside and outside very clear and yet prisoners are at once inside the walls, and outside social norms. This confusion of the boundaries leads to a shift in the way in which inside/outside can be understood and has significant implications for the logic of binary representation that underpins our labelling of the other. Furthermore, a critical component of any discussion of boundaries and borders is the specific role of the prison and the prisoner as a site of contamination and contagion. Imprisonment continues to be linked to madness and illness, abjection and fluidity, defining the underbelly of what it means to be human. This study will look specifically at the role of prisoners in these discourses, asking questions of the human qualification process.

The third theme of the study is that of motion. This theme emerged from the constant feeling of movement, change, growth and decay inherent in the body, in the transgression of boundaries and in the articulation of identity. In particular, the focus on motion is drawn from the idea that corporeal matter, and therefore understandings of materiality or subjectivity, is never fully stable. Subject to the incursions of space and time, moving in space and time, our bodies cannot be still. Within the prison, space and
time become tools of power, determining the everyday. Thus the movement towards identity, the moment-by-moment changes in materiality and subjectivity, are critical elements in determination of punishment and sexual difference and may serve to challenge the static nature of binaristic understandings of same and other.

Fourthly and finally, throughout discussions in this research on subjects as broad-ranging as discipline, matter, motion and subjection, one overriding outcome will become increasingly evident. Despite the links and complex inter-relationships between all these concepts, it is the specificity of sexed and desiring subject positions that resonates within the prison walls. Each prisoner is controlled and resists. Each identity shifts. Above all, and despite the locked cells and armed guards, each prisoner takes up a position as a sexed and desiring human being.

While the focus of this research is clearly on sexual difference and includes a detailed discussion of prison desire and sexed identity, it is essential to acknowledge that differences in prison (as elsewhere) are multi-layered and result in a range of identifications and hierarchies. Of critical importance in the prison are differences of race and ethnicity, size, strength and appearance, age, level of physical and intellectual ability, level of physical and mental health, type of crime and length of sentence. These differences are touched upon to varying degrees throughout the thesis, however, the primary focus remains questions of sex and sexuality.

Throughout the four themes outlined above, it is clear that a number of concepts play a pivotal role. As it is the intention of this research to critically examine punishment and sexual difference in the light of each other, concepts of materiality and subjectivity, in themselves contested terms, become crucial. The summary below of a number of the assumptions that underpin my use of the terms will, of necessity, be brief and salient points will be revisited in the chapters to follow.
Materiality

Feminism provides an important arena for discussions of materiality given the problematisation it has undertaken of concepts such as "nature" and "sex" which have long been used as justification for the oppression of women. Despite such problematisation, however, it is the specificity of female corporeality, the need to be grounded in a sexual identity, that continues to operate as a point of unification for much feminist action. Critical to this debate on materiality and its relations to feminism has been analysis of the sex/gender distinction (Gatens, 1983), debates on essentialism (Fuss, 1989; Grosz, 1994; Kirby, 1997), consideration of the role of the body in feminist practice (Grosz, 1989, 1994; Butler, 1991, 1993, 1997a; Kirby, 1997), interrogation of the meaning of sexual difference (Irigaray, 1985a, 1985b), and reflection on the construction of matter itself (Butler, 1993; Grosz, 1994; Cheah, 1996).

Underpinning any discussion of the body, sexual difference and materiality is the conceptual framework of binary logic that has characterised the development of Continental philosophy, a legacy of thought that is critical to current feminist debate in spite of its phallocentrism and misogyny (Lloyd, 1984, 1991; Bordo, 1988; Border and Jaggar, 1989; Irigaray, 1985a, 1985b; Jay, 1991). The dualistic approach follows the logical rules of Identity (A/A), Contradiction (A/Not-A) and the Excluded Middle (all is A or Not-A). According to this logic all is true or not true, never both, separated by an excluded middle and not-A is always constructed as the less valuable term. Nancy Jay argues that male/female is most often seen as A/Not-A. Given that all humans are born of women, she argues that women are the "unlimited, dark left" wherein all change falls. Consequently, "female 'form' is not really a form at all, but only a deformation of the male. Deformities, privations of form, are unlimited, as is formlessness itself." (Jay, 1991: 97). The understanding of women as formless is a critical logical assumption that enables the association of women with matter (not-A) rather than form (A). As Diana Fuss has argued, drawing on the metaphysics of Aristotle, "woman has an essence and it is matter" (Fuss, 1989: 72).
Thus from Plato through Aristotle to Descartes, the view that human existence is divided into the bodily or material on the one hand and the mental or spiritual on the other is a constant theme. And, as Susan Bordo argues, the body is seen as alien, confining, limiting and in need of control. Indeed, it operates as a kind of an envelope for the mind, a fleshy machine, comparable to animal existence. The body, associated with nature as opposed to culture, has been linked, almost without exception, to women rather than men (Bordo, 1988: 93). Clearly, such a perspective on the body provides significant conceptual difficulties for a feminism that seeks a reformulation of the philosophy and status of the body. Elizabeth Grosz suggests that bodies have all the explanatory power of minds and that feminists who seek this reformulation evoke a body as a “social and discursive object, a body bound up in the order of desire, signification, and power" (Grosz, 1994: 19). For Grosz the consideration of culturally, sexually and racially specific bodies will necessarily raise the question of sexual difference in a way that a focus on the mind does not (Grosz, 1994: vii). The body becomes for Grosz the ally of sexual difference in which “the subject, recognised as corporeal being, can no longer readily succumb to the neutralisation and neutering of its specificity which has occurred to women as a consequence of women's submersion under male definition" (Grosz, 1994: ix).

The focus on corporeal specificity central to feminist reformulation or reclamation of the body and sexed specificity relies in large part on a reconceptualisation of “matter”. Indeed, Judith Butler suggests that feminism ought to be interested in conducting a critical genealogy of the formulation of matter, given the gendered matrix that is at work in the constitution of materiality. According to Butler, "bodies only appear, only endure, only live within the productive constraints of certain highly gendered regulatory schemas". Within these schemas, the regulations produce "the domain of intelligible bodies, but produce as well a domain of unthinkable, abject, unliveable bodies" (Butler, 1993: xi). Bodies are thus, for Butler, an effect of a dynamic of power, their matter indissociable from the regulatory norms that govern their materialisation and the signification of those material effects. These regulatory norms ensure that identification with the abjection of sex (those unliveable bodies) will be persistently disavowed (Butler, 1993: 2).
It is clear that discussion of the importance of body, sexual difference and the construction of matter in the exploration of subjectivity, is not an approach that can claim universal agreement among feminists. While the positioning of women and matter on the negative side of binary representations is more broadly acknowledged, it is also important to recognize the resistance that still exists within feminist practice to the use of bodily referents in the analysis of subjectivity. Concerns remain as to the usefulness of theories of “corporeal dynamism” (Cheah, 1996) which seek to point out the inadequacies of social constructionism as a paradigm for feminist theory and to elucidate a new form of body politics.

It is argued in this research, however, that the work of feminists engaged in the rearticulation of the body, sexual difference and materiality is critical as it raises broad questions to do with the meaning of “nature” including its relation to that which is not-nature, the distinction between form and matter and the relation between materiality and intelligibility. It is argued in this research that such questions are of crucial importance in relation to the way in which we understand and deal with prisoners in contemporary Australia. This can be seen in the deployment of a binary logic which sees prisoners positioned in a particular way in the opposition of nature and its others, form and its others, intelligibility and its others. Such placement, its manner and justifications, provides insight into the patterns which emerge in cultural discourse on the prisoner and the order of prison life.

Subjectivity

The postmodern critique of the subject has raised important questions on the ability of the subject to know or declare itself self-evidently, independent of the conditions in which it is made possible. These conditions include the language in which it thinks, the body in which it moves and the historical and cultural specificity of its positioning. There is some scepticism amongst key thinkers as to the ability of the subject to ever fully know itself, or to have motives which are fully independent of the enabling and dis-enabling possibilities of its surrounding conditions.
Critical to new ways of thinking subjectivity are concepts of power, including for the purposes of this research in particular, the relations between power, discipline and subjection.

Michel Foucault focuses on the "micro-techniques" of power, that is, the productive, local, ever-engaged, ever-changing manifestations or shifting forces of power. This is power that operates at the level of the common gesture, the daily routine and the habitual act. As such, his analysis is not concerned with state-centred or economistic views of power, nor power as it is embedded in belief systems or ideologies. Rather, it is a bodily power, where one is both object and subject of power, linked in a capillary manner to other power objects/subjects in what he describes as a "micro-physics of power". Within this dynamic concept of power, subjectivity is closely linked to technologies of the body. As a specific example of this approach, in Discipline and Punish Foucault focuses on the minutiae of daily prison life and the ways in which power is both absorbed and enacted through the body of the prisoner. In this account of imprisonment, power and subjectivity are inseparably linked through a notion of self-regulation.

However, from an earlier focus on technologies of domination and the way in “discipline produces subjected and practiced bodies, “docile' bodies” (Foucault, 1975: 138), Foucault turned in later work to study the "forms and modalities of the relation to self by which the individual constitutes and recognises himself qua subject" (Foucault, 1984: 6). He shifts his focus to what he calls the “games of truth” in the relationship of self with self and the forming of oneself as subject.

The shifts in Foucault's analysis of subjectivity and its relation to power and discipline are critical to later work by Butler which seeks to explain further the processes by which regulatory norms are internalised. Pointing to self-reproach, conscience, melancholia, guilt, she asks “How does the subjection of desire require and institute the desire for subjection? (Butler, 1997a: 19). In this analysis, Butler moves from use of the term “subjectivation” (as used by Foucault) to that of subjection. While both terms denote an activity or a process, subjection connotes more strongly the subordination inherent in becoming a subject. She defines subjection as signifying "the process of becoming subordinated by power as well as the process of becoming a subject" (Butler, 1997a: 2). For Butler, subjection is characterised by a
fundamental dependency on a discourse that is never chosen but that initiates and sustains our agency (Butler, 1997a: 2).

It is argued here that debate over the meaning of subjectivity, and the processes through which we have a relation to ourselves as subjects, is critical to the recognition of corporeal differences and the positioning of such differences in the social hierarchy. Importantly, the way in which it is further deployed to address issues of identity will have critical implications for the power of specific groups to recognise and resist specific forms of subjection, including that which is inherent in contemporary punishment practices.

Chapter Outline

In order to explore further concepts of materiality and subjectivity within the prison, I have outlined four major themes which this work will address. The first theme is the role of the body in analysis of the specificities of corporeal life in prison. Secondly, I will address concepts of boundaries and borders, including both moments of intransigence and moments of transgression. The third theme is that of motion, encompassing the irruptions of discourse and the routines of the everyday. Fourthly, the study examines the specificity of sexed and desiring subject positions, ever moving, possibly never fully realized. These four themes are related in a complex fashion, resonating as they all do in a range of prison practices and in different cultural discourses on prisons and prisoners. To address this complexity, a four part framework has been set up.

The first section of the study is entitled “Discipline”. This section will introduce the key themes of the research pointing in Chapter 2 to contemporary criminological approaches to materiality and subjectivity. This chapter will suggest a number of directions for feminist criminology in the analysis of sexual difference.
The second section, "Matter" will ask the question "what is the matter of/with the prisoner's body?" It will look at the role of punishment discourses in determining materiality and the investment of materiality in notions of sexual difference. In Chapter 3 the concept of abjection in relation to the prison and the prisoner's body will be examined. Drawing primarily from metaphorical representation of the prison it will highlight the processes through which we question the humanness of the prisoner. This analysis will be further pursued in Chapter 4 with its focus on fluidity including a detailed analysis of the management of bodily fluids in prison through issues related to HIV/AIDS and drugs. The aim of this chapter is to examine the role of bodily fluids in punishment discourses surrounding bodily matter and sexual difference.

The third section of the study is entitled "Motion" and will look at the construction and regulation of subjectivity in movement. This section will draw heavily on the micro-physics of power that are currently practiced in prison. Chapter 5 will explore the space of the prison and the way in which prisoners move within it. This chapter will ask questions about spatial conceptions of human subjectivity and the ways in which prisoners come to a sense of who they are as sexed and desiring in space. Chapter 6, with its analysis of time, will focus on the synchronisation, ordering, sequencing, control and measurement of prisoners lives and the effects of these specific uses of time in prison on subjectivity.

"Subjection" is the title of the fourth and final section of this study that will focus on the specificities of sexed and desiring subject positions in prison drawing both on the imposition of power regimes, and the processes of becoming a subject. In Chapter 7 questions of desire and identity will be posed, with a focus on gay, lesbian, bisexual and transgender prisoners. This section seeks to reconfigure ways of understanding desire and identity as fixed, exploring them as constitutive of subjectivity. Finally, I will conclude with a number of research implications, inevitably suggesting more complexities and posing more questions for further consideration. In particular, I will return to the critical notion of theoretical action. Through the re-imagination of punishment and sexual difference, new understandings of the position of prisons and prisoners will emerge, challenging the staticity of difference and recommending areas for prison reform.

Full transcripts of these articles are available at http://home.vicnet.net.au/~omgaol/1929.htm

Herald Sun, 18.2.98.


See Howe, A. (1994) for an excellent summary of this work.

A full discussion of these texts is included in Chapter 2.


I first came across this term in the Introduction to the “Writing Corporealities” series edited by Elspeth Probyn. See Waldby (1996).


Fuss (1989) and Kirby (1997) discuss such concerns, pointing to what they see as the “risk” of essentialism.

Critical thinkers in this debate include Michel Foucault, Jacques Derrida, Jacques Lacan and Gilles Deleuze.
The discipline of criminology has had a long struggle with women and femininity. This struggle has been reflected in the relative absence of women from writings on criminality and the assumption of masculine norms and stereotyped femininity in the writings that do exist. At the same time, it could be said that the discipline of criminology has had a long and meaningful relationship with men and masculinity, desiring and inventing its objects in its own image.

At the centre of this distinction between women/femininity and men/masculinity lies the question of sexual difference that, I would suggest, is the key question for contemporary feminist criminology. It is, however, a question that has rarely been posed in the discipline in the ways in which I am proposing and, indeed, will sit in strange contradistinction to the more common question of why women (or men) commit crime. For, rather than a focus on the differences between the criminal activity of women and men, analysis of sexual difference demands an examination of the framework within which such differences are conceptualised in the first instance. This reading of criminology will therefore aim to clarify a number of concerns with the way in which investigations of sexual difference have taken place, or failed to take place, in criminology to date.

Of key concern to this reading are those writings that acknowledge sex or gender in their analysis. And, in looking at these writings, it is criminological thought that most concerns me, that is, the ways in which they have framed their questions and boundaries. I rely primarily (although not exclusively) upon
feminist criminology which has sought to expose the masculinism of the discipline in order to draw out specific aspects of sexual difference, including questions of borders, bodies and the other. I also, however, evaluate the growing selection of material that focuses explicitly on men and masculinity. In doing this I have not attempted to undertake a comprehensive review of feminist criminological writing. Rather, key tests have been selected in order to demonstrate the development of feminist criminological thought including its major assumptions, methodological approaches and conclusions. Therefore, while some critical texts are discussed in detail below, other important research is footnoted, providing examples of particular types of analytical approach.

In her 1976 text, *Women, Crime and Criminology: A Feminist Critique*, Carol Smart wrote that "critique is a prerequisite for the foundation of an alternative perspective" (Smart, 1976: xv). Smart's own work is itself an excellent example of the way in which ideas and analytical frameworks can develop and change over time within the one body. And indeed, in undertaking a critical disciplinary review, and thereby reading across time and across place, I am caught up in a familiar problematic. If one of the bases of feminist critique has been to expose the cultural specificity and historicity of research and writing, so too must the critique of the critique. With this in mind, I will attempt a situated critique that acknowledges time and place, at the same time that it draws upon particular themes for contemporary analysis. Such an approach suggests that the boundaries of criminological discourse are currently in flux, and that they always have been. While this may create some disquiet for a discipline with a certain historical surety of identity and a strong commitment to scientific method, it is nonetheless evident in the questioning that is currently taking place of some of criminology's fundamental assumptions, including those of materiality and subjectivity.

**Criminological Discourse as Boundary**

It is argued here that criminology is deeply invested in a logic of limits, margins, boundaries and borders. While this may be an essential stage in the development of any disciplinary identity, examination of the
history of the relationship between feminism and criminology can help to show where and how the boundaries are drawn, and where contemporary struggles continue to be played out.

In analysing criminological discourse as boundary, there are (at least) two forms of demarcation which come into play. One is the distinction between what counts as criminological scholarship and what does not, the inside and the outside of the discipline. A second is that set of demarcations within criminology which mark the way in which criminology creates its own internal analytical categories. It is suggested here that understandings of sexual difference, and the role of materiality and subjectivity in informing these understandings, are critical in setting up both the boundaries that surround criminological discourse, and the divisions within it.

The metaphor of the 'border' or 'boundary' has a number of implications. Borders are layered constructions, invested with power, which serve to carve up identities, be they disciplinary or subjective, raced, sexed or sexualised. In an analysis of the boundaries of heterosexuality, Richard Johnson suggests that "to shift borders, to challenge the conventional lines, is indeed to disturb (and potentially to re-order) the forms of subjectivity and the social powers invested on either side" (Johnson, 1997: 13). Borderlands, the spaces between categories, thus become creative sites, open to recuperative and transformative strategies. As one of the critical themes this research, further exploration of the limits and potential of borders in relation to prisons will take place in the chapters to follow. In the context of the current border patrol, the focus is on that which surrounds and divides criminology.

One of the principal characteristics of criminological thought today is the enduring commitment to orthodox scientific method and quantitative research amongst leading researchers. Ngaire Naffine, in an examination of the scientific origins of criminology suggests that "the agile manipulation of very large numbers is highly esteemed, and concomitantly philosophical speculation or small-scale qualitative research is less highly valued" (Naffine, 1997b: 17). Naffine suggests that it is not advisable, under such a regime, for criminologists to engage in "abstract speculation" about critical theory and knowledge.
What we are observing is the reign of an often unreflective science of criminology, which neither examines its own particular ideologies (its own specific world view) nor speculates about the consequent intellectual and ethical value of the criminological enterprise (why it is doing what it is doing) .... Criminologist examines criminal man but does not look back at himself to discover the nature of his own identity and how it shapes the very nature of the scientific process, including the very identity of criminal man himself (Naffine, 1997b: 29).

The scientific method, and the modernist assumptions upon which it is developed, have long been the subject of feminist critique. Elizabeth Grosz describes modernist theory as perspectiveless and static, positing objectivist, 'neutral' concepts of truth based on separation between the object and subject. She suggests that it also displays a passive role for language in the formation of knowledge and is reliant upon the use of concepts whose validity depends on opposition to other terms (Grosz, 1988: 97). As an alternative to such a method or philosophical outlook, Grosz calls for a perspective-aware philosophy, which is context and observer dependent. Such an approach, argues Grosz, is neither subjective nor objective, relativist nor absolutist. Rather, it is "relational" in that it "occupies the middle ground excluded by oppositional categories". Instead of a series of dichotomous, oppositional structures, it is the continuities or contiguities between the elements of these structures that form the thinker's framework.

Such a framework is crucially engaged with the question of language and representation, and theory as political practice. In challenging the separation between subject and object, Grosz undermines the idea that theory is purely conceptual, pointing to its material and institutional effects. She calls for recognition of the sexed position of theory and, indeed, a sexualisation of discourse:

The gulf separating the subject as knower from the subject as the object known is the gulf of male reflection and speculation, the space of meta-language and meta-theory. This idealised space, the pre-requisite of the knowing, objective, rational subject, is the space based on the male disavowal of his body and his sex, and the assumption that he occupies a neutral position (Grosz, 1988: 101).

I am not suggesting that the critique of modernism, the critique of science and the critique of criminology are interchangeable concepts, nor am I attempting foreclosure in any final sense on any of these terms.
Rather, I am suggesting that the boundaries of criminology have largely already been set by the parameters of the modernist scientific project. And that, through the application of a feminist appraisal, criminology can indeed be reconfigured. In making such a suggestion, I am arguing, along the lines suggested by Grosz above, that the relationship between the modern scientific project and the masculinism of criminology is of critical importance to any project which seeks to lay the basis for an alternative practice of sexed criminological discourse production. 4

Feminist Transgressions

Feminist criminologists, from varying theoretical viewpoints, have consistently referred to the need to transgress the limits and borders of the criminological project. Frances Heidensohn argues that "[w]e have to step outside the confines of criminological theories altogether and seek models from other sources in order to achieve a better understanding of women and crime from a feminist perspective" (Heidensohn, 1985: 162). Loraine Gelsthorpe and Allison Morris suggest that "[t]he task is one of re-vision .... transforming existing knowledge foundations, transgressing traditional knowledge formations, taking tentative steps towards theory-building and creating new methodologies" (Gelsthorpe and Morris, 1990: 4): According to Alison Young, "reading criminology non-criminologically is a strategy that might be named 'postmodernist' and 'feminist'". Such a strategy can render criminology finite and limited, enabling questions of feminism to be heard differently and therefore advanced (Young, 1996: 49).

The implications of this desire to "re-vision" criminology have been felt in the definition of subject matter deemed suitable for criminological analysis, challenges to more traditional methods of criminological investigation, and a reconceptualisation of a number of the critical assumptions on which criminology has relied for its own cohesion. Whether or not such transgressive work is an extension or limit of the boundaries of criminology remains open to question. What is clear, however, is the ability of such work to reconfigure a number of the key assumptions criminology relies upon in order to maintain disciplinary integrity.

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The way in which feminist critics have worked towards this reconfiguration vary greatly, and indeed have been historically categorised (by feminist critiques of the feminist critique) in a number of different ways. Smart, drawing on Sandra Harding (Harding, 1986), frames her analysis of feminist criminology in terms of feminist empiricism, standpoint feminism and postmodern feminism (Smart, 1995: 5). Naffine suggests that feminist criminology is a "healthy, robust and rich oeuvre which poses some of the more difficult and interesting questions about the nature of (criminological) knowledge" (Naffine, 1997b: 4). This oeuvre includes: looking at sex bias in the criminal justice system; questioning the validity of scientific method and epistemology; questioning the generalisability of criminological theory; collecting data about crime from a women's viewpoint; and developing new epistemologies that question the very possibility of sexed perspectives (Naffine, 1997b: 4). In contrast, Young suggests that it is too soon to write a history of feminism (given that it is always "still-to-come"). For Young, at the heart of any exploration of the impact of feminism on any discipline, lies that conundrum of the incompatibility of Woman and reason: "How could Woman elaborate a theory?" asks Young (Young, 1996: 33). While there is indeed a vast amount of information that has been generated by feminist scholarship in relation to the criminal justice system, Young argues that there is uncertainty as to its purposes and implications. In seeking to set out what she considers to be the question of feminism, that of sexual difference, Young proposes that feminist criminologists have, to date, principally addressed three other questions. These are: the question of biology, the question of discrimination and the question of conformity. For Young, feminism and the analysis of femininity must exceed this critique and new questions of sexual difference must be posed: "the problem of criminology is one of sexual difference, in that Woman is required to function as the abyss against which masculinity can be comprehended" (Young, 1996: 46).

The aim of this section is to evidence the way in which feminist criminologists have fractured disciplinary boundaries in the development of their own positionings. While this has been done in different ways at different times (and with differing degrees of success), there is little doubt that feminist transgressions of criminological boundaries have had some impact on the parameters of the discipline. While recent commentators suggest that feminist criminology remains contained or marginalised within the discipline
(Young, 1996; Naffine, 1997b) I am suggesting that the various emphases and challenges of feminist criminology have made it more possible than it would have been without these incursions to pose the question of sexual difference. I have not attempted in this brief review to provide an exhaustive account of the history of feminist criminology.

Feminist criminologists remarked early on the absence of research on women relative to men in the discipline. While this came as no surprise, it remains somewhat ironic. As Heidensohn points out: "Sex differences in criminality are so sustained and so marked as to be, perhaps, the most significant feature of recorded crime" (Heidensohn, 1985: 11). It has long been recognised in feminist research that "adding in" women without addressing the premises and standards of scholarly work is problematic (Scott, 1986: 29). Adrian Howe reiterates this point. She says: "gender sensitive penal analysts do not seem to have realised that a consideration of gender cannot be reduced to a study of women" (Howe, 1994: 158). What is needed, rather, is an examination of sexual difference and, I would suggest, the manner or theoretical framework in which such a task is approached is of critical importance.

In Women, Crime and Criminology (1976), the first book length engagement of feminist thought with criminology, Smart points to what she describes as an entirely uncritical attitude to sexual stereotypes of women and girls in criminology. These works, argue Smart "confirm[ed] the biologically determined inferior status of women not only in conventional society but also in the 'world' of crime and delinquency". They referred to women in terms of their biological impulses and hormonal imbalance, or in terms of their domesticity, maternal instincts and passivity (Smart, 1976: xiv). Smart's analysis covers classical and contemporary studies of female criminality and leads her to conclude that women in these studies are treated as fundamentally and qualitatively different from men. She concludes: "Of course there are differences but those differences which exist and which are relevant to an understanding of criminal behaviour are culturally determinate rather than a reflection of the natural qualities of the sexes" (Smart, 1976: 176). Smart's work was an effective critique of the way in which criminology was based on a biologistic understanding of differences between men and women. Women, following Smart, were to
enter the criminological discourse in a new manner, every bit as socially constructed as men, and thus every bit as entitled to public demonstration (including criminality).

With the appearance of *Women and Crime* (Heidensohn, 1985) and *Female Crime* (Naffine, 1987), feminist criminology was well on its way to creating itself as a type of criminology. By this time, significant feminist work had taken place in relation to women's criminality. However, the work of Heidensohn and Naffine was particularly critical at this juncture as both undertook a review of feminist criminology, reaffirming many of the concerns raised by Smart in 1976, but also providing new analytical categories for the understanding of different forms of feminist criticism. In addition (and like *Women, Crime and Criminology*) both texts were promoted as pedagogical and therefore designed to build feminist criminology into the criminological curriculum. Heidensohn and Naffine do, however, come to quite different conclusions on the future directions feminist criminology should take.

Naffine argues that there is no criminology that looks at how women themselves define their goals and interests given that the wholesale acceptance of gender socialization has ensured that contemporary criminologists continue to expunge the agency of women (Naffine, 1987: 62). Naffine argues for recognition of the fact that women may be critical of the gender messages they receive and may indeed actively oppose instructions to be passive and to comply. Naffine cites arguments that reject woman as a *tabula rasa*, suggesting that everywhere there is opposition, resistance, and counter-socialisation, that is, women are not thoroughly oppressed and subjugated by a sexist society (Naffine, 1987: 63). Rather, the task of feminists is to see that this more active and interesting woman is given a voice, that her experiences are rendered faithfully and incorporated into criminology (Naffine, 1987: 133). Heidensohn, in contrast, advocates interrogation of the way in which a much wider apparatus of control serves to manage women in society. She says "[b]riefly, it is not so much female criminality which seems to be distinctive .... as the defining and controlling apparatuses which they face and which limit their public and private behaviour in gender-related ways" (Heidensohn, 1985: ix).
Naffine, in her exploration of oppression/resistance and agency, and Heidensohn, in her theory of social control are clearly running with new ideas about power and knowledge which, while possibly attributable to the impact of Michel Foucault on the social sciences, are not explicitly indebted as coming from this source. Howe, documenting in impressive detail the impact of Foucault on the analysis of discipline, punishment and imprisonment, argues that it was Foucault's text *Discipline and Punish* which "put 'penality' on the interpretative map" and which incited a "shift away from empiricist penological inquiries to studies of the 'social foundations' of the practices and institutions of punishment" (Howe, 1994: 83). I would suggest that the shift identified by Howe in relation to studies of penality was also evident in certain feminist incursions into criminology, including the work of Heidensohn and Naffine. As such, these important texts did indeed function as criminological challenges and were part of a wider movement which placed into question traditional disciplinary boundaries, including in particular those forming part of the modernist, scientific project.

From the appearance of *Women, Crime and Criminology* onwards, the extent of empirical information continued to mount. Much work was concerned with the documentation of sex-based inequalities and discrimination in the operation of the criminal justice system including in relation to sentencing. In addition, historical work which provided sophisticated analyses of the imprisonment of women led to a renewed emphasis on the differential relations of women to the development and continuing practices of penal systems. Smart argues that, while much of this empirical work has been criticised for failing to challenge the scientific framework in which it was conducted (objective, value-free, factual), it was in fact politically engaged. In her words, "feminist empirical work on women, was always intended to be for women, even though the relationship between this on and for was never fully explored and did not become a focus of attention until a clearly formulated standpoint feminism emerged" (Smart, 1995: 5). While it must be noted that work by and for women does run the risk of leaving the mainstream canon untouched and unaffected, the continuing documentation of inequities is a critical part of the project to reformulate disciplinary boundaries.
With an approach and methodology that was seen to differ from that of empirical researchers, the standpoint form of research was often based on extensive ethnographic studies, focusing on the experience of discrimination and bias in the criminal justice system. Of particular importance in the ethnographic tradition is Pat Carlen's work on women and imprisonment. She describes her 1983 book, *Women's Imprisonment* as "a book about the not-said, the irrelevant and irreverent of female subjectivity" (Carlen, 1983: 1). In an evocative fashion, she suggests that "the terrain is dominated (but not engulfed) by the prison and its female subjects. Criss-crossing and making the terrain what it is, however, are the lines of socio-biographies, histories and fantasies which ebb and flow, tighten and loosen in such a continuous transformative process that the meanings of female imprisonment must be constantly open to question" (Carlen, 1983: 2). She talks of criminal women, denying the existence of criminal Woman: "there can be no one theory of women's crime because there can be no such thing as the 'typical' criminal woman - either in theory or practice" (Carlen et al, 1985: 10).

Carlen invests her subjects with their own rationality and purpose, they are the authors of their own stories (and lives). She describes the heterogeneity of the routes to criminalisation, women are diverse, therefore there is no essential femininity. Beverley Brown suggests that such an anti-essentialist stance (which is firmly linked to anti-determinism) can be seen as the beginning of an approach which can free feminist criminology of the burdens of its past assumptions given that critique is shifted to categories rather than origins (Brown, 1986: 377). In contrast, Young suggests some caution in case the life stories of these women come to take on meaning only as tactics in the anti-essentialist enterprise. She says "[i]n the desire to resist the tall tales of criminology's femininity, feminism can lapse into its own grand narrative of the individual woman, the life history, the femininity that lies (always) elsewhere" (Young, 1996: 41).

I do not wish to imply that there has been a teleological or indeed strictly chronological progression from empiricist feminism, through standpoint feminism to postmodern feminism. And I would like to emphasise what I see as the valuable contribution made by feminist criminologists of differing methodological approaches. However, I agree with Young when she suggests that the fundamental
questions of feminist criminology do in fact exceed the questions that have been asked to date (Young, 1996: 46). It is clear that new approaches and new questions are now required in order to draw out the relation of criminological investigation to concepts such as materiality, subjectivity and sexual difference. And in so doing, it may be necessary to question not only the perspective of feminist analysis, but also to actively seek new methodological and analytical tools which are more suited to the task ahead.

Howe expresses some concern and some excitement in relation to the implications of postmodern feminist debates for the field of penality. She says: "here we have a carte blanche, a virginal space untouched by feminist postmodern hands" (Howe, 1994: 168). The relations between theory and practice are, however, critical for Howe. She asks: "'What relevance could a theoretical anxiety about gender identity being 'a regulative ideal' (Butler, 1990) have for women prisoners when their every moment is always already regulated? What interest could they possibly have in post-gendered subjectivities when they haven't come close to winning a rights-based modern subject position?'" (Howe, 1994: 170). Howe is absolutely right to ask such questions, and starts to answer them for herself as she explores notions of a postmodern feminist penality and the implication for theory/practice relations (Howe, 1994, 1996). In line with Howe, I would suggest that the relationship between different methods of feminist (criminological) research becomes critical in seeking to create new forms of theory/practice relations. In particular, I would argue that it is important to question how empiricist, standpoint and postmodern feminist methods can be effectively engaged or transformed to enable better understandings of sexual difference in all its philosophical/political manifestations.

Building on the possibilities of post-modernist critique, Smart suggests that it is a feature of postmodernism that questions posed within a modernist frame are turned about. In such a vein, she turns the question what has feminism had to contribute to criminology into what has criminology got to offer feminism. In Smart's view, and given in particular the fact that even radical criminology remains fundamentally rooted in the modernist enterprise, the answer is "not much" (Smart, 1995: 47). And indeed, Smart, from that point, turns her attention away from the discipline of criminology towards that of law. In making such a move is she suggesting that postmodern approaches to analysis are intrinsically
incompatible with criminological research? In a discussion of the differences between poststructuralism and postmodernism, Smart argues that poststructuralism is based on an analysis of power, discourse and the constructed nature of knowledge (drawn largely from Foucault). Postmodernism, by contrast is "a critique of epistemology". While Smart clearly believes in the important roles of both 'post-s', she does suggest that poststructuralism is more concerned with the construction of local knowledge, and that it is important for feminist sociologists to keep returning to social relationships, and to the "status/locus of one's knowledge" (Smart, 1995: 9).

I am invoking an old distinction which may not be entirely appropriate but, when I think about feminist work which is postmodern, I conjure up intellectual work which theorizes about theories and subjectivities. When I think of poststructuralism, I conjure up intellectual work which theorizes about discourses, relationships, subjects, documents, representations, bodies and so on. I think the former is vital because it is challenging how we can think and how we can do. But it is equally important to be doing the latter, namely reading the documents, talking to the subjects, analysing discourses, viewing representations, denaturalizing concrete bodies and so on (Smart, 1995: 8).

In drawing attention to this distinction of Smart between postmodernism and poststructuralism, and her demarcation between texts which "theorize about theories and subjectivities" and texts which "theorize about discourses, relationships, subjects .... and so on" I am keen to push further the implications of such differentiation for possible new modes of research. In particular, I am concerned that, in reaffirming such a distinction, Smart runs the risk of re-invoking a theory/practice split which may serve to limit the imagination of new, integrated theoretically and practically engaged criminological endeavors. While it would seem easier to laud the development of theoretically engaged practical research, it is clearly more difficult to imagine the possibility of practically engaged theoretical research.

In recalling the conversation between Gilles Deleuze and Michel Foucault discussed in the Introduction, it is perhaps more useful to think of the action of theory and the action of practice as inseparable and mutually enabling projects. In this way, a feminist criminology that engages both with theories of
subjectivity as well as discourses, documents, representations and bodies may enable new questions to be asked in different ways.

Naffine also applies herself to the theory/practice question in terms that are quite different from those employed by Smart. Naffine argues that feminist empiricists and standpoint theorists continue to do important research in documenting the experiences and lives of real women, and in looking at the implications of these lives for (to date masculinist) models of humanity. Indeed, she suggests that such work represents the beginning of the "female sexing of the criminological subject, of getting women, as women, into the discipline". However, Naffine appears to maintain a separation between this work and the imagination of "guiding visions" for women, the process of "reach[ing] beyond the current stereotypes of woman, and beyond the current real lives of women, to think about women differently" (Naffine, 1997b: 143). While not denying that feminist empiricists did need a vision of something better in order to say what was wrong in the first place, Naffine nonetheless implies that this visioning will be done elsewhere. That is, outside of empiricist and standpoint feminist criminology. Such a view, I would suggest, once again places into doubt the possibility of a theory/practice nexus in feminist criminology. If, by the development of guiding visions, Naffine is referring to new frameworks and new questions for research, why could these not be imagined through work that is practically engaged, such as that undertaken by empiricist and standpoint feminists? Where will such visioning take place?

Clearly, such questions are of critical import to the current research that seeks to explore new forms of feminist analysis of imprisonment. It is argued here that through a simultaneous examination of the practices and theories of punishment and sexual difference, it might be possible to prevent the emergence of any distinction between the theoretical (philosophical) or practical (political) goals of the project. And indeed, in demonstrating the grounded possibilities of theory, it is hoped that the possibilities of philosophical insight and political change can be enacted in the same gesture.

As Howe points out (1994: 209) it is hardly original to raise theory/practice issues in the field of penalty given that the critique of penal regimes in Western societies has developed in order to challenge them.
Foucault and Carlen, suggests Howe, are exemplary in this regard. However, "the question of the relationship between theoretical critique and the experientially-based but untheorised account of the prisoner [thus] remains an analytical and political problem today, long after Foucault sought to resolve it by allowing the prisoners to 'speak for themselves'" (Howe, 1994: 213). Carlen has raised concern over the direction of prison studies in general:

My fear is that present trends in the study of women's and men's prisons are getting us further and further away from understanding the power of the prison both to promise and deliver pain as punishment. Unless investigation of that most specific power is put back on the research agenda, studies of both women's and men's prisons will continue to produce either short-term-reformist exposes, or the deconstructionist diversions wherein important questions about [where] the prisons punitive capacity lie are left unasked (Carlen, 1994: 138).

Carlen's focus on the pain of punishment as central to analysis of the prison is, I think, critical and operates as one of the most engaging reasons as to why a focus on the body, site of physical torture, is absolutely crucial. However, I would suggest that it is not enough to point to the site of pain without also seeking to understand why the prisoner's body specifically is deemed somehow amenable in the social hierarchy to the infliction of such levels of pain. That is, according to which norms do we think it is acceptable to treat prisoners in the way that we do? What does it have to do with the ways in which we view the body of the prisoner? Or the status of the prisoner as other or somehow less than human? These questions are examined in the chapters to follow, work which I see as an essential step in understanding the nature and level of pain in prison, including, as Carlen ominously asks, its punitive capacity.

There are two main points to my exploration of the theory/practice nexus. The first of these is an attempt to problematise the way in which theory and practice continue to be separated in feminist criminological analysis, such as in the work cited above by Smart (1995) and Naffine (1997b). It is time to move beyond dualistic approaches to an endeavour which is at once deeply philosophical and political. Secondly, I am hoping, in problematising the continuing separation of theory and practice, to open up the possibilities of alternative ways of thinking/acting research. I would therefore like to push feminist criminology in a
direction that questions the current divisions between empiricist, standpoint and postmodern categories. I would like to ask: Why do we maintain and rely upon such divisions? What transgressions can we imagine? How would such boundary dislodgement enable us to ask new questions about materialities and subjectivities, about the ephemeral and the real?

This desire for new directions in the ways in which we undertake feminist research is one of the major bases of this research. Indeed, such a desire has framed its key questions, methodological approach and forms of evidence. As such, it will address questions of materiality by observing management practices related to the exchange of bodily fluids. It will ask questions about subjectivity by analysing the use of prison space and prison time. It will explore notions of identity through the position of gay, lesbian, bisexual and transgender prisoners. Is this work practical? Is it theoretical? In the end, I hope that it stretches and confounds both these categories, showing the potential of their inseparability.

**Masculinist Reinforcements**

In a recent collection of essays on men, masculinities and crime, Tim Newburn and Elizabeth Stanko point to the fact that academic consideration of crime tends to gloss over what is the most obvious feature of offenders, that is, that they are almost always boys and men. As they note in their introduction, "when gender is discussed at all, women are most usually the subject" (Newburn and Stanko, 1994: 1). This fact has been extensively canvassed by feminist criminologists such as Smart (1976), Heidensohn (1985), Naffine (1987), Gelsthorpe and Morris (1990), who, in addition, have pointed to the paucity of criminological research on women in general. However, what is new about the Newburn and Stanko collection is its stated purpose to "begin the process of charting the territory of masculinity/ies and crime". The editors suggest that the dominant theoretical models have rarely gone beyond the simple association of masculinity with, for example, "machismo" and that it is time for criminology to apply the power of what they call "gendered analysis" (Newburn and Stanko, 1994: 1).
While there may be limited explicit reference to gender in much criminological analysis, it is clear that there is an implicit construction of gender built on a number of long-standing assumptions about materiality, subjectivity and sexual difference. As feminist critique demonstrates, these assumptions are founded upon a framework of binary logic and include an unproblematised understanding of the form/matter, same/other, normal/deviant oppositions. As has been argued in the previous section these assumptions are often unrecognised or unacknowledged within criminology and therefore remain untheorised, resulting in a lack of attention to critical issues such as corporeality, difference, desire and identity. While feminist criminologists have begun to make some progress on these issues, it is clear that within masculinity studies there is a need for greater focus on the point of difference, rather than a continuing assumption of an unproblematic difference as the starting point of gendered analysis.

Drawing together noted writers such as Tony Jefferson, James Messerschmidt and Kenneth Polk, the Newburn and Stanko collection does take a number of positive steps in the direction of gendered analysis in relation to masculinities and crime. However, it is my contention that this gendered analysis works to confirm the boundaries of masculinity, by looking at criminal subjects as men and seeking to understand why they act the way that they do as men, as if men as a category of analysis could ever be separated fully from women as a category of analysis or sex/gender as a marker of difference. It would seem clear that such work on men, masculinity and crime fails to enter the space opened by feminism on the reproduction of sexual difference per se.

While Jefferson's strategy is to approach the specific question of masculine subjectivity through the more general literature on subjectivity (Jefferson, 1994: 13), Messerschmidt focuses on social structures/social action (Messerschmidt, 1994: 98). Both writers, however, seek to make a certain sense of masculinity (in all its admitted complexities) by asking questions about why it is that boys and men (as a gender) behave in the ways that they do. In so doing, they seek to understand masculinity without raising any questions about its constitution and meaning as a category of analysis in the first instance.
As an example of an approach to gendered analysis that raises a number of the problems inherent in a failure to address sexual difference, I would like to point to Polk's influential study *When Men Kill*. In this book, Polk tracks what he sees to be the major themes in cases of homicide in Victoria over a four year period from 1985 to 1989 in order to develop a gender-based theoretical understanding of the nature of homicide. He claims that his analysis is drawn from the "systematic features of masculinity" (Polk, 1994: 139). Indeed, according to Polk, the one uniform finding in relation to homicide across jurisdictions is that homicide is a "masculine offence" (Polk, 1994: 5) and that it is distinctively "masculine in character" (Polk, 1994: 7). What does he mean by this? Does he mean simply that men commit the offences? Or is he implying that the cultural, philosophical, political (and criminological) meanings of masculinity contain an already clear set of indicators and imperatives which require no further explanation? In his examination of the murder of sexual intimates, Polk concludes that "[t]he use of lethal violence arising out of sexual relationships, for whatever reason, is distinctly a masculine matter" (Polk, 1994: 56). What does it mean to say that violence is masculine? Again, does it mean simply that men do it? Can a woman commit a violent masculine homicide? Indeed, in his examination of confrontational homicides, Polk describes confrontations involving women as deviant cases and argues that "[t]he script of confrontation is one which can be read and played out by women, but this a rare event .... The dynamics of confrontational violence, in other words, are overwhelmingly masculine in character" Thus Polk returns us, in a rather circular fashion, to a definition of masculinity as something that constitutes men, and a definition of men as constituted by masculinity.

Drawing from the work of Moira Gatens on the sex/gender distinction, I would suggest that Polk's attempt to separate sex and gender, and then to explain the characteristics of one by reference to the other, is problematic. As suggested above, Polk does this by using men to define masculinity and masculinity to define men, without ever recognising the relationship that exists between the two terms. In her convincing argument on the inseparability of sex and gender, Gatens points to what she describes as a contingent but arbitrary relation between the male body and masculinity and the female body and femininity. The relation is contingent in that there is an extremely complex and ubiquitous network of signification which is manifested psychologically and culturally on what is sex-appropriate behaviour. It
is arbitrary in that masculinity and femininity are "manifestations of an historically-based, culturally shared phantasy about male and female biologies" (Gatens, 1983: 150). Gatens argues that the relationship between male and masculine, female and feminine are therefore open to different interpretations of gender as biology lived. Indeed, Polk's own dismissal of women who commit confrontational homicide as "deviant" would support Gatens' claim. For Polk, a female body exhibiting "masculine" traits can only be unintelligible. In order for this body to be rendered intelligible, what is needed is an understanding of the ways in which men and masculinity are constructed as analytical categories within the binary logic of difference. It is only through such analysis that their relation to each other and to their oppositional terms can be understood.

Clearly, it is no longer adequate for analysis to point to the fact that most crimes are committed by men and then to describe how the exigeances of masculine culture bring this about. Similarly, it is no longer enough to describe lethal violence as masculine because more men than women do it. While it is evident that criminology has over time invested most of its analytical energy on studies of men, either as sex-neutral subjects or as gendered subjects, unless new questions to do with sexual difference begin to be posed our understandings of masculinity will remain limited. As an example of new directions that could be taken, a look at the different ways in which male and female bodies are placed in relation to binary constructions of same/other may lead to insights into the relations of women and men to the normal/deviant opposition. What is a "normal" male body in such a framework?

It can be argued that the very invisibility of the male body becomes increasingly visible through feminist analysis. As Judith Allen points out: "It is now possible to see not only the distortion of women's experience or its enshrine, but also the 'evacuation of the male body', the refusal to specify men and their 'masculinity' as constituent features of criminology's particular phallocentrism" (Allen, 1988: 3). The work of Richard Collier on law and criminology would suggest that the evacuation of the male body referred to by Allen is still underway in both disciplines. Collier's work explores the ways in which the (sexed) bodies of men continue to be constituted as an "absent presence" in contemporary discourses on crime and criminality (Collier, 1997: 178).
Drawing from the work of Smart (1989) and Naffine (1990) Collier explicitly acknowledges the phallogocentrism of legal discourse, suggesting that it is inseparable from the ideology of masculinism. He proposes that judges have constructed the male and female body in "crudely genito-centric manner focussed around a phallocentric order and penis-use". Through such a model of male sexuality, he argues, "the law continues to reify the polymorphous possibilities of the body in a particular way, structuring emotional cathexis into a particular act (intercourse) and a particular view of the male body (the penis)" (Collier, 1995: 171). He suggests that it is critical that such assumptions be opened up for questioning:

Displacing discourses of gender premised on a masculinist, heterosexual imperative involves opening out to context and resistance the body as politically regulated surface, a celebration of contingencies and possibilities of challenge to the meanings of the phallocentric cultural context through which the subjective experiences of desire are articulated (Collier, 1995: 174).

I will return to the role of the body in criminological discourse in the following section. What is critical at this point is to ensure that the question of "why men commit crime" is rendered as problematic as the question of "why women commit crime". As suggested in the opening paragraphs of this chapter, such questions are insufficient as they fail to question the way in which sexual difference is structured, including in relation to criminal activity. Seeking answers to questions about the meaning and manifestation of sexual difference within criminality will open up for analysis a whole range of issues about what it means to have a sex and what the boundaries of that sex are. It is time to ask: What are men different from and how is this difference constituted?
Feminism and the Criminological Corpus

One no longer touched the body, or at least as little as possible, and then only to reach something other than the body itself. (Foucault, 1979: 11)

In an examination of the discursive constructions of bodies in law, Alan Hyde suggests that it is rather un-Foucauldian to talk about "the body itself". He says:

I have been arguing that legal cases reveal that, while there are indeed material bodies, people have access to them only as mediated by a fantastic parade of constructed images, often constructed quite self-consciously to represent another person. In this sense, all punishments necessarily touch both a material and a discursive body. And, since the body is always a symbol, a problem of interpretation, all touchings of the body are necessarily symbolic, and thus all punishments necessarily touch the body in order to reach something other than the body (Hyde, 1997: 187).

The distinction between material bodies (physical, real) and discursive bodies is one of the critical tenets of Hyde's argument. He maintains that the body "whatever its ultimate reality" is unavailable to us as a standard of political analysis except through discursive constructions that represent nature and bodily features. While Hyde succeeds in his goal of proliferating and thereby de-naturalizing discursive constructions of the body in law, I would suggest that his separation of materiality and discursivity is problematic in the same way that the separation of sex and gender (discussed in relation to Polk above) is problematic. To say that we only have access to materiality (nature/sex) through discursivity (culture/gender) fails to recognise the phantasmatic relations between the two terms. If Gatens (1983: 150) argues that male and masculine, female and feminine are open to different interpretations of gender as biology lived, can it not also be suggested that discursivity and materiality are also open to different (imaginary) interpretations of bodily representation as real bodies lived? That is, (paraphrasing Adrienne Rich) can we not begin, at last, to think through the body?

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Hyde's approach precludes such a possibility. Indeed he suggests that "someone who wanted to write a history of the physical body in law, rather than its discursive representation, might well start with the physical deployment of the bodies of the condemned, their treatment, position, specularization" (Hyde, 1997: 192). While this would indeed be an important project (and reflects some of the aims of this thesis), I would suggest that Hyde is also writing about real bodies all the time in his own discursive analysis. This is evidenced by his repeated concern at the absence of corporeal subjects in the legal texts he analyses, their realness is of critical importance (if absent): "About their bodies as they experience them, of course, we have no knowledge at all" (Hyde, 1997: 169). Thus, while for Hyde the bodies of the condemned may differ somehow in their realness, or physicality, it is my argument that the prisoner is at once material and discursive, real and represented.

By introducing this discussion of the body in criminological discourse with an exposition of the troubling potential that exists for distancing real bodies from discursive bodies, I am suggesting that materiality and discursivity are mutually inter-dependent, rather than mutually exclusive, ways of looking at, living in or thinking through the body. The possibilities of such an approach are explored in Cheah, Fraser and Grbich (1996) who question the way in which the law continues to rely on an unproblematised concept of the body despite its positioning as a key site in producing bodily meaning. In relation to the examination of criminology, one critical factor is the way in which bodies have figured prominently in explanations of women, femininity and difference. Without doubt, the starting point here is the relationship of women to biology, or the reading of Woman as biology. As Carlen said: "the woman criminal offends not only against society but also against her true nature .... as rooted in her biology" (Carlen et al, 1985: 1).

Young suggests that the critique of biologism has been of central importance to feminist intervention in all disciplines including criminology (Young, 1996: 35). She argues that the focus of this intervention in criminology has been on the way in which biologism equates identity with physical attributes and enables men to operate as the unmarked physiological norm. Women, in such a framework, are always figured as physically different or other to men. In a number of ways, Young is building on the important
work of Brown who, as early as 1986, was arguing that feminist criminology was established in a "foundation-by-denunciation" manner. Focussing particularly on Heidensohn (1985) and Carlen et al (1985), Brown suggests that feminist criminology developed many of its positions based on a misreading of traditional, biologistic criminology, particularly the belief that only women and not men are viewed in terms of their biology. Young supports Brown in this reading, drawing out the argument that biologism does present a biologistic man as well as woman, however she suggests that the differential manner in which these two bodies are valued is based upon a highly problematic assumption of the inferiority of women (Young, 1996: 35).

Brown points to the separation of 'sex' (biology) and 'gender' (society) in feminist criminology (Brown, 1986: 361). Her particular concern in emphasizing this tendency is that such a move may well indicate an overly simplistic substitution of 'society' for 'biology' in which the "iron grip of socialization" (rather than the deep roots of nature) ensures that masculinity and femininity remain fixed and uniform. Indeed, Brown argues that sociology's conceptualization of sexual division "whilst always protesting a social as opposed to biological origin, nonetheless can never derive its notion of a mutually exclusive and jointly exhaustive division between the sexes from social relations, and thus necessarily presupposes it, falling back on the given referents of the terms 'men' and 'women', the existing population. Thus, metaphysically, and all too physically, this concept of sexual division is inevitably given and pre-social" (Brown, 1986: 370). This line of argument is pursued in a later article by Brown (1990) in which she suggests that to construe the criminal tradition as unified by biologism fails to address the underlying questions of essentialism. In particular, it fails to address the "specificity of the construction of sexual difference within criminology". According to Brown, and drawing from Lombroso and Ferrero, one of the principal signifiers of this difference is the generality which is ascribed to women's character, as compared to the individuality which is attached to the male. Brown suggests that by focussing on biologism per se, analysis of the fundamental asymmetry of sexed relations to essentialism is negated (Brown, 1990: 53). Young adds to this argument by suggesting that feminism has inverted the relationship between biologism and femininity: "Where femininity lived in biologism as a (mistaken)
story told by classical criminologists and rehearsed in contemporary criminal justice and law, now classical biologism lives on in feminism as a (mistaken) tale of femininity" (Young, 1996: 38).

I would agree with Brown and Young that the repercussions of a focus on biologism can still be strongly felt in feminist criminology, particularly in its hesitation to address questions of sexual difference or, as Brown suggests, to enter the debate on essentialism. For feminist criminologists, as for other feminists, there is a certain “risk” to essentialism, as Diana Fuss demonstrates. For Fuss, who believes the risk is worth it, essence is a sign and as such is historically contingent and constantly subject to change. She suggests that the deconstruction of essentialism “keeps the sign of essence in play, even if (indeed because) it is continually held under erasure” (Fuss, 1989: 20, italics in original). The risk, of course, is that analysis of the essential nature of women will see a return to the unthinking association of women with matter and the body. Alternatively, taking the “risk” of essence may provide as yet unimagined insight into the links between corporeality and sexed subjectivities in specific, spatially and temporally contingent sites.

I would suggest that feminist criminologists have good reason to fear the power of associative practices that continue to link the body to woman in law, penology and other disciplinary practices. Smart suggests that bodies within law are regarded as primitive or disruptive and that, furthermore, "law differentiates on the grounds of gender, but [that] in so doing it takes Woman as sex or as body (Smart, 1995: 221). As such, law's discursive construction has women as mere bodies, problematic and disruptive of the modern (masculine?) social order (Smart, 1995: 222). Such a conclusion, or indeed such a practice within law, is not surprising in the light of the deep investment social order has in the metaphorical binaries than underpin sexual difference. As a result of this investment, Young’s evocation of the criminological corpus is somehow already eerily familiar to us:

[T]he corpus .... is the classical one, smooth, hairless, bland, elevated on high, idealised. Outside .... there exists an altogether different image: of corporeal physicality and functionalism, a body with orifices exposed, where idealised beauty is
irrelevant, replaced with grotesque realism, where the cerebral functions accede to bodily reaction (Young, 1990: 37).

If, according to the image of the corpus presented by Young above, women exist as “grotesque realism” and as “bodily reaction”, the question becomes one of challenging the portrayal of women, and also challenging the framework in which enables them to be imagined in such a way. Along with Young, Naffine and Smart, I share concern at the devaluation of women and femininity inherent in criminology's sexually differentiated body. As Naffine argues: "While the standard (male) body is defined by its intactness, its wholeness, its completeness, the non-standard (female) body is defined by its gaps, its openings, its incompleteness" (Naffine, 1997b: 88). Thus the association of women with formlessness is reinforced once again. In seeking a strategy which places the construction of law’s sexually differentiated body into question, Collier proposes the following manoeuvre:

Critical studies of the construction of gendered subjectivity in law must begin, not from the pre-theoretical categories of male/female, masculinity/femininity, but by locating the body in its cultural context and seeking out the body as signifying practice in discourse, the body as a fluidity, as surface with a past, a present and a future; that is, a body which transcends the ontological status of 'being' and is grounded firmly, not in grand theories of oppression, but in the realities of social practice, yet mindful throughout of whose reality that may be (Collier, 1995: 174).

A body grounded in the “realities of social practice” recalls the notion of embodied sociality. That is, the importance of a theoretical perspective on everyday life as a way into and through the morass of binary constructions. It is not only male/female bodies that need to be located and rescued from this morass. For, in constructions of same/other, differences such as criminality, race, health status and sexuality come to have critical importance in the hierarchisation of difference and the maintenance of social order. I will return to these specific differences in the chapters to follow.

The idea of the body/the body itself is, I am arguing, central to analyses of women, men, femininity, masculinity and sexual difference. Indeed, the idea of materiality/materiality itself is deeply implicated in
the process by which the phallogocentric economy has produced the 'feminine' as its constitutive outside and 'matter' as the site at which the feminine is excluded from philosophical binaries. In this research, I am also proposing, however, that such a process may have significant implications for the excluding practices inherent in the regulation of other differences, including those mentioned above. On the one hand the criminological corpus unproblematically assumes a body, and on the other hand discursively creates both this biological body, other social bodies and the very nature/culture division itself. In focussing on the body, its desires, capacities and practices, we must all the while keep one eye on the words of Butler: "Not only [do] bodies tend to indicate a world beyond themselves, but this movement beyond their own boundaries, a movement of boundary itself appear[s] to be central to what bodies 'are'" (Butler, 1993: ix). Butler captures the corporeality, movement and possible limits of subjectivity, supporting the potential of a world beyond the boundaries of the body.

**Criminals and Others**

In appraising disciplinary boundaries, I have argued that the framework of criminological inquiry is built upon concepts whose validity is dependent on opposition to other terms. Following on from this, it would seem self-evident that one of the most critical questions facing criminology is the question of where the lines between oppositional terms are drawn and according to what criteria.

Feminist criminologists have pointed to the way in which othering of femininity takes place at many different levels. At one level, feminist criminologists have described women's position as doubly other, different from criminal men and different from conforming women. As Smart remarks, such women are "doubly damned for not only are they legally sanctioned for their offences, they are socially condemned for being biologically or sexually abnormal" (Smart, 1976: 34). At another level, Carlen et al argue that "criminal women have always been presented as being 'other': other than real women, other than real criminals and other than real prisoners" (Carlen et al, 1985: 1). Building on this argument, Brown asks: "[W]hat kind of link can be supposed between women and crime which will not one way or another
reproduce the status of women as separate and 'other' than the norm, whether that be the norm of male crime and female non-crime?" (Brown, 1986: 372).

At another level, the othering of the female criminal makes sense within a binary system of sexual difference. Young argues that, as deviance is a relational concept, one can only deviate from something, hence female conformity with the law simultaneously demonstrates female deviance from the masculine: "Associating the feminine with conformity locates Woman as Other, underlines her waywardness and reconstitutes her (again) as enigma" (Young, 1996: 46). Collier concurs, arguing that "men's involvement with gender and law has tended to take the form of writing about women, writing on an abstracted 'Woman' - as an enigma, as the Other and as the object of male inquiry (and fantasy?)" (Collier, 1995: 3).

It is argued in this section that the othering of femininity within criminology reflects a much wider set of concerns to do with the understanding of sexed subjectivities and sexual difference within contemporary knowledge formations. In addition to understandings of corporeality and the association of women with matter, this process involves the ways in which we understand body boundaries, body fluids and notions of abjection. While these issues will be discussed in more detail in Chapters 3 and 4, particularly in relation to the abjection of the prisoner and the management of bodily fluids in prison, it is important to examine their position in the discourses of criminology. Through this analysis, it is possible to see the way in which feminist criminology has begun to employ new ways of understanding body boundaries in a move towards the question of the relation between sexual difference and criminality.

The work of Grosz has been critical in discussion on body boundaries and the way in which the drawing and enforcement of such boundaries is implicated in the maintenance of social order. Grosz draws attention to the permeability of the female body, a body which does not have firm (untraversable or impenetrable) body boundaries.

Can it be that in the West, in our time, the female body has been constructed not only as a lack or absence but with more complexity, as a leaking, uncontrollable, seeping liquid; as formless flow;
as viscosity, entrapping, secreting ... not a cracked or porous vessel, like a leaking ship, but a formlessness that engulfs all form, a disorder that threatens all order? (Grosz, 1994: 203).

Both Young (1996) and Naffine (1997b) suggest that this vision of women's permeability and formlessness has currency within criminological discourse. In Young's account, women have been conceptualised by criminology as "impenetrable enigma, displacement and dissimulation" (Young, 1996: 28). From this reading, argues Young, criminology has been able to justify its intense scrutiny of women (and the nature of femininity) but has nonetheless created a subject that "eludes detection, confounds discovery and is dangerously slippery and fluid". Indeed, in fear of the downpour, she suggests that "[c]riminology, sheltering below its umbrella, seeks to keep at bay the fluidity of Woman" (Young, 1996: 28).

Such sheltering on the part of criminology (and law) may well be advisable if the logic that sustains its use of "bodies" and "subjects" is to be maintained. It is not, however, desirable as it precludes the exploration of alternative frameworks in which sexual difference and sexed bodies could be understood. As has been demonstrated in the earlier sections of this chapter, the act of convincing criminology to recognise that research on crime and criminality draws on notions (explicit or implicit) of sexual difference is still at its early stages.

As an example of the influence of implicit constructions of the body on law, Naffine argues that criminal law is based upon the illusion that law never legislates the nature of the body. Rather, she argues that law simply responds to a body's own intrinsic character, taking these pre-constituted bounded bodies of persons and then regulating their interactions. In this account, bodies have their own "solid, innate forms and natures" which the law then governs (Naffine, 1997b: 83). She suggests that "Law's purpose is to ensure that the person as flesh is treated with proper regard, the sort of regard which ensures human dignity" (Naffine, 1997b: 83). Human dignity is arguably, however, a sexed concept in itself, based on a paradigmatic male form and, particularly given the sexed matrix involved in the construction of matter.\textsuperscript{31}
Furthermore, as Butler points out, the processes through which the ‘human’ is constructed are also subject to scrutiny, and reflect the way in which bodies in are given social value:

[I]t is not enough to claim that human subjects are constructed, for the construction of the human is a differential operation that produces the more and the less "human", the inhuman, the humanly unthinkable. These excluded sites come to bound the "human" as its constitutive outside, and to haunt those boundaries as the persistent possibility of their disruption and rearticulation (Butler, 1993: 8).

It may be possible, then, that the law in seeking to ensure “human dignity” is already making assumptions about what counts as a valuable human life. This issue is of particular importance in relation to a person’s criminality, where the conduct of a crime may cause an individual’s humanness to be called into question.

In addition to notions of formlessness, permeability and fluidity, criminological discourse has also relied on the notion of abjection as a marker of sexed bodily difference. As an example of the links between abjection and femininity, Heidensohn argues that within much discussion of the 'abnormality' or mental instability of women in prisons one finds "the implicit assumption that female offenders are less reclaimable, more vile, more 'unnatural' than male" (Heidensohn, 1985: 75). I would suggest that the word “vile” contains strong connotations of shame and abjection. In addition, as well as being linked to femininity, the notion of abjection, which will be explored in detail in Chapter 3, is also linked clearly to criminality as a form (or perhaps the form) of differentiation between criminals and non-criminals. While feminist criminologists have highlighted the othering processes inherent in much literature on female criminality, the link to concomitant processes of feminine abjectification have rarely been made. It is argued here that feminist criminology could usefully engage concepts of the abject in analysis of the investment of understandings of criminality in discourses of sexual difference. Such analysis would give insight into the construction of analytical categories around the hierarchisation of social bodies, including definitions of materiality and subjectivity.
This discussion of disciplinary boundaries has sought to position contemporary criminological investigations of sex and gender in relation to what I see as the key question of sexual difference. In so doing, it has been essential to look at the understanding of the body including the social hierarchisation of bodily difference. The task now is to turn this critique of the disciplinary boundaries of criminology into an affirmation of the possibilities of future theoretical action. This will be undertaken through close analysis of the prison and the prisoner, asking questions of both punishment and sexual difference, through analysis of matter and motion inside the everyday of prison life.

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1 Excellent critical overviews are to be found in Smart (1976, 1995), Heidensohn (1985), Naffine (1987, 1997), Gelsthorpe and Morris (1990).
2 Notions of the boundaries of “the human” are discussed in Chapter 3, while analysis of body fluids takes place in Chapter 4. For a discussion of space, including concepts of inside/outside see Chapter 5.
4 See Probyn (1993) for a discussion of gendered positions in cultural studies.
5 See also Heidensohn (1968), Smart (1976) and Naffine (1987).
6 See also Heidensohn (1968) and Klein (1976) for early explorations of some of these issues.
11 A discussion of these issues is include in the Introduction.
13 Other significant commentators include Collison (1996), Sparks (1996).
14 Hyde’s assertion that Butler (1993) and Grosz (1994) deny the materiality of the body is also untenable as my use of their work throughout this thesis demonstrates.
16 A point which sits in interesting contrast to the questionable materiality of executed prisoners discussed in the opening of the Introduction.
17 See Puren (1997) for a review of this book.
19 Lombroso and Ferrero (1895).
20 Butler (1993: 32) draws on Irigaray (1985) to expand upon this point.
21 See discussion in Introduction.
Part II

Matter
Abjection

But it has rarely been made clear what their status was there, what the meaning was of this proximity which seemed to assign the same homeland to the poor, to the unemployed, to prisoners, and to the insane (Foucault, 1988: 39).

In discussing the great European confinement of the seventeenth and eighteenth centuries, Michel Foucault points to the fact that one out of every hundred inhabitants of the city of Paris found themselves contained within enormous houses of confinement during this period (Foucault, 1988: 38). For Foucault, within 150 years, confinement had become both a category of classical order and "the abusive amalgam of heterogeneous elements" which had lost its principle of cohesion. He asks "What, then, was the reality represented by this entire population which almost overnight found itself shut up, excluded more severely than the lepers?" (Foucault, 1988: 45) While, for Foucault, much explanation is to be found in the labour requirements of the era, he also points to the links between confinement and a form of conscience "to which the inhuman can suggest only shame" (Foucault, 1988: 67). In support of his argument Foucault quotes Malesherbes, a late eighteenth century commentator:

That which is called a base action is placed in the rank of those which public order does not permit us to tolerate .... It seems that the honor of a family requires the disappearances from society of the individual who by vile and abject habits shames his relatives (Malesherbes quoted in Foucault, 1988: 67).
The association of the prisoner with the vile and shameful abject other is the theme of this chapter. While confinement of such persons was deemed essential for “public order” in the seventeenth and eighteenth centuries, the role that such associations play in relation to current prison practices remains open to question.¹

Today, the level of imprisonment in Australia is high and increasing.² There are approximately 20,737 people in Australian prisons, or approximately 1.4 prisoner for every 1,000 Australians.³ Of the average daily number of prisoners in Australia, 19,415 (94%) are men and 1,322 (6%) are women.⁴ Approximately 20% of the Australian prisoner population is Indigenous and, nationally, the Indigenous rate of imprisonment is 15 times the non-Indigenous rate.⁵ This high level of imprisonment raises questions to do with both the nature of confinement and the reasons which underpin the use of confinement as common method of punishment. It returns us to the critical question: “what is the matter of/with the prisoner’s body?”

Malesherbes above suggests that it is vile and abject habits that are hidden in shame, made to disappear from society. However, it is also possible that prisoners are always already abject whatever the specific nature of their habit or crime. As prisoners, they sit on the other side of the line that divides the conformist from the non-conformist, the normal from the deviant thereby defining where and how that line (which is the line of social order) is drawn. They function in the role of the excluded abject which, according to Julia Kristeva, makes them finally unthinkable:

There looms, within abjection, one of those violent, dark revolts of being, directed against a threat that seems to emanate from an exorbitant outside or inside, ejected beyond the scope of the possible, the tolerable, the thinkable (Kristeva, 1982: 1).

The “exorbitant outside or inside” operates as a place to begin the analysis of abjection. Located at the point where the subject enters language and therefore the possibility of a stable identity position, the process of abjection works to ‘firm up’ the speaking body, to make clear its boundaries, and to cast out the abject element which threatens what is thinkable. The abject, however, is always present, never fully
removed or destroyed but, rather, from its place of banishment continues to challenge the apparent unity of the subject (Kristeva, 1982: 2). It thus becomes a necessary condition of the subject, given that it must be rejected in order for the boundary around the subject to be established. Indeed, it is only through a process of controlling the outside (and the boundary) that the subject will have the ability to define itself as a subject. As such, social order requires social disorder to define itself. And social disorder is never fully containable, constantly threatening to overflow its boundaries. 

It is argued in this chapter that to delve into the abject can assist us in explaining the relative valuation of bodies in society and the necessity of confining those that offend both laws and social sensibilities. In this context, it is important to examine the profound impact that processes of abjection and confinement have on the potential materiality of the prisoner. Abject bodies, like social disorder, are limited in their containability. For prisoners, despite the very real containment of their everyday lives, an understanding of abjection may well help to unravel the complexities of their marginalisation.

In order to examine the links between concepts of imprisonment, abjection and materiality, this chapter will look at the ways in which both prisons and prisoners operate as the abject horrific other. It will draw upon the formlessness of abjection as a possible challenge to the maintenance of solid dualistic interpretations of, for example, same/other and human/not-human. In so doing, I am aiming to test both the limits to the corporeal integrity of the prisoner and also the possibilities of ambiguity which inhere in formlessness. At the base of such assertions is the challenge of the abject to the order/disorder dichotomy and the slippage of the prisoner from human to animal/monster/waste.

In this discussion of materiality and abjection, it is critical that the question of sexual difference occupy a central position. While I argued in the Introduction that the association of woman and femininity with the body, matter and formlessness has significant implications for our criminological understanding of gender and difference, here I will point to the impact of such associations on notions of categorisation, order and corporeal infinitude which are central to the abjection of the prisoner. It will be argued that the abject
functions as structurally analogous to the feminine, as Other and not Same and, as such, it is a figure of devalued difference.

Filth and Fear of the Other

The place of the prison and the prisoner in the social imagination is heavily invested with conceptions of dirt, disgust and disposal. This metaphorisation is critical to the way in which we manage prisons and prisoners:

- Scum so despicable and so vile that words fail me as I struggle to describe the way they made our stomachs turn, the anger and revulsion they sparked across the nation.
- Unloved, devoid of public pity or concern, these human dregs would grow old, and rot and die behind bars.

The use of terms such as 'scum', 'revulsion' and 'human dregs' in reference to prisoners is a common trope and points to the ways in which prisoners are understood as abject. The desire to have them “rot and die behind bars” indicates the role of the prison in the processes of expulsion and decay. As discussed below, this translates into a range of practices including an association of prisoners with filthy habits and filthy places, a mixed metaphorisation of prisoner as animal, monster or as waste matter, and fear of prisoners as dangerous and contaminating.

As has been suggested above, in Kristeva’s theory of abjection the attempt of a subject to attain a stable identity position requires the expulsion of the abject other, a process which can never be fully realised and which renders the abject a threat from both within and without. According to Kristeva, the process of abjection involves the expulsion of elements which hover on the border of the body’s boundaries: "Repelling, rejecting, repelling itself, rejecting itself. Ab-jecting" (Kristeva, 1982: 13). In such a process, the role of filth and defilement rites is central. Since filth cannot be an object of desire, it becomes
defilement as an object that is jettisoned out of the boundary, “its other side, a margin” (Kristeva, 1982: 69).

It is argued here that the corporeality of the abject is critical. It is both of the body and not of the body, inside and outside, same and other. In this way, the body becomes both the boundary and origin of differentiation, a role of such importance that it threatens to dislodge the mind (traditionally opposed to the body) as site of same/other understanding. In concordance with such an approach, Elizabeth Grosz suggests that the attempts to master the abject exist at the very edge of corporeality. Indeed, they involve the desire to transcend corporeality, being a refusal of the materiality of a subject’s embodied existence (Grosz, 1989: 72). This refusal involves the expulsion of bodily wastes such as faeces, urine, vomit, spit, blood and pus which, upon interaction, result in bodily responses such as retching, vomiting and spasming. According to Grosz “[t]he abject is what beckons the subject ever closer to its edge. It insists on the subject’s necessary relation to death, corporeality, animality, materiality - those relations which consciousness and reason find intolerable” (Grosz, 1989: 73).

For the prisoner also, corporeality is critical and closely linked to what I am arguing is their abject status:

What were yuh? Nuthin mate! Nuthin, bradda! .... shit-scared ‘eap of shiverin’ flesh.10

In the above quotation, describing an arrival in prison, the prisoner becomes only flesh, not-human. He is also shit-scared, his fear of arriving in prison making him abject (oderous and loose) yet again. For Kristeva, fear is inevitable in the confrontation of otherness. Such a process is “a burden both repellent and repelled, a deep well of memory that is unapproachable and intimate” (Kristeva, 1982: 6). As already abject, the fear of the prisoner is particularly great. Already repellent and repelled, the prisoner on arrival traverses the boundary between outside and inside, being excluded and contained in one crossing.

In the prison, the control of prisoners’ bodily functions has particular importance. References to the ingestion of food and drugs, the expulsion of waste and the flow of blood and sweat are recurrent themes
in descriptions of prison life. Indeed, the movement of human refuse, part of the process of expelling and abjecting, is very much part of the everyday in prison:

And what they used to do in [prison] was, kids would stuff all the lavatories full of paper, then all the sewage would overflow down all the tiers.¹¹

The architecture of the prison thus become implicated in the process of abjection. The expulsion of body wastes becomes not only a corporeal act of the individual prisoner, but also an act of communal resistance through the incorporation of the prison building as abject site.

If the materiality of the prisoner raises questions for the way in which we think about what it means to be a human subject, what of the materiality of the prison? A journalist writing for the Herald Sun in March 1996 provided the following description of the Old Melbourne Gaol: “A pair of circular windows on either side are like eyeholes to the gateway's gaping mouth. Felons could understandably feel they were being devoured and watched as they were trooped in".¹² The bodily metaphors in this account echo Foucault’s 1972 comment made in a recording of his first visit to a prison: “Attica [the prison] is an eliminating machine, a type of enormous stomach, a breast which consumes, destroys, crushes and then rejects” (Simon, 1974: 154). Both commentators attribute the prison buildings with human-like traits. For Foucault, these traits are distinctly feminine as the prison becomes a consumptive and destructive breast. This corporeal monster/mother ingests and then spits out, eliminating that which has already been eliminated. Meanwhile, the prison monster that is Old Melbourne Gaol simply watches and devours. Both accounts position prisons as horrific places with a function that is much more particular than banishment or containment (although they play this role as well). Rather, they absorb, devour and reject prisoners, in a manner that clearly recalls Kristeva’s focus on ingestion and abjection.

Prisons are also strongly linked to notions of filth. Indeed Martha Duncan suggests that we may be incapable of reflecting about criminals without concepts such as slime, scum, and excrement (Duncan, 1996: 122). She asks, "[h]ow are we to understand the practice of punishing criminals in dark, dirty
smelly places? .... this practice may appeal to our sense of fairness; it seems only just that those who have engaged in crime and thus made themselves filthy should be forced to dwell in filth" (Duncan, 1996: 145). Evidence supports Duncan's claim that prisoners are, in fact, forced to dwell in filth:

Ah, look and this life was so filthy, we had this dirty rotten toilet with no lid, in stainless steel, like the bed was like that high, and it was just this hard thing and with this dirty rotten toilet.¹³

It was not the small cell nor the sparse furnishings that shocked me but the degradation which surrounded me. The thin foam mattresses on the sagging bunks were old, tatty, wet and covered with indescribable stains, the blanket and pillow stacked at one end were no better and looked like they had been rescued from the rubbish bin. To describe the walls, floors and cupboards as being filthy would be a massive understatement; they were covered in thick, greasy stains, snot and human excreta, and on the floor under the bottom bunk were scattered several pieces of used toilet paper.¹⁴

A malodorous filth, in addition. Indeed smell is a key sensory function in the promulgation of disgusting and abject spaces. The abhorrence of smells produces "its own form of social power" (Corbin, 1986, 5) given that smell is "the very vehicles of contagion" (Miller, 1997: 66).

The smell was - I could not describe it - like a million deaths it was indescribable.¹⁵

The smell of the blanket, the flat, stale air of the prison, and of the unwashed female bodies, was sickening. She could not sleep.¹⁶

In prison a complex array of practices apply to the management of smell, figured most notably in relation to bodily waste including urine faeces, sweat and menstrual blood, pollutive matter I will explore in more detail below.

The evidence provided of filthy and smelly prisons sits in stark contrast to United Nations Standard Minimum Rules for the Treatment of Prisoners which states that:
Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly. 17

While there is clearly some discrepancy between the Standard Minimum Rules and prison practices, it is particularly interesting to note that the United Nations specifically refer to the compatibility of "a good appearance" and "self-respect". This crucial linkage points to the power of filth to undermine subject stability and suggests that that in the examples cited above, the failure of the prisons to provide a clean environment reinforces the abjection of the prisoner. Drawing explicitly from the UN Rules, guidelines for women's prisons in Victoria specify that the provider "will ensure that the hygiene of prisoners and the cleanliness and tidiness of the prison are consistent with community standards". 18 Community standards for whom? I would suggest that the standards are in fact different for prisoners and non-prisoners, and that part of the punishment of prison lies in its processes of limiting the access of prisoners to cleanliness, a good appearance and, therefore, self-respect.

Duncan's argument that criminals, having made themselves filthy through crime, are therefore required to dwell in filth does not, I think, go far enough to explain the consistency of the metaphorical evidence she provides, nor the association of criminals with filth in the first instance. What is it about crime and filth that go together? What is it about expulsion and filth that go together? And finally, what is it about confinement and filth that go together?

In seeking to establish the persistent association of crime, expulsion and confinement with filth, analysis of abjection can illuminate the processes through which the Other is given meaning. Prisons operate as abject sites, taking on human-like traits with the power to devour and reject. Prisoners are made abject through the separation and rejection which results not only from their refusal of the law but also from
their refusal to submit to social norms about appropriate behaviour. Prison management practices reflect this understanding of the abject position of the prisoner through measures such as segregation, inspection, and washing:

Naked they pass before him to be prodded and checked, then are escorted into the showers where under the gaze of a bored warder, they scrub their bodies with an evil smelling soap. The dirt is replaced by a thin screen of grease which gives them that peculiar jail smell that permeates the atmosphere. If smells could have colours, the colour of this smell would be grey, thinks Jacknamara wondering how his dog would recognise him now.\(^\text{19}\)

The elimination of dirt within the prison is also part of this process, cleaning being seen as a way of imposing order within. Such practices can be found in the often ritualised cleaning demands placed on prisoners:

Every so often there was an inspection and you'd have to be spotless, they'd come along with white gloves .... Or if your floor had a bit of a scuff, you'd have to fetch the polisher, and polish your floor. Like, with shoes, you can make a little scuff mark. Like you have to get down with a bit of Jex and get that off, try and buff it up before the inspection, otherwise you didn't pass.\(^\text{20}\)

It is also evident in the emphasis on the relative value of “clean” prisoners inside:

He worked with 150 ‘lifers’, prisoner (sic) serving 20-25 years. “They were the easiest, the cleanest people to work with because they knew it was their home”.\(^\text{21}\)

The association of imprisonment and filth, reinforced through an obverse obsession with the attempt to impose cleanliness and order, are logical extensions of the processes through which we reject our own corporeal waste. If what we reject from our own bodies is filthy, then what we abject from society must also be filthy. Prisoners as abject matter become filthy, their very form under question.
The Prison as Interstitial

I came up from Cluny Boys' Home along the river to Freeo, which is starting to become a freedom of a sort. Yeah, freedom, as Robbi tells me, is found in this place, in the interstices, big word that, but I've started on my encyclopedia again, and also a dictionary. "Interstice: a narrow or small space between things or parts; crevasse". And what I mean by that is the spaces between the discipline, between the eye-fucking, between the buttons of the screws. Easy to exist in those interstices.

The attempt (and inevitable failure) to firm up the boundary between Same and Other has been linked, in the opening section of this chapter to the process of abjection. It was argued that, while the Other is required in order to define the boundaries around the Same, the transgression of this boundary is constantly under threat through the boundary destabilisation inherent to abject bodily functions. Such processes, it is argued here, create an interstice, a gap of great potential. In prison, recognising and exploiting the interstices, "the spaces between the discipline, between the eye-fucking" is a critical survival tactic for the prisoner quoted above. I am suggesting, furthermore, that the prison itself may exist as interstitial, threatening rather than enforcing social order, simultaneously inside and outside, a site of both exclusion and containment.

Foucault describes the prison as a "heterotopia of deviation", a space in which individuals whose behaviour is deviant in relation to the required mean or norm are placed. Heterotopias for Foucault are outside of all places, even though it may be possible to indicate their location in reality (Foucault, 1986: 24). Heterotopias "dessicate speech, stop words in their tracks, contest the very possibility of grammar at its source" (Foucault, 1994: xviii). Drawing from Foucault, Elspeth Probyn suggests that the heterotopia provides an analytic space in which to consider forms of belonging outside the divisiveness of categorising. She points to the inextricable 'doubledness' of spaces: at once inside and outside, public and private, personal and common (Probyn, 1996: 13). This doubledness of the heterotopic space reflects the doubledness of abjection. It offers possibilities in that it challenges order, creating disorder,
and posits the ambiguity of the boundary as a way to reformulate the same/other dichotomy. It is thus not lack of cleanliness that causes abjection but that which refuses categorisation, remaining across the borders, in-between and ambiguous. Prisoners are invisible but not erased, they are present in an interval, in a space that is at once public and private, timeless and timebound, confined, yet existing because the containment of social order failed to hold firm.

In the *Order of Things*, Foucault argues for the existence of an unspoken order between the grids of order imposed by language, perceptions, exchanges, techniques, values and practices, a “pure experience of order and of its modes of being” (Foucault, 1994: xxi). He says:

Order is, at one and the same time, that which is given in things as their inner law, the hidden network that determines the way they confront one another, and also that which has no existence except in the grid created by a glance, an examination, a language; and it is only in the blank spaces of this grid that order manifests itself in depth as though already there waiting in silence for the moment of its expression (Foucault, 1994: xx).

Foucault suggests that, while the history of madness would be the history of the Other, the history of the order imposed on things would be the history of the Same, “to be distinguished by kinds and to be collected together into identities” (Foucault, 1994: xxiv). As one interviewee said:

Ahm, well you're processed, you're sort of like you know you're prodded and probed and hosed down and you know, sorted out like, classified.

The maintenance of order is prison is meticulously attended to. Indeed, the level of classification and regulation certainly suggests some anxiety in relation to the creation of order in an heterotopic site, that is, one that attempts to contain that which is uncontainable. The potential disorder of the prisoner is kept under constant vigilance by prison management through detailed prisoner classificatory systems which at times shatter thought in a way which reminds us of Foucault's laughter at another classificatory system.

In looking at this system Foucault asks "But what is it impossible to think, and what kind of impossibility are we faced with here?" (Foucault, 1994: xv).
The *Standard Guidelines for Corrections in Australia* states that:

5.10 The major principle when classifying prisoners must be to place them at the lowest level of security for which they qualify, taking into account the needs of the individual prisoner, and the need to separate each category of prisoners, while at the same time ensuring their continued safe custody.26

In relation to the distribution of prisoners, the following guidelines are recommended:

5.12 When prisoners are being allocated to prisons or parts of prisons, due account should be taken of their judicial and legal situation (remand or convicted, first offender or habitual offender, short sentence or long sentence); or their physical condition (young, adult, sick); their mental condition (normal or disturbed); the location of their family or close relatives; their gender; their age and the special requirements of their management.

In the case of Aboriginal prisoners, traditional and cultural values should also be considered in placing prisoners.27

The system of classification determines the distribution of prisoners within the institutions of a jurisdiction and also their placement within a specific prison. It is clear that the principal indicators of difference amongst prisoners are legal status, physical and mental condition, gender28 and age. Ethnicity or race is not considered, except in relation to Aboriginal prisoners. While length of sentence is referred to, the type of crime is not.29 I would suggest that the list above reflects society’s common indicators of difference, in ways which may not be entirely logical within a heterotopic space (being “outside of all places”). It thus becomes critical to ask how we could think such systems differently in particular to see if the prisoner (at once inside and outside) potentially shatters order? Should we be considering size and strength or physical appearance in the classification of prisoners? Could we classify on the basis of sexual orientation? What of the ability to communicate, negotiate and network?
It is made clear in Section 5.30 that "[d]iscipline must be maintained in the interests of management, good order and security of the prisons".\textsuperscript{30} As has been suggested already in this chapter, "good order" relies in large part on the management of that which crosses the boundaries of the subject, with its inherent potential to disrupt the same/other and order/disorder distinctions. Mary Douglas charts the ways in which pollution behaviours and defilement rites are critical in social constructions of order and disorder, particularly in the way that they react to any object or idea likely to confuse or contradict cherished classifications (Douglas, 1966: 36). She says:

Granted that disorder spoils pattern; it also provides the materials of pattern. Order implies restriction; from all possible relations a limited set has been used. So disorder by implication is unlimited, no pattern has been realised in it, but its potential for patterning is indefinite. This is why, though we seek to create order, we do not simply condemn disorder. We recognise that it is destructive to existing patterns; also that it has potentiality. It symbolises both danger and power (Douglas, 1966: 94).

Douglas points to four types of what she calls "social pollution". These are, firstly, the danger of pressing on external boundaries; secondly, the danger from transgressing the internal lines of the system; thirdly, danger in the margins of the lines and; fourthly, danger from internal contradiction. Important markers of social pollution are rites related to cleanliness and dirtiness, in particular those to do with food, faeces, urine, menstruation and sexual fluids.\textsuperscript{31} However, the critical role of these behaviours lies in their ability to disrupt order. In prison, the investment of management in the maintenance of cleanliness and propriety, and the concomitant disciplinary responses to dirtiness and impropriety, is reinforced by the metaphorical position of the prison site in the social imagination.\textsuperscript{32} According to one account, the prisoner is seen to be living in a tip:

The five-year old son of Sandra, 25, ran to his mother, was caught and hugged close. He often asks her when she will come home from prison, which he calls "the naughty girls tip". Sandra says the question makes her feel "as big as an ant".\textsuperscript{33}
Understandings of the prison as a "tip" or a "scrap-heap" is a logical extension of a society that associates prisons and prisoners with filth and marginality. While Foucault suggests that prisons are outside of all places, Douglas suggests that prisoners are "people who are somehow left out in the patterning of society, who are placeless" (Douglas, 1966: 95). A person who has ever been a prisoner is permanently outside social order. In such a way, the prisoner also becomes heterotopic, simultaneously inside and outside. Having inhabited the margin, there will always be some lingering question as to their preparedness for the return to the centre including their suitability for housing, employment and parenting responsibilities. As Douglas suggests, "[t]o have been in the margins is to have been in contact with danger, to have been at a source or power .... Dirt, obscenity and lawlessness are as relevant symbolically to the rites of seclusion as other ritual expressions of their condition" (Douglas, 1966: 97).

The structure of the entry to the prison reinforces the importance of the difference of the margin, and passage through this entry is often marked by rites of cleaning and sterilising. One interviewee described the separation of the inside and outside as follows:

There were all these walls within walls .... there was an outer wall and an inner wall and between the two walls there was a moat or sterilisation zone .... an empty space between the two walls for sanitising.

Another interviewee described the cleaning she was subject to on her first day:

Oh the first day, oh I was petrified. Petrified. You had to go through this little part and you had to hold your photo and your number .... And anyway I walked in and you know you had to have a sterilised bath and do your hair, yeah, put special stuff in your hair. I don't know whether it was a lice stuff or I'm not sure. It made you feel like you were, you know, so dirty or something.

In arguing that there is a strong link between the elimination of dirt and the maintenance of social order, the importance of creating a sterilisation barrier between the inside and the outside of the prison makes
sense. This becomes a barrier which not only prevents dirt from crossing from one side to the other, but also may be seen to prevent the transfer of dirty diseases.\textsuperscript{37} As one visitor noted:

\begin{quote}
A door was unlocked by a warder on the other side and a thick smell of antiseptic rose from the still-wet cement steps. The place had been disinfected for the visitors.\textsuperscript{28}
\end{quote}

In pursuing these separations between clean/order and dirty/disorder, imprisonment is consistent with other practices which seek the maintenance of social order through classifying, separating and valuing differences, including the difference between same and other, form and formlessness, human and not human. Douglas suggests that "[i]t is only by exaggerating the difference between within and without, above and below, male and female, with and against, that a semblance of order is created" (Douglas, 1966: 4). The need for the exaggeration of difference suggests that there is some degree of anxiety around both the existence of difference in the first instance and also the maintenance of this difference (real or not).

I have already suggested, drawing from Kristeva and Douglas, that abjection questions the possibility of firm borders and distinct differentiation between clean and unclean, order and disorder. Indeed, at the same time that order requires such distinctions, abjection confounds them. This challenge to the borders of our individual and social bodies opens up an ambiguous space, a space of interstitiality that operates to challenge the classification of difference. As the prisoner is marginalised, so too is the prisoner a participant in a process that can only upset the distinctions. This possibility arises from the occupation of the unknown, which is, after all, a limitless place.

Senior Prison Officer Smith says her view of those inside had been the same as how the public generally perceives them, much like the Freak from \textit{Prisoner}. "In a lot of TV programs they're portrayed as two-headed monsters," she says. "But they're just ordinary people that live ordinary everyday lives, just like in any other job."\textsuperscript{39}
Are prisoners 'two-headed monsters' (the public view) or are they 'ordinary people' (the expert view)? Or are they both? Using concepts of symbolic inversion and transgression, Stallybrass and White argue that the grotesque (including two-headed monsters) comes to mean two different things. Firstly, it is the 'other' of the defining group or self. Secondly, it is a boundary phenomenon of hybridization or enmixing, "in which self and other become enmeshed in an inclusive, heterogeneous, dangerously unstable zone" (Stallybrass and White, 1986: 193). If we follow the logic of Stallybrass and White's line of argument, prisoners could be seen as grotesque if they either invert the meaning of the same to create a comprehensible other, or if they transgress the division between the two terms. Prisoners, clearly, are transgressive. They are simultaneously two-headed monsters and ordinary people, a difference that is due not simply to the viewpoint from which they are regarded, despite the sentiments of Senior Prison Officer Smith quoted above. We fear them and are fascinated by them. They are ambiguous figures, our sons and daughters and our worst enemies.

The prison thus becomes a site in which categories are confused. Inside becomes outside, humans become monsters. It is a place where boundary, limit, margin and therefore identity are placed into question. Dirty and malodorous, replete with the regular rituals of mustering and cleansing, it is a space of the dehumanisation of the abject. As one interviewee said:

You're a prisoner and you're treated badly. You're less than a human and you're treated badly. You have strip searches and you're treated badly. You have to urinate in front of people. Badly, badly, badly.40

The Infinitude of the Prisoner's Body

So far in this chapter I have argued that discourses of filth and interstitiality are critical to the social positioning of prisons and prisoners. These discourses create a prison heterotopia, outside of yet essential to social order, powerful and danger-filled. In this section I would like to add a third element, the element of infinitude which characterises the materiality of the prisoner's body, a body which I am arguing is seen
as different to that of non-prisoners. As abject, the prisoner challenges categorisation, existing in the endless and formless position of the other, reinforcing not only the corporeality of subjectivity but also the fragility of subject (body) borders. Central to this discussion is the ambiguity of prisoners who come to occupy a borderline position and to be seen as humanly transgressive, closely akin to monsters and animals. Also critical is prison pollution, the traversal of bodily fluids and substances across the boundaries of both the body and the prison, through discourses of evacuation and waste.

In discussing the nature of corporeality and its relation to subjectivity, analysis of the ways in which certain constructions of the body have become essential to our ability to think the body is crucial. Judith Butler suggests that such constructions produce both intelligible bodies and unliveable bodies or those that occupy an excluded and illegible domain which limits the intelligibility of the body and provides its constitutive outside (Butler, 1993: xi). Indeed, the ‘human’ for Butler is produced through a set of foreclosures; the human, the inhuman, and the humanly unthinkable (Butler, 1993: 8). It is argued here that one of the ways in which the domains of liveability are differentiated is through the processes of abjection. In this way the prison becomes an unliveable place, housing uninhabitable bodies – excluded and contained, finally unintelligible.

**Monsters and Animals**

Ambiguous spaces and ambiguous figures are central to the analysis of abjection, throwing into question the division of same and other, haunting the former domain, the domain of human and liveable bodies, with suggestions of human impossibility. Existing at the border of humanness, the humanly impossible operates as a threat to the solidity of the boundary. Portrayed as both monsters and animals, prisoners are part of this challenge to the stability of the human/non-human divide. As such, they not only represent an ambiguous challenge to categorisation, they also serve to shore up the very distinctions that make understanding the human possible at all. In this way, the prisoner-as-monster consolidates the boundaries around the normal, law-abiding self, taking the position of the unbounded, lawless other.
The monster is a figure of abjection in its transgression of barriers between categories. Threatening and crossing boundaries, it causes discomfort to classificatory systems that work to confirm and shore up our understanding of our selves. Indeed, as Georges Canguilhem suggests, "[t]he existence of monsters throws doubt on life's ability to teach us order" (Canguilhem, 1962: 27). Judith Halberstam concurs: "The monster always represents the disruption of categories, the destruction of boundaries, and the presence of impurities" (Halberstam, 1995b: 27). As such, monsters need to be removed or contained, just like prisoners. Both are a threat to social order:

When I got taken out of court I felt as though I was some sort of monster that had to be dragged out of sight - like having to look at me was some big issue for everybody or something.41

The unsightliness of the prisoner/monster is subject to change over time, as recent anxiety in relation to the diseased nature of the prisoner, particularly in response to HIV/AIDS attests.42 According to Halberstam, such change provides evidence of the ways in which differences are read in society more generally:

The body that scares and appals changes over time, as do the individual characteristics that add up to monstrosity, as do the preferred interpretations of that monstrosity. Within the traits that make a body monstrous - that is, frightening or ugly, abnormal or disgusting - we may read the difference between an other and a self, a pervert and a normal person, a foreigner and a native (Halberstam, 1995b: 8).

Examination of the grotesque body reveals freakish similarities to the representation of the prisoner's body. Drawing from Stallybrass and White who suggest that outsiders (the mad, the criminal, the sick, the unruly, the sexually transgressive) are constructed by the dominant culture in terms of the grotesque body which has the following discursive norms:
Impurity (both in the sense of dirt and mixed categories), heterogeneity, masking, protuberant distension, disproportion, exorbitancy, clamour, centred or eccentric arrangements, a focus upon gaps, orifices and symbolic filth ... Physical needs and pleasures of the "lower bodily stratum" materiality and parody (Stallybrass and White, 1986: 23).

We can point to the clear distinction between the idealised beauty of the normal body versus the non-normal body of the prisoner. In particular, it is argued here that the assumed openness and orificiality of the grotesque other, when translated to the prisoner's body, makes prisoners vulnerable to severe forms of violence, as the following harrowing example shows:

BERR: Now spread the cheeks of yer arse. [Dale nervously looks around then puts his hands on his buttocks and slightly spreads them] Wider. Come on wider still. I want to see what you had for breakfast. [Dale spreads them further apart.] Now hold it. [Gaunt gently rests his hand on Dale's back] Hold it. Think there's anything up there, Mr Gaunt? [Dale straightens. Gaunt pushes him down] Down. Now pull 'em apart again. [Dale obeys]

KERT: What would you say, Mr Gaunt?

GAUNT: [Excited] Only one way to find out. [KERT nods to Gaunt who walks behind DALE and carefully looks at his rectum. He puts his baton between Dale's legs, touching his testicles. DALE jumps. Gaunt punches his baton hard into Dale's rectum. He is obviously enjoying his job. DALE is terrified. As the baton enters the officers smile.]

I would suggest that, in reading the prisoner's body as grotesque, we place it firmly on the side of the faulty and therefore see it as more open to (violent) intervention. Such a placement is consistent with the proposition that the monstrous body is distorted or non-viable; a negation of the living. Furthermore, by seeing monsters/prisoners as foreign or not-native, we can also account to some extent for the need to lock them away. Indeed, prisoners are condemned as monstrous in the very fact that that they are forced to live in contained, 'foreign', outside places. According to Noel Carroll, monsters are native to places
outside of or unknown to the human world or they come from marginal, hidden, or abandoned sites, environs outside of and unknown to ordinary social intercourse (Carroll, 1990: 35).

It's a bit like it didn't, I mean I know it happened, but it's like .... it was like an experience, like being in an alien place, out of this world, where you don't know the language, you don't know the terrain, as foreign as that.44

Prisoners, like monsters and animals, are captured and caged. Indeed, prisons are often likened to zoos:

One can't help but be reminded of animals in a zoo. Anyone who has ever seen a panther running around its cage would see the same frustration, the same kinetic tension in the movements of a man running around a triangular yard in a slow, measured jog.45

You're locked up there just like an animal, just like a zoo, bars at the top, bars on the end.46

If the prisoner is not fully human, is he or she animal? As Kristeva points out, the abject confronts us with "those fragile states where man strays on the territories of animal" (Kristeva, 1982: 12, italics in original). The prison site as a cage or a zoo, and the prisoner as animal, is in accordance with their position as abject, recalling the corporeality and indeed the bestiality of our human subjectivity.

JACK: You bloody animal.
WARDER: Animal? Me? [He smiles.] But how can I be the animal? Who's going to be kept in a cage? You or me? Who's going to be caged with a piss-pot and a bowl of water - you or me, you fucking rat! Who?
[Another belt with the baton.]
And who is going right now to his little cell, with his little rubber piss-pot and the light that never goes off so we can watch the rat all the time [a clout] - who? Who is the animal? You haven't even got a name any more, you fucking dog!
[He knocks JACK to the floor and starts to flog dementedly with his baton as the lights go down. Darkness. The sound of the flogging. JACK cries.]47

In the above quotation Jack is called first a rat then a dog. In addition to arguing that it is the poor in particular who have been constituted in terms of bestiality, Stallybrass and White suggest that there are particular animals which, it would seem, also live the low-life. This occurs through both the metaphorization of humans as animals, and also the co-oexistence of certain types of animals and certain types of humans in particular places, such as the prison. Their evidence points particularly to the historical role that rats and pigs have played in the division of the clean and unclean, the acceptable and the unacceptable. In calling Jack a rat, the warder was invoking a long held social repugnance of rats:

The rat, then, furtively emerged from the city's underground conscience as the demonized 'Other'. But as it transgressed the boundaries that separated the city from the sewer, above from below, it was a source of fascination as well as horror (Stallybrass and White, 1986: 143).

The "rat" in prison argot is a betrayer, a person who "rats" on their mates. The term "boob rat" refers to prisoners who have been in gaol so long that their mind is either off balance or unable to travel beyond the four walls, trapped. The dog is a coward or informer, particularly someone who provides information to the police or prison management. A dog is liable to extreme sanction from other prisoners, which may also be linked to the idea of "dogging" someone by following them closely.48 Carroll adds some other creatures to the list, including infectious vermin associated with contamination such as "rats, insects and the like" (Carroll, 1990: 28). In prison, rats, cockroaches, lice and frogs appear to play a particularly important role, further confusing the distinction between prison as a place for human/animal habitation.

The cells were putrid. Cockroaches as big as. The cockroaches in [prison] are horrendous, they are so gross and big and so many of them. Down [prison] you get the little ones, just scurrying around all over the place. Yuk. You can't escape them.49
Because [prison] is so old, what 1850 or something .... it's absolutely archaic, there's you know lice, and there's just, it's disgusting.\textsuperscript{50}

The relationship of monstrosity, animality and femininity is consistent with the tradition of associating women with disorder, formlessness and corporeality. As such, if we define the monster as a grotesque body, deviant and open, foreign and limitless, we can recognise the reflection of woman as a sign of devalued difference (Creed, 1993: Halberstam 1995b). Indeed, the relationship of femininity and monstrosity is, according to Rosi Braidotti, isomorphic:

Woman/mother is monstrous by excess; she transcends established norms and transgresses boundaries. She is monstrous by lack: woman/mother does not possess the substantive unity of the masculine subject. Most important, through her identification with the feminine she is monstrous by displacement: as sign of the in between areas, of the indefinite, the ambiguous, the mixed, woman/mother is subjected to a constant process of metaphorization as 'other-than' (Braidotti, 1994: 83).

In entering prison, in becoming a prisoner and thereby occupying a position of abjection, both the male and female prisoner encounters/is the monstrous feminized other. Such a positioning impacts upon the way in which prisoners are somehow viewed as less than fully material, and therefore unable to accede to complete human status. It also has implications for the way in which specific groups of prisoners (Aboriginal prisoners, gay and lesbian prisoners, transgender prisoners, HIV positive prisoners) have differing relations to the same/other dichotomy within the prison itself, a point I will return to in the following chapters.

\textit{Prison Pollution}

As proof of permeability, there are entrances and exits to the human body, through which matter comes and goes, transformed. In prison, the entrances and exits of the body, the flow of substances and liquids, are largely under the surveillance of management, thus making the body analogous to the prison itself.
When and what you can eat, when and where you can urinate and defecate, when and how you can have sex is subject to strict regulatory direction. Sweating, spitting and bleeding have a significatory value inside prison that is different to its value outside prison and the death of the prisoner, as the border of the living being and site of abjection through decomposition, holds a particular threat to the authorities. It is argued here that all such practices or bodily flows point to the permeability of the human body, however, the manifestation of flow-control practices in prison point to an understanding of the limits of the prisoner's body which is different to that of the non-prisoner. Specifically, the body of the prisoner is more open to being entered and more ready to expel. This lack of containability or control, a sign of abjection, is intrinsic to the status of the prisoner as other.

As previously discussed, for Douglas the important markers of social pollution are rites related to cleanliness and dirtiness, in particular those to do with food, faeces, urine, menstruation and sexual fluids. For Kristeva, there are three types of abjection: food, waste and sexual difference. Kristeva's insistence on sexual difference as an important component of abjection is, I think, critical pointing as it does to the denigration of the feminine that underpins the framework in which we think all difference. It also opens up for close examination the range of bodily flows which are differentiated through sex, that is, the flow of sexual fluids.

This chapter will look specifically at the management of food and bodily refuse in prison, including faeces, spittle, sweat, tears and menstrual blood. It will also examine death, site of differentiation between human and decomposing matter. Discussion of other substances, including urine, sexual fluids and blood will be held over for attention in the chapters to follow. This is due to the particularly significant status of such fluids in prison including their ability to induce extreme anxiety in prisoners and prison management. Urine achieves this status through the routinely intrusive nature of urines or urine analysis for drug testing. Sexual fluids play a role in relation to the management of HIV/AIDS in particular and in the construction of sexualities more generally. Blood is significant as a bearer of disease (HIV/AIDS), as a mark of sexual difference (menstruation), and as a sign of violence and death. While blood as a marker of sexual difference will be discussed below, blood/urine/drugs and blood/sexual...
fluids/HIV/AIDS will be discussed in Chapter 4 in relation to fluidity. Blood/injury/death will be examined in detail in Chapter 6 in relation to time. Blood holds an ambiguous position as a marker of both life and death, a conduit of wellness and disease. The following poem, written to honour poet Robert Walker, links the flow of his blood after death with the failure of the criminal justice system to provide justice to Aboriginal prisoners. Blood recalls, in this instance, both the fear and the danger of death, inciting both compassion and anger:

Never blood
so red so red
never blood so red
as blood of the poet
the Kokatha poet
who lay in the pool
so dead.

Never blood
so red so red
in Fremantle gaol so red
it glistens on batons
walls and feet
red drops on the warden's head

Blood is not the only body fluid however to incite fear and danger. As the work of both Douglas (1966) and Kristeva (1982) suggests, the question of why bodily refuse is such a powerful a symbol is one that is central. Building on the recognition that such solids and fluids traverse body boundaries, it is the fragility of the self and the symbolic order that is foregrounded. According to Kristeva:

The body's inside, in that case, shows up in order to compensate for the collapse of the border between inside and outside. It is as if the skin, a fragile container, no longer guaranteed the integrity of one's "own and clean self" but, scraped or transparent, invisible or taut, gave way before the dejection of its contents. Urine, blood, sperm, excrement then show up in order to reassure a subject that is lacking its "own and clean self" (Kristeva, 1982: 53).
Taking away the ability of prisoners to manage their "own and clean sel[ves]" is one way in which the bodily integrity of the prisoner can be undermined by prison authorities. It would seem clear that the ways in which food and body wastes are managed in prison do serve to further entrench the status of the prisoner as abject. Indeed, the revulsion of the body to certain substances and fluids is used in everyday routines to reinforce notions of monstrosity, animality and otherness. These are practices which are, in short, de-humanising and yet which form a fundamental aspect of the daily punishment routine in prison.

Food works as a boundary between self and other, something we take into our bodies but also need to reject. It is abject in its operation as a boundary between nature/culture and between human/non-human. In prison, food operates as part of a daily time-keeping ritual, and the provision and denial of food is used as an instrument of power. While the Standard Guidelines for Corrections in Australia states that "[e]very prisoner must be provided, at the usual hours, with food for nutritional value adequate for health and well being" accounts of prison food indicate that such standards are not always met. Indeed, attempting to ensure the purity of food, so important in the context of social preoccupations about bodily exits and entrances (Douglas, 1966: 126), can be an act of extreme anxiety for the prisoner:

Well for example one night we had baked beans, only they were so bad they were grey. I don't know if they were actually fungal, or, it was literally really, really vile.

The food we dole out three times daily comes from the main gaol, is abundant and unspeakable, grey stringy meat in gravy the colour of floodwater and potatoes like something ghastly from a medical refuse bin.

The fact that prisoners lack control over what they ingest and when they ingest it points to a certain manifestation of power that plays upon the abjective quality of food. In addition to the "vile" and "unspeakable" food described above, some prisoners are required to eat meat for the first time. The prisoner's body is seen as open to intervention by way of food, a point that is further reinforced by the resistance of prisoners to prison regimes through participation in hunger strikes, acts that can be seen as analogous to self-mutilation as strategies of resistance.
The pervasiveness of the ways in which bodily excretions come to figure in every day prison life is a sign, I would suggest, of the struggle to maintain a sense of self in the face of the de-humanising demands made on the prisoner. Differing responses to faeces, spittle, sweat, tears, menstrual blood and the corpse are discussed below.

One crim from each cell grabs the shit tub. The crims all file down into the exercise yards. The crims with shit tubs line up at the yard gates. A screw opens the gates and about sixty men from range 2 file across the wide compound to the shit shed. It's hard for the weaker men to hold the shit tubs. Each weighs about 15 pounds. It hits the legs as you walk. The shit tubs are often brim full, especially when several crims in a cell have dysentery, and the lids are always loose. Some shit tubs leak. The rich slop runs down trouser legs.

Australian prison guidelines require the provision of “toiletries and ablution facilities” that are necessary for health and cleanliness. What is ‘necessary’? They do not specify access to a toilet, flushing or otherwise, in the cell or outside the cell. Faeces and urine are not, in fact, mentioned at all. They feature nonetheless in the organisation of the prison day, including a communal response to the management of excrement:

I was laying down and my head was, like, this far away from the dunny, the toilet. And every night after lockdown, this guy would come and sit down and do the biggest bowel movement, it was near my head every night. And I didn't know the rules then but one of the rules is you don't do a bowel movement after lockdown in the cell. You do it in the day, in the yards. Having a leak's okay, but no bowel movements.

Faeces can also be inveigled as a form of resistance to authority, as the following example shows:

In his affidavit, Binse said he .... put a piece of newspaper upon which had deposited a piece of human excrement in the recreation room as a protest against his conditions.
Such an act is revolting, as abjection and as resistance. It challenges the invisibility that seems to be required of body refuse, offering faeces as a sign of protest. The act recalls the words of Kristeva as she chokes on the skin of milk: “I abject myself within the same motion through which I claim to establish myself” (Kristeva, 1982: 3, italics in original). Binse proffers his bodily waste and in so doing establishes his resistant position, a claim to self.

Spittle, too, revolts, being both abject and resistant. The need to eject saliva can arise from a choking sensation in the throat, or as a desire to give a sign of anger or hostility. The following example suggests spit is a simultaneously “gross” and a form of protest:

Like when remember when the spitting in the food incident happened and we went and fronted. There was twenty-four women who had stopped eating, right? Because they had found out that [names] were spitting in the food. Now they're just not going to eat like that. Its just too gross.

In addition, spittle emanates from the mouth, a site of multiplying germs and an orifice with a direct line to the anus. As Miller suggests, “both ends are uniquely vulnerable to contamination and are highly dangerous contaminators” (Miller, 1997: 96).

Having a different origin and effect, sweat in prison suggests a sense of evacuation. One prisoner thinks she might disappear in front of the staff at the admission centre. Another prisoner looks to sweat to expel from his body the experience of “doing it hard”.

I was sweating that much. Pouring off of me. Thought I would disappear right in front of them.

When Terry did it hard he couldn't help taking it out on his mates. At times he would work himself into a fever, thinking that if he sweated it out, he might recover.
As a process or a product of evacuation, sweat either removes one's body from the scene entirely or removes parts of the scene from the body. It is a body waste, a by-product of anxiety and stress (among other things) and its role in prison discourses of abjection reinforces the corporeality of everyday existence in prison. The body pours sweat or creates fever, both abjective acts, both redefining corporeal limits. Sweat also has a strong odour, reinforcing again the centrality of smell in the sensory experience of disgust.

Holding a position that is different to faeces, spittle and sweat, the particular significance of menstruation lies in its simultaneous position as a sign of abjection and as a sign of sexual difference. Kristeva argues that the abject nature of menstruation highlights social anxiety to do with the difference between the sexes:

Excrement and its equivalents (decay, infection, disease, corpse etc.) stand for the danger to identity that comes from without: the ego threatened by the non-ego, society threatened by its outside, life by death. Menstrual blood, on the contrary, stands for the danger issuing from within the identity (social or sexual); it threatens the relationship between the sexes within a social aggregate and, through internalization, the identity of each sex in the face of sexual difference (Kristeva, 1982: 71).

Prison guidelines acknowledge that women menstruate through a requirement to provide “appropriate sanitary items for women prisoners.” This limited acknowledgement does not ensure that the reality of a period is taken into account in the everyday management of the prison, as the following example demonstrates:

I had a problem there when I was called at seven o'clock in the morning for a urine. They come around and they wake you up. Well, as soon as I got out of bed, there was blood, I knew I'd got my period. I say “Can I go to the toilet?”. They go “No you can’t” yet they could see that I had my period. For them I had to put clothes on, both officers are standing there while you're doing that, putting your clothes on right. [...] Now from the walk, from the unit down to the visit centre which is quite a distance, I started to bleed more of course. [...] Now, when you're doing a strip search, you know
the way they pull faces. If I had gone through that strip search with the amount of blood by this time, they would have screwed their noses up. And you feel embarrassed about that. Even though every woman gets it, that’s not the point. They’re screwing their noses up at you.\textsuperscript{71}

In this instance menstrual blood, usually hidden, was visible. The prisoner was afraid that, if a strip-search were conducted “with the amount of blood by this time”, the officers would have “screwed their noses up”, thus invoking the fear of the sight and odour of menstrual blood more generally. As she points out, the commonality of menstruation (“every woman gets it”) was no protection. It revolts the officers and it makes the woman vulnerable, afraid of their abhorrence.\textsuperscript{72} Such revulsion, according to Grosz, is enabled within a framework of abjection that positions menstrual blood and excrement in a similar way, thus reinforcing the cultural understanding of menstrual flow as not only shameful and embarrassing, but also disgusting and contaminating (Grosz, 1994: 206).

In the imprisonment of Tracy Wigginton,\textsuperscript{73} a particular conflation emerges of discourses to do with menstruation, criminality, lesbianism and vampirism.\textsuperscript{74} Wigginton was subject to intense media and public scrutiny surrounding her alleged attachment to the occult, satanism and witchcraft. In the response of others in prison, sanitary products play an important role in the collective expression of disgust at her crime:

Wigginton said everyone at the prison, including the guards, took relentless digs at her about her alleged vampirism. "The first dinner we had here, all of us found tampons hidden in our cheeseballs - but that was really only the beginning" .... "We really had to stick together. One morning I woke up and someone had hung used tampons from my doorway - you can imagine how pleasant that was."\textsuperscript{75}

The simultaneity of abjection and sexual difference is further accentuated by the possibility that menstruation points to abjection as a sign of sexual difference itself. In this way, menstruation, as an abject sign of the difference between women and men,\textsuperscript{76} works as a reminder of the exclusions and
hierarchies of materiality and subjectivity, reinforcing the erasure of the feminine in the constitution of the clean and proper self.

As a final sign of abjection lies the corpse which is, according to Kristeva, the place of expulsion:

Such wastes drop that I might live, until, from loss to loss, nothing remains in me and my entire body falls beyond the limit - cadere, cadaver. If dung signifies the other side of the border, the place where I am not and which permits me to be, the corpse, the most sickening of wastes, is a border that has encroached upon everything. It is no longer I who expel. 'I' is expelled (Kristeva, 1982: 3).

Prisoners are already expelled and associated with human mortality. They occupy the foreign, filthy zone of the other, wherein also lies the formless, unstable matter of death. The corpse of the prisoner is an embarrassment for prison management. Its existence must be explained; sickness, suicide, accidental death, murder? What is to be done with the body?

Mrs Lennon became even angrier when she discovered her son's brain had been removed for the post-mortem against her express wishes .... [Opposition frontbencher]
Dr Watson said it had been found that the brains, hearts, lungs, kidney's and the testes of some bodies had been removed before being returned "bit by bit" to their families. 77

The death of a prisoner is an ultimate expression of human waste. At once anticipated and feared, the death is part of the logic of expulsion, a final horrific severance of the body without value from the social body. The prisoner's death is anticipated as the next logical step in a series of gestures which exclude and outcast. It is feared as a confirmation of decay and uncontrollability, a threat which extends beyond the body of the prisoner, but of which the prisoner reminds us with his close association to filth, disorder and formlessness.

In emphasising the continuing links between prisons, prisoners and the abject, it is critical to retain a focus on the instability that inheres in borderline territories. In the interstitiality of the prison and the
infinitude of the prisoner possibilities of movement and change can be found. For, despite the punishing/oppressive nexus of practices and strategies that seek to devalue and abjectify the prisoner, it is clear the outside, the monster, the feminine, the prisoner never fully succeeds in differentiating itself as other. By ceaselessly threatening the same, it fascinates and repels, throwing classificatory systems and boundaries of all sorts into disarray. Situated in a social order constituted by exclusions and hierarchies, dwelling in/as filth and formlessness, the prisoner has an infinite body, an ambiguous capacity, at once human and not-human, same and other. It is power and danger, an outside, an overflow. While such an ambiguous position most certainly calls the most repressive apparatus of the law into play, it also indicates a point of weakness, a site at which the law may always/already be set to fail.

1 Foucault, in the context of his own investigations into the history of madness, suggests that insanity may have become the exception to this disappearing act, transforming in the nineteenth century into “pure spectacle” intended for public consumption (Foucault, 1988: 69).
2 The average daily number of prisoners in Australia increased by 859 (4%) over the year from the March quarter 1999. Australian Bureau of Statistics, Catalogue 4512.0, Corrective Services Australia, March Quarter 1999.
6 Evidence of this would be people's perceptions of risk to crime, which are much higher than actual risk of crime. See Young (1996) for further discussion of the role of crime in the social imagination.
8 For discussion of metaphorisation see the Introduction.
9 Gibson, M. “Leave these killers to rot”, Daily Telegraph Mirror, 22.1.96, p10. This comment is in relation to those found guilty of the murder of Anita Cobby on 2 February 1986. My point is not to question the applicability of the sentiments or to comment directly on the crime but rather to draw out the structure of the language used to describe the prisoners and the role of the prison in their punishment. See Duncan (1996) for a discussion of metaphors of slime and darkness in relation to criminals.
11 S.B., Interview, 23.5.97.
12 Herald Sun, 9.3.96.
13 S.M., Interview, 21.11.97.
14 Morley, R. (1990) Greybeard, p108. This excerpt is a description of his first day in Fremantle gaol, Western Australia.

23 See Kristeva (1981: 9) who says “[t]he time of abjection is double: a time of oblivion and thunder, of veiled infinity and the moment when revelation bursts forth”.

24 M.L., Interview, 10.5.97.

25 See Foucault (1994: xv): “This passage quotes ‘a certain Chinese encyclopaedia’ in which it is written that ‘animals are divided into: (a) belonging to the Emperor, (b) embalmed, (c) tame, (d) sucking pigs, (e) sirens, (f) fabulous, (g) stray dogs, (h) included in the present classification, (i) frenzied, (j) innumerable, (k) drawn with a very fine camelhair brush, (l) *et cetera*, (m) having just broken the water pitcher, (n) that from a long way off look like flies’.”

26 The Corrective Services Ministers’ Conference (1995) *Standard Guidelines for Corrections in Australia 1996*. The first edition of the *Standard Guidelines* was published in 1978 and was based on the United Nations *Standard Minimum Rules for the Treatment of Prisoners* and related recommendations and the Council of Europe *Standard Minimum Rules*. According to the Preface to the 1996 Edition: “The guidelines are not intended to be law or to be treated as absolute; they are for guidance. Whilst ultimately the desirable level of implementation is a political decision based on legislative provision, government policies and the availability or resources, the guidelines do provide a base for protecting human rights in Corrections in Australia”.


28 The classification of transgender prisoners is discussed in Chapter 7.

29 Type of crime is discussed in the United Nations *Standard Minimum Rules for the Treatment of Prisoners* which states in Section 8(d) that “[p]ersons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence”.


31 See also Miller (1997) on disgust. While Douglas does ask how it is that tears come to occupy a pollutive position that is different to that of other body fluids, she does not differentiate between sexual and other types of fluids. This is problematic and it is a point that I will return to in Chapter 4. The issue of blood, a body fluid that needs to be analysed as abject in association with discourses on sex or intravenous drug use, will also be discussed in Chapter 4.

32 This is also reinforced by the geographical location of prisons, a point which will be discussed further in Chapter 5.


34 Dubois, J. and Coulter, M., “Prison to create jobs, benefit businesses”, *Wyndham Independent*, 18.7.95, p2.

35 C.T., Interview, 4.6.97.

36 M.M., Interview, 18.11.97.

37 I will draw further comparisons between the metaphorisation of dirt and disease in Chapter 4, especially in relation to HIV/AIDS.


40 S.D., Interview, 28.1.98.

41 S.D., Interview, 28.1.98.

42 See Chapter 4 for a detailed analysis of this issue.


44 M.L., Interview, 10.5.97.


46 C.L., Interview, 20.11.97.

See Simes (1993). Note also that the title Jim McNeil's play, *The Chocolate Frog*, is riming slang for dog, and deals with the theme of prison attitudes towards informers.

B.A., Interview, 5.6.97.

M.L., Interview, 10.5.97.

Tears hold a pollutive position that is different to that of other body fluids. See Douglas (1966: 125) and Kristeva (1982: 71).

See Chapter 4 for a discussion of HIV/AIDS and Chapter 7 for discussion of sexualities.


In examination of this issue, Kristeva points to the way in which she chokes on the skin of milk offered to her by her parents. In so doing she refuses not only her parents, but herself as well (Kristeva, 1982: 74).


K.M., Interview, 29.1.98.


K.M., Interview, 29.1.98.

Self-mutilation is discussed further in Chapter 6.


S.B., Interview, 23.5.97.

Christopher Dean Binse, who applied to the Supreme Court to declare illegal the leg-irons and handcuffs he was required to wear while out of his cell for an hour each day, quoted in "Prisoner shackled to prevent injury: lawyer" in *Geelong Advertiser*, 14.7.95, p11. Another form of resistance is the smearing of excrement on prison walls, known as "bronzing up".

C.L., Interview, 20.11.97.

M.M., Interview, 18.11.97.


For a cultural analysis of menstruation, see Martin (1987).

See for example, Department of Justice Victoria (1996) *Brief to Short-Listed Parties To Submit a Firm Offer for the Development, Ownership and Operation of the New Women’s Prison*, p95.

C.L., Interview, 4.6.97.

In this case, she refused to do the urine and was disciplined.

Wigginton was found guilty of the murder of Edward Baldock on 20 October 1989. See Hicks (1992) for a discussion of this case. Kim Jervis and Lisa Ptaschinske were also sentenced in relation to this crime.

For a discussion of the links between lesbianism and vampirism, see Auerbach (1995). For a discussion of the links between lesbianism and criminality see Hart (1994). See also discussion on gender, sexuality and desire in Chapter 7.

Tracey Wiggington, quoted in "My Life Behind Bars", *Courier Mail*, 27.5.96, p11.

Grosz points out that menstruation is a sign of the difference between mothers and men, menstrual blood signifying potential procreation (Grosz, 1990: p94)

"Mother accuses staff on mentally ill son’s cell death", *Australian*, 26.10.96.
Fluidity

Within the prison there is an ever-threatening overflow which must be prevented or contained. A potential flood, this overflow emanates from the body of the prisoner. It drips, it flows, it bubbles - the prison is awash:

Prison is basically torture. Long, slow torture .... And if you could collect all the tears that have dropped on prison floors and all the blood from slashed wrists, you'd probably fill a lake."

In Chapter 3 I argued that the prisoner, as abject, is infinite and formless, part of the disorderly and threatening feminine other. This infinite prisoner challenges the boundaries of stable identity, flowing constantly from one side to the other and blurring the distinctions between the known and the unknown in the process. Being both inside and outside, human and not-human, the prisoner is seen as dangerous and vulnerable. This ambiguous status, this positioning on the very border of same and other has significant implications for the representation and treatment of prisoners. In particular, it results in a view of the prisoner as unstable and in need of intervention at multiple levels. The prisoner thus becomes open and available for penetrative surveillance and control in a way that reflects a lack of recognition for the body boundaries of the prisoner-as-subject. In effect, the prisoner is denied the bodily integrity essential for the division between self and other.
Consideration of the abject draws attention to the social processes of repulsion and expulsion which see prisoners sent away to dark and dirty places, and to the disposal rites associated with human detritus. While the importance of body waste has already been emphasised, it will be argued in this chapter that concepts of fluidity are connected in a critical fashion to the analysis, not only of the abject, but of materiality per se. To think in the fluid requires us to embrace a materiality that is not solid, and which is dangerous in its ability to seep across borders. The perception of the prisoner as fluid is, I would suggest, a crucial aspect of the way in which the prisoner is seen to deserve the treatment they receive in contemporary prisons by placing into question the solidity of their body boundaries and the openness of their bodily orifices. In short, it reconfigures their materiality and subjectivity so that what was the containment of the human is now the (always failed) containment of the inhuman.

In this chapter, I will examine two aspects of fluidity in contemporary prison life. These flows are, firstly, the flow of blood and sexual fluids through an analysis of HIV/AIDS in Australian prisons and secondly, the flow of blood and urine through an analysis of drugs in prison. A third flow, the flow of blood and other human liquid through injury and death will be examined in Chapter 6 in the context of the violence of the prison routine. It will become clear that blood, drugs and sexual fluids flow into each other, creating the aforementioned potential for flood. In addition to suggesting various bodily flows, sex and drug-taking also invoke notions of connection and exchange between prisoners. This moment of exchange is a moment of power and desire, as both a potential connection between individual prisoners but also as a site of intense supervision and regulation by the prison management. Overall, this threatening overflow is indicative of what I would argue is the othering or feminisation of the prisoner's body. While I have alluded to this process in Chapter 3 in relation to the links between abjectifying processes and the othering of the prisoner (the other being a feminised site), in this chapter I will argue that this feminizing process is evident in the flowing, penetrative practices associated with sex and drug-taking, and that the prisoner's body works as a feminised site of difference to be contrasted with the masculinised and firmly bounded body of the same.
In order to explore these notions further, this chapter is divided into three sections. The first section entitled *The Pervious Prisoner* will examine the theorisation of fluidity, permeability and sexual difference. The following sections will focus on two of the most critical issues in contemporary Australian prisons and are entitled *The Reservoir: HIV/AIDS and Prisons* and *The Flood: Drugs and Prisons*. These final two sections will discuss notions of disorder, boundary, contagion and receptivity, concepts which I argue frame the way in which we think about crime, disease, addiction, and difference. I will also link such notions with the desire and the pleasures of sex and drugs, as prison management struggles to contain the flows of prison life and to construct more impervious barriers to these connections and exchanges.

As one writer describes below, the prison is a place of saturation:

I wade across a universe: space between the yellow stone
has a thick liquid property. When I stop moving,
the floor softens and my socks are suddenly drenched²

As the prisoner stops, the liquid seeps into his socks, emanating from the fluid space between the yellow stones of the prison walls. Where does the prisoner begin and end? Where are her bodily limits, that which defines her boundary?³

**The Pervious Prisoner**

In previous chapters I have pointed to the association of prisoners with the negative form in a series of dichotomous differentiations. As such, prisoners are seen as dirty, disorderly and inhuman. They are also, importantly, associated with the bodily and material, rather than the mental or spiritual, in a way which recalls the long-standing association of women with the flesh.
In this chapter I would like to suggest, moreover, that prisoners are associated with a particular form of materiality in a manner which enables a whole range of punitive practices which might otherwise be disallowed. I am arguing in essence that prisoners are seen as fluid rather than solid and that, as a result, they are seen to have a frightening capacity to seep and infect. Furthermore, they are seen as open rather than closed, therefore making them both permeable and penetrable. The implications of such views are extremely serious, as will be demonstrated in management responses to HIV/AIDS and drugs in prison. Indeed, the now perversus prisoner can be subject to forms of quarantine and bodily intervention which are not allowable outside the prison. In a range of very troubling moves, the materiality of the prisoner is rendered less valuable, and the ability of the prisoner to define his or her own bodily boundaries is undermined at a number of critical sites.

"Going with the flow" is described by one prisoner as the only way to survive:

All you do is go with the flow, accept things as they are, because you can't change them. Otherwise, you won't survive.¹

But what is the flow of prison life? It is argued here that the place of the prisoner in relation to discourses of materiality and subjectivity strongly recalls the fluid 'excess' that surrounds (simultaneously reinforcing and undermining) the economy of solids as it is critiqued by Luce Irigaray (1985b).

In "Mechanics* of Fluids" Irigaray seeks to demonstrate that language privileges solidity (the masculine) over fluidity (the feminine). She asks: "[W]hat structurism of (the) language does not maintain a complicity of long standing between rationality and a mechanics of solids alone?" (Irigaray 1985b: 107, italics in original). This privileging of the solid, Irigaray suggests, takes place at the expense of the feminine, which is thereby unable to have an identity with itself. And, with a symbolization that grants precedence to solids and a history of the abandonment of fluids to the feminine, Irigaray argues that the laws of the psychic economy subject sexuality to the absolute power of form (Irigaray 1985b: 109-110).
In suggesting that the fluid is associated with the irrational and the feminine, Irigaray opens up for consideration a range of practices in which the fluid can be seen to be constructed as less valuable than the solid. In Chapter 2 I pointed to the importance of solid body boundaries for the assumption of a subject position in law, a requirement that exists alongside a continued conflation of woman with the body in law. In Chapter 3 I argued that the association of the abject prisoner with the formlessness and infiniteness of the other resulted in both fear and repression of prisoners. One critical factor linking these claims is the manner in which solid matter is consistently valued above fluid matter, and the overwhelming association of the feminised other with the fluid. And, as with the abject, fluidity suggests ambiguity (it cannot be pinned down) therefore invoking both power and danger.

For Irigaray, the "woman-thing", the feminine which cannot identify with itself in a phallocentric economy of solids, speaks:

> It speaks 'fluid', even in the paralytic undersides of that economy..... That it is continuous, compressible, dilatable, viscous, conductible, diffusible .... that it is already diffuse 'in itself', which disconcerts any attempt at static identification .... Woman never speaks the same way. What she emits is flowing, fluctuating. *Blurring* (Irigaray 1985b: 111-112, italics in original).

The capacity of the “woman-thing” to blur through flow and fluctuation calls to mind the ability of the abject prisoner to create disorder by existing between and across categories. It also, however, indicates the possibility that the prisoner may also be made fluid through a series of manoeuvres which reflect the way in which the feminine is positioned in an economy of solids. Manoeuvres which deny woman her subjectivity as a result of her fluidity are also used in the construction of the prisoner’s body as a site of intense flow and orificiality. Such a claim is evidenced by the intense anxiety generated in prison in relation to the flow of sexual fluids, blood and drugs. Prisoners are seen both as flow and funnel for the transmission of disease and addiction, and as hole, vulnerable to contaminate and to be contaminated, in and out, both entrance and exit.
In the analysis of the abject, the importance of body flows associated with the disposal of human refuse in prison, in particular the flows of faeces, spittle, sweat, tears and menstrual blood, was emphasised. This chapter, which looks in detail at the body flows of urine, blood and sexual fluids, argues that it is the substances that move from the inside to the outside of the body, or vice versa, that attest to the permeability of the body. For prisoners, this permeability is reinforced by a high degree of surveillance of the orifices which permit such flows (including the anus, the urethra and the mouth) and the penetrative practices associated with sex and drug-taking which suggest exchange and desire.

The particular capacities of body fluids play a critical role in determining the status of pervious materiality. As Elizabeth Grosz suggests:

[Body fluids] are engulfing, difficult to be rid of; any separation from them is not a matter of certainty, as it may be in the case of solids. Body fluids flow, they seep, they infiltrate; their control is a matter of vigilance, never guaranteed. In this sense, they betray a certain irreducible materiality; they assert the priority of the body over subjectivity; they demonstrate the limits of subjectivity in the body, the irreducible specificity of particular bodies (Grosz, 1994: 193).

Our experience of body fluids is, according to Grosz, markedly different between the sexes. In particular, women are represented and live themselves as seepage and liquidity. This point is evidenced by metaphors which link women to uncontrollability, simultaneous attraction/revulsion, fear of absorption, contagion and disorder and what she describes and the "undecidability of the limits of the female body" (Grosz, 1994: 203). I would suggest that similar tropes are at work in the association of the prisoner with a fluid materiality, where body limits seem to shift according to the need of authorities to control the transference of body flows from one prisoner to the next, and from the inside to the outside of the prison.

In the following poem, one writer becomes the sea:

Once I was stone.
Hard against caresses,
Lying inert in the sun,
Blood red and alone.

Now I am sea.
Lapping softly on surrounding land.

From stone, unable to be touched, to sea, touching softly on the surrounds, this writer suggests the ability of the fluid to alter that which is outside. It embraces the sea, positively lapping the land, and thereby affecting the borders of the land.

Irigaray counterposes our fear of water (sea/amniotic) with the promises of fluidity (Irigaray, 1991). The sea, this water, suggests Irigaray, is the feminine outside, the flood which threatens the boundaries of phallic self-identity:

[I]f I no longer serve as your passage from back to front, from front to back, your time will let another day dawn. Your world will unravel. It will flood out to other places. To that outside you have not wanted (Irigaray, 1991: 4).

Irigaray argues that the feminine speaking position of fluidity may enable new models of sexual difference to be discovered. And indeed, a focus on fluidity has the power to challenge the dominance of the model of a bounded and rational self by undermining the same/other binary through a constant lapping at the edges of identity. Body flows slip across borders, creating instability. They break down notions of difference as desire enables connection and exchange, rather than disjunction. Conceptualising the prisoner as fluid may be a critical step in our understanding of how it is that the level of bodily intervention in prisoner management is so endemic, including practices of quarantine and penetrative surveillance. It may also enable a challenge to such practices, pointing to the contradictions inherent in a system which at once fears and demands an open-bodied, flowing prisoner.
Early work on HIV/AIDS was critical in pointing to the ways in which the disease has been situated as a threat to social order, underpinned by a demonizing mythology responsible for an ideological construction of AIDS as "emblematic of otherness" (Watney, 1989: 17-19). In prison, the HIV positive inmate is doubly other. As prisoner, and as HIV positive, discourses to do criminality and disease merge in her body, creating multiple layers of control and intervention. It is argued here that it is the specificity of HIV/AIDS, as marker of difference, that compounds the fear of deviance and disorder which continues to characterize cultural responses to the "spectacle of AIDS," including inside prison.

The study of HIV/AIDS as emblematic of otherness reflects in many ways a number of the key concerns of this thesis. In particular, it raises issues to do with the representation and lived experience of the HIV positive body and the body with AIDS, including the relation of corporeal specificity to materiality and subjectivity. Of particular concern here is the way in which the body with HIV/AIDS is made abject and permeable, through both its deviant and diseased status. Indeed, analysis of the specificity of the HIV positive body in prison can point to the shared forces which shape social fears of difference, including those related to race, sexuality, drugs, desire and pleasure. Furthermore, as (at least) doubly other, the HIV positive prisoner, diseased and deviant, poses a terrifying threat to the social economy of solid borders that govern the formation of identity. Already criminal, as evidenced by both their prison sentence and their HIV positivity, this individual threatens contamination and contagion across boundaries. Their activities place them already outside social order, now they must be doubly expelled in order to maintain control. However, even as they are expelled, they threaten to seep, spurt, infect and disturb.

In the National HIV/AIDS Strategy 1996-97 to 2000-01 prison inmates are discussed under Section 3.3.3 which is entitled "The epidemics prevented". Such a claim is perhaps premature given the fact that the prevalence of HIV among prison inmates in Australia is about 0.5 per cent, or approximately eight times that of the non-prison population, with only three jurisdictions having trialled or introduced condoms.
for prisoners and not one jurisdiction having implemented a needle exchange program. While there is only one documented case of HIV acquired in an Australian prison to date, anecdotal evidence suggests that the problem is much more widespread. Indeed, research suggests that there is a high level of risk-taking behaviour for the transmission of blood borne viruses in prison. Commentators generally agree that major factors which contribute to this situation are the high incarceration rates of injecting drug users, the lack of access of prisoners to means of practicing safer injecting and sexual behaviours, and the existence of other risk behaviours such as sexual assault, assault, accidental injury and tattooing.

Such factors, however, are not an adequate explanation for the description of prisons as "reservoirs" or "pools" of virus, which threaten to spill over into the general population. As Mr. Debus, the Minister for Corrective Services in New South Wales said:

My purpose in overseeing this [condom] trial is to protect not only inmates but, more importantly, their families .... Experts in communicable diseases are quite emphatic that condoms will help stop prisons becoming a pool for disease which then spreads through the community.

With such metaphorical manoeuvres, prisons are figured as catchment areas for HIV/AIDS. Disease pours in and is contained by the barriers of the prison walls, always threatening, however, the possibility of a stagnant overflow. Indeed, prisons are not just seen as passive catchment areas, but also as a virus "funnel", a means of channeling liquid infection into small openings. Mr. Yabsley, the former Minister of Corrective Services in NSW argues that: "rather than being an incubator, the prison is a funnel as many offenders tend to come from high-risk areas in the community". As such, the prison becomes an implement for the concentrated movement of disease, and the prisoner an opening for infection.

Funnels notwithstanding, the continuing focus which is evident in public health discourses on the threat posed by prisoners to the general public on their release reinforces the key concern of the incubator hypothesis that infection will spread inside prison, and then will be released into society. In the light of this particular public health focus, Stephen Kerr from the Corrections Health Service in the Health
Department of Victoria posed the following question:

We are, for once, inundated by interested parties seeking to provide support, grants, study and comment on our services. Why is this so, when usually opinions are that less rather than more be done for prisoners' health? The answer seems to be the importance placed on the interface between prisoners and the rest of the community.... HIV policies in prison are not primarily based on concern for individual health, but rather out of fear of contamination of the general public (Kerr, 1991: 115).

Seeing the prison as a container and channel for HIV/AIDS reflects, I would suggest, the intense social fear of deviance, disease and other phenomena that disturb. The HIV prisoner is deviant as criminal, as risk-taker, as homosexual, as drug addict (or as all of the above). Living with AIDS, the prisoner is a pariah within a pariah group, liable to catch and spread infection inside prison, and from inside to outside prison. As deviant and diseased, the HIV positive prisoner recalls the abject, disturbing order, and threatening to spill across bodily boundaries and identity categories. Although already punished, the HIV positive prisoner is punished again for his openness and increased likeliness to catch and spread disease. He therefore becomes more available for intrusive disease/disturbance management practices including testing, segregation and refusal of permission to participate in education, work and leisure activities.

In their "conceptual map" of AIDS-related discrimination and prejudice, Susan Kippax et al provide a number of explanations for the way in which discourses of disease and deviance coincide. They suggest that AIDS-related discrimination is based on fears of contagion and pollution, fears associated with sexuality including homophobia and erotophobia and fears associated with drugs and their illegal use. In particular, they argue that it has been medical, legal and religious discourses that have had a critical role to play in the definition of HIV and AIDS in Australia. They state:

Although prejudice is an expression of individuals' fears, it is not simply the expression of aberrant individuals. Prejudice is a product of existing institutional and power relations. Prejudice, and HIV-related prejudice is no exception, is used to mark one
group from another; the powerless from the powerful, the 'normal' from the 'deviant'.
Prejudice confirms and underscores the status quo, it protects 'self' by scapegoating
'other' (Kippax et al., 1992: 1).

The account of one HIV positive prisoner in Western Australia provides a stark example of the attitudes
to which Kippax et al refer:

"I have faced so much hurt and humiliation and been made to feel so worthless and
inferior to other prisoners while in custody in this prison," he told The West Australian
in a statement through a lawyer .... The HIV-positive prisoners were refused entry to
other cells to go to the toilet, watch television with friends, drink coffee, play games or
sit and talk, he said. He was not allowed to go to work, the library, chapel, canteen or
education without an escort. "I would like to socialise like every other mainstream
prisoner by entering in other inmates' cells, not to sit outside like a leper on display and
without fear and prejudice that because I have HIV, I am engaged in so-called sexually
predatory behaviour which could endanger the lives of others. I will not be labelled a
predator nor will I be treated as one".23

For the above prisoner, the conflation of his HIV positive status with notions of him as a "leper" and
"sexual predator" resulted in a range of discriminatory management practices that seriously increased his
level of punishment. Unable to enter other prisoner's cells, the prisoner was subject to a form of
quarantine within the prison. Denied access to activities provided to other prisoners, he was targeted for
unequal treatment within the prison regime. Placed on display, he was subject to intense surveillance, as
a form of grotesque other, a warning for the healthy. It is argued here that these experiences reflected his
position as a repository not only of fear of disease and contagion, but also of sexual deviance and the
potential disturbance of (sexual) predatory contamination.

There is little doubt that prejudicial views continue to play a role in the discriminatory treatment of HIV
positive prisoners across Australia, a fact that is borne out by the successful complaints made by positive
prisoners in Western Australia24 and Queensland25 under state anti-discrimination legislation.
However, despite such recognition of prejudice and discrimination, the HIV positive prisoner continues to suffer from the cultural pressures of a disease that disturbs social order. This disturbance is generated, in particular, by its nature as a virus that is carried by fluid across body boundaries. The specificity of the fluids, including blood and semen, and the methods of transferrance including anal sex and intravenous drug-use, further entrench the disturbance linked as they are to possible deviant or illegal acts. In this way, HIV/AIDS is seen to threaten the solidity of the self by taking away the social reassurance of a body which fully self-enclosed and therefore impervious to entry or intervention.

Catherine Waldby argues that the assumption of particular bodily boundaries is an essential part of the process of sexed subjectification, and that bodies that fail to do so appear to be in need of social regulation and control. Recalling Teresa de Lauretis’ notion of the technologies of gender (de Lauretis, 1987) and Judith Butler’s notion of the gender matrix (Butler, 1990), such a view draws us intimately into the skin as boundary, bodily orifices as boundary-breakers and body fluids as moments of interchange. Waldby suggests that HIV infection involves a kind of homosexualisation or feminisation of the immune system:

The rigidly bounded, immunocompetent body works to associate both feminine bodies and gay male bodies with the dangers of contagion, because both these bodies are understood to be permeable, orificial bodies which both absorb and transmit contagious body fluids ... They exercise a vigilant body boundary, and hence maintain a clean and stable bodily system (Waldby, 1996: 75).

By placing consideration of HIV/AIDS within the framework of sexual difference, Waldby is able to provide critique of the way in which the modern (masculine and phallic) subject requires self-enclosure, singularity and cleanliness in order to uphold the organising principles of selfhood. Indeed, she argues that the heterosexual masculine body must suppress its capacities for passivity and anal and oral receptivity given the importance of its phallic status, a process which results in the projections of such capacities onto the bodies of women and gay men (Waldby, 1996: 14). While gay male desire will be discussed in Chapter 7, it is important to recognise the intense anxiety that exists around anal sex in
prison. While Waldby suggests that “anal eroticism has perhaps the greatest potential to undermine the phallic body’s claims to integrity” (Waldby, 1996: 77) in prison, where discourses of fluidity and openness converge in the body of the prisoner, anal sex continues to terrify prison management as evidenced by opposition to the provision of condoms in prison.

The difficulty of prison officer unions to deal with the debate surrounding HIV/AIDS in prisons is discussed by Cregan et al who point to the fact that, while public opinion has consistently favoured the provision of condoms in prisons, prison officers in New South Wales were able to resist the measure for eight years. In order to do this, the authors suggest that the prison officers relied upon a number of discursive practices including fear of the impact of homosexual practices on sexual difference, fears of contagion especially from marginalised groups and support for the isolation and containment of non-conformers (Cregan et al: 1996). It would seem that, in resisting the provision of condoms as measures to prevent the exchange of body fluids, prison officers indicated that their fear of the deviant and disturbing practices which enabled the transmission of HIV/AIDS was at least as great as their fear of the flow of HIV/AIDS itself. While refusing to put harm minimisation measures in place may be interpreted as cruel and unusual punishment, or a breach of duty of care, it also indicates the danger to already marginalised groups which exists in management decisions based on an intense fear of the other, in this case marked by sexual desire for the same.

This fear of the other may be a reflection of the “homosexual grotesque”, displayed as orificial and ever-multiplying (Young, 1996: 199). Unlike the grotesque, however, the homosexual can at times be difficult to see, especially in an enforced single-sex environment such as a prison:

Ralph: So how long ‘ve you had it? You’re not a poofta are ya? I’m as straight as a die and that’s the way it is. Don’t look like one.
Des: Shuddup.
Ralph: Sorry, just meant like you don’t look like one.
Des: So I’m fucken’ not ok.
It is possible that the problematisation of categories of sexual orientation which inhere in the prison compound the fear of anality referred to above, as men who do not consider themselves homosexual engage in same-sex activities and relationships. Such activity threatens not only the self-enclosure of the individual, but also the firmness of categories of sex and desire. As such, it places into question phallic masculinity and the boundaries of the modern subject organisation and, as a threat to social (sexual) order, it must be resisted by prison management. As one interviewee suggested, while management knows that anal sex takes place in prison, the will to do something about it through the provision of condoms is just not there:

I go and get an AIDS test, an HIV test every three months .... When I was up at [prison], the nurse up there asked me every so often, “Are you having sex in jail?” I said “That’s my business” and he said “We don’t want people to catch a disease while they’re in jail” and I said “Well, supply condoms. You know that it goes on in jails”.32

Cregan et al suggest that the turning point for HIV/AIDS in prison in Australia was the upheaval caused in the New South Wales prison system after an incident in 1990 in which a prison officer was jabbed by a prisoner with a syringe containing HIV positive blood. The officer was infected with the virus and later died of an AIDS-related illness. This incident resulted in new policies restricting prisoner's private property (seen by the Federal Human Rights Commission to be in breach of four international treaties on human rights) and led to massive unrest across prisons in the state. The authors suggest that it was fear of HIV/AIDS that was the catalyst for the escalation of the rituals of separation and surveillance over this period in New South Wales.

Indeed, while there has been vigorous opposition to the provision of condoms, the disturbance generated by HIV/AIDS in prison has resulted in attempts to increase the visibility of the HIV positive prisoner by the intrusive mechanics of testing, segregation and surveillance.

Mandatory testing for HIV exists in various states in Australia, including Queensland, South Australia, Tasmania and the Northern Territory. In Western Australia testing is undertaken if an inmate is
considered "high risk". A voluntary scheme exists in the ACT and in Victoria (where the participation rate is 99.06 per cent). In New South Wales testing was compulsory between November 1990 and December 1994. Since that time it has been voluntary. As at June 1997 the participation rate was 57 per cent. Testing, in itself, however is not a preventative strategy for transmission of HIV. As John Godwin argues: "It is a commonly held misconception that HIV testing is a public health measure. With no other measures in place, it is not. Testing alone achieves nothing. It just satisfies some that something is being done" (Godwin, 1992: 172).

Testing clearly serves to increase the visibility of HIV-positive prisoners within the system, particularly given the well-documented problems with confidentiality. If segregation and discrimination follow, this visibility is compounded by exile. One interviewee described the following incident:

A young man took a fancy to me. We used to muck around and he flashed his penis in the muster at me. He was locked up for a month in segro for that. It wasn't as though he had stabbed anyone .... Anyway, I found out later he had AIDS, and they were worried that he'd be spreading AIDS because he was HIV, and it was being put around. They locked him up both for his own and for our protection.

In this example, the segregation of the young HIV positive man was seen to be for his own protection and the protection of the other prisoners. It is his HIV positive status that makes him both in danger himself and a danger to others, rather than the enactment of any unsafe practices. In response to his already-inscribed status as dangerous, the prison had to lock him up thus firmly reinforcing his outcast (unclean and unsafe) position.

The issue of segregation versus integration has generated different responses across Australian jurisdictions in relation to HIV positive prisoners. South Australia, New South Wales, Tasmania and the ACT have policies that integrate HIV-positive prisoners into the general prison population. In New South Wales the "Lifestyles Unit" has operated since November 1992 as a voluntary unit for HIV positive inmates. In Victoria and Queensland there is a partial segregation policy in which HIV-positive prisoners
are placed with intravenous drug-users who volunteer to participate. In the Northern Territory prison administration has a policy of segregation in a separate infectious disease unit located in the prison system. In Western Australia the issue of segregation has been a vexed one resulting in successful claims of discrimination and calls to amend the anti-discrimination laws following allegations that an HIV positive prisoner had unprotected sex and shared injecting equipment with other prisoners. Reportage of the integration policy which was finally adopted by Western Australia following the successful complaints of discrimination showed an alarming degree of ignorance on the transmission of HIV on the part of the WA Prison Officers' Union:

The WA Prison Officers' Union has agreed to a proposal to integrate well-behaved HIV-positive inmates into the mainstream jail population ... The draft policy would allow HIV-positive prisoners to be employed in prison jobs except those in which they could be injured by sharp objects. They could play contact sports unless they were bleeding. Spitting in team areas would be banned, as would sharing towels, face washers or drink containers.

It would seem clear that a "well-behaved" HIV positive prisoner would be one who did not leak or squirt body fluids, including into towels, face washers or drink containers. It is argued there that this perpetuation of inaccurate information on HIV/AIDS transmission is not random or coincidental, rather, it is built on the specific position of HIV/AIDS as a disease of, or contracted from, the other. Susan Sontag suggests that HIV/AIDS has a dual metaphoric genealogy through which it is described as an invasion (like cancer) and as pollution (like syphilis). While invasion moves from the outside to the inside, pollution moves from the inside to the outside. In this way, the virus simultaneously invades and pollutes and HIV/AIDS comes to exist at the boundary of the same and other, the human and not-human (Sontag, 1991). What constitutes the human/normal/healthy as compared to the non-human/deviant/diseased becomes critically important in relation to ideologically loaded diseases like HIV/AIDS. Waldby argues that the human is generally understood to coincide with the location of culture, but under conditions of epidemic the distinction between the natural and the human can become blurred. The infected come to occupy an indeterminate position between nature and culture, abjection being the same thing as contagion in the biomedical imagination (Waldby, 1996: 49). For not only is the HIV positive body permeable, it is
also contagious, flowing out as well as in. As a bearer of this infection, the HIV positive person passes over onto the side of the inhuman and the side of death (Waldby, 1996: 4).

The first HIV positive prisoner in Australia described his role in prison as one of waiting for death:

**SNAKEY:** I was the first person in prison diagnosed as HIV. Doc came into me cell and said “Got AIDS. You’re diein’”. I said “What?” He said “You’re diein’ you got AIDS”. I sort of lost it. Started throwin’ things around. So they put me in a cell at the end of the block so no one could walk past. Came into the old cell in space suits. Poured detergent all over me TV, bed. Burnt all me old clothes, bed stuff the lot. They ripped the uniform off that fucken screw - seen him in a fucken blanket. I realised after a few days that they’d taped the gaps around the door - to stop the air. They don’t even give you any fucken condoms or anything. That’s how Jimmy got it ya know. Fucken D Division. Fuck me dead. I didn’t even say good bye. You get AIDS and you die. You just fucken wait.42

In linking disease, abjection and death, HIV/AIDS marks the body itself as liquid infection, prone to dissolution and spread. By marking the body in this way, those groups already linked to the virus though specific racial, sexual and desiring capacities (so-called deviances) are also linked to death. Les Moran makes this point in relation to homosexuality, whereby the association of the body with contagion is extended to the association of homosexuality and death, as homosexuality becomes a deathly figure of excess (Moran, 1988: 343). And as Young suggests, reading HIV/AIDS as the spectacle of death is the only possibility within the frame of criminal justice:

In framing HIV/AIDS as a spectacle of death, the dying man is also framed for the crime of HIV/AIDS, for the crime of risk, of danger and death. The man is not only required to die; he is required to die bearing the responsibility of his risk to others, the risk that others have written on his body. In such a way, the practices of criminal justice in relation to HIV/AIDS create a system of quarantine which operates both symbolically and literally to segregate the HIV positive through the imposition of a fatal frame of identities as rigid and culpable (Young, 1996: 206).
The HIV positive prisoner, as bearer of disease, recalls once again the excluded abject. As both permeable to infection and liable to spread infection by way of body fluids (a reservoir and a funnel), she threatens social boundaries, undermining order. The prisoner, however, is already contained, reinforced by our desire to distance and isolate those who break the law, including the law of self-enclosure. As HIV positive people, they remind us of our own sense of self-fragility. As HIV positive prisoners, they symbolically recall the desire to quarantine the diseased as well as the criminal, to reinforce the otherness of disease and criminality by detection and exile.

The management of HIV/AIDS and HIV-positive prisoners confirms the critical importance that notions of fluidity have on our understandings of body boundaries in the maintenance of subjective integrity including, in particular, the understanding of prisoner's body as open to intrusive regulation. As the following section will demonstrate, the importance of body fluids and body exchanges is also evidenced in prison by the management of drugs that flow not only through the prison systems, but also through the veins of individual prisoners.

**The Flood - Drugs in Prison**

While a number of discourses to do with disease, deviance and disturbance can be seen to converge in the HIV-positive prisoner's body, it is argued here that the illicit drug-user's body is also subject to a similar convergence of discourses which result in an understanding of this body as more fluid and more open than the body of the non drug-user. As such, the drug-user is subject to violent bodily intrusions in a way which recalls the interventions in the HIV-positive body (isolation, segregation and bodily fluid testing), but which is specific in its focus on urinalysis and body cavity searches for the detection of both drugs and criminality.
Drawing together the results of a number of Australian studies, the Commonwealth Department of Health and Community Services estimated in 1996 that prison populations contain a substantial proportion of injecting drug-users, with approximately 50 per cent of prisoners reporting a history of drug injecting and approximately 40 per cent of drug injectors reporting a history of imprisonment. Two studies of female prisoners (one in New South Wales and one in Victoria) showed that at least half had used heroin.

In relation to continuing drug use inside prison, recent policy and public debate has focussed on two issues. The first of these relates to the prevalence of injecting behaviours inside prisons which place inmates at risk of blood-borne communicable diseases, and the role of prison administration in harm minimisation and prevention measures. The second issue is to do with the level of drug availability inside prison and the type of management practices which have been employed to lower the entry of drugs into prison including deterrence, detection and treatment. There are at least two more issues, I would suggest, which also need attention but which have failed to garner political or public interest to the same degree. The first of these is to do with the provision of drug rehabilitation inside prison, including the extension of methadone programs and appropriate counselling and support services. The second concerns the high dosages of licit drugs administered by prison medical authorities to prisoners, particularly to women.

The focus of this section will be on the management of drugs in prison, particularly the tactics employed to maintain prison order in systems which are variously "flush with drugs", "awash with drugs" or which are threatened by a "flood" of drugs. According to Ric Stingemore, Prison Officers Union Secretary, Western Australia, "get tough" policies are all about reducing the "flow" of illicit substances and goods.

The level of concern about drug availability inside prison does not, clearly, stand apart from more general concern about the level of drug availability and drug use outside prison. Indeed, the symbolic construction of drugs and drug-users more generally can be seen to play a crucial role in the way in which we understand, represent and manage prisoners, given the high correlation between illicit drug use and
incarceration referred to above. Critical work on the social construction of drugs has been undertaken by Desmond Manderson (1994, 1995) who asserts that it is through an analysis of the sound, character and semantics of drug laws that we can perceive similarities and differences over time and across jurisdictions. Manderson suggests that modern drug laws are "a collection of extravagances, an expression of fury in legislative form" (Manderson, 1994: 236). He undertakes an archaeology of drug law titles to demonstrate law's approach to the problems presented by drugs. From the anti-Chinese sentiment of the turn-of-the-century opium laws to more recent concern with counter-culture (1970s) and big business crime (1990s), drug laws have reflected different issues. What has not changed, according to Manderson, is the vehemence with which drugs have been resisted and the "feelings of revulsion or seduction, of dirt and purity, which images of drugs have always provoked" (Manderson, 1994: 244).

The association that Manderson points to between the place of drugs in the social imagination and the dualistic concepts of revulsion/seduction and dirt/purity clearly recalls the convergence discussed in Chapter 3 of notions of abjection with the prison and the prisoner. Prisons are already filthy sites, well suited to the filthy habit of drug-taking. Yet prisons are also subject to an intense social gaze, seduced as we are by uncovering the secret nature of what really happens on the other side of the prison walls. Prisoners themselves lack self-control, as already criminal and therefore as already infinite and impure, we are not surprised that they are unable to resist the pleasurable temptation of drugs.

If, as Manderson suggests, drug laws are an expression of social fury, the outcomes of this fury for people who end up in prison are extremely serious. One interviewee described her experience upon arrival in prison as follows:

I was thrown straight in the slot, I had no choice, and they were bringing me down that fast, and I was that sick. Well you've got to work it out of your system, you've got to run or you've got to do things. They threw me in the slot and they pulled me out after a week, another charge, another seven days. Another charge, another seven days. Me, for thirty-one nights, I laid awake, and there was no television, no wireless, no cigarettes, no coffee. Look it nearly snapped my brain. My eyes was absolutely black through lack of sleep and they wouldn't put me on no medication .... My body was just
dehydrating, just all dried up because I was on twenty-two hour lockups, and then when 
you were let out, you weren't out in the daylight, they had this cover over it and you 
were just in a cage. You got no fresh air, so all my skin dehydrated, terrible.\textsuperscript{51}

This appalling treatment must certainly be seen as “extravagant” and “furious” by any standard. It is 
allowable due to the deep-seated social fear of drugs and drug-users, founded upon the ways in which 
social order requires the detection and exile of the diseased, the deviant and the disturbing. As with the 
HIV positive prisoner, the drug-using prisoner is (at least) doubly other. And, given the association of 
HIV/AIDS transmission with the risks of needle-sharing, an increasingly layered matrix of maltreatment 
becomes possible.

The \textit{Australian Illicit Drug Report} (1996) confirms in its introduction that drug use is endemic in prisons 
across all Australian jurisdictions. It says:

\begin{quote}
Efforts to prohibit drug use are costly and generally unsuccessful and it is unrealistic to believe that it can be eliminated in prisons or the general community. Drugs are a part of the lifestyle of many prisoners and, arguably, may also be part of the cause of their criminality. Drug use relieves the tension, boredom and hopelessness of the prison environment, creating a situation in which there is a high demand for drugs combined with the propensity and knowledge required to obtain them. With this in mind it is apparent that the focus for prison drug strategies should be primarily containment and harm minimisation (ABCI, 1996: 139).
\end{quote}

The balance between policies which seek to contain drugs and those of harm minimisation is clearly a 
difficult one for prisons to reach. From an examination of various state policies, it can be suggested that, 
to date, policies focussing on containment (particularly detection and deterrence) have been most 
vociferously advocated and enacted. This is evident not only in the rhetoric around imprisonment more 
generally (the "get tough" attitude referred to above) but also in the formulation of state policies on drugs 
in prison. For example, the Victorian prisons drug strategy includes harsh penalties for bringing drugs 
into the system or using drugs, increased searching of possessions, strip searching of visitors, random and 
targeted urinalysis.\textsuperscript{52} Western Australia's drug strategy includes random and targeted urinalysis,
restriction of visits as punishment for drug use, visitor controls including background checking and strip searching, electronic and physical surveillance.\textsuperscript{53} Other states exhibit similar priorities\textsuperscript{54} and the increasing trend towards the employment of new surveillance technology to detect drugs is increasingly evident.\textsuperscript{55}

Compiling data from all prisons authorities through a "Drugs in Prison Questionnaire", the Australian Bureau of Criminal Intelligence concluded that it is difficult to measure drug usage in prisons and that there is no single accurate measure available to gauge prevalence. Urinalysis, searches, seizures and other methods are inaccurate and can only provide a qualified estimate.\textsuperscript{56} Nonetheless all States reported that the most common drug in prison systems is cannabis, followed by benzodiazepines (especially Rohypnol and Rivotril) and other prescription drugs, and then opiates. South Australia and New South Wales reported that the use of prescription drugs is increasing and that female prisoners use more of these types of drugs than male prisoners. It is likely, however, that the actual use of prescription drugs and opiates is higher than indicated by urinalysis results due to the fact that prescription drugs can be undetectable in the urine after eight hours, and opiates can be undetectable after one to two days. This compares to cannabis which can remain in the system for up to one month after use.\textsuperscript{57} Indeed, it has been widely argued that the use of urinalysis may promote drug-users to change from cannabis use to other drugs that are more difficult to detect.\textsuperscript{58}

According to the \textit{Illicit Drug Report}, most drugs come into prison with prison visitors. The report suggests that drugs are either concealed externally, secreted internally, or concealed inside an item left for the prisoner. The report itself exhibits a certain fascination with the ingenuity of prisoners in obtaining drugs, describing in detail one incident involving the secretion of heroin in the nasal passage of a visitor. The authors of this report are not alone in their interest in the unusual employment of body cavities.

Serving and former prisoners told the inquest visitors hid drugs in their body cavities. The drugs were later concealed in the visiting area toilets for inmates to pick up. "The inmate then swallows the drugs (in condoms) or passes them up their anal passage."
Back in their cells they drink a pint or two of heavily salted water and vomit the swallowed drugs back up", one inmate explained.59

A body cavity is an empty space within a solid body, a place of entry to the body, a point at which the distinction between the inside and the outside of the body blurs. Drugs are placed in body cavities (including the vagina, anus, nose, mouth and ears) so that they become more invisible, less detectable than they would be if they were left on the outside of the body. As a means of secreting drugs across the borders of the prison, this usage of body cavities is of extreme concern to authorities. It violates the law and prison order, and presents difficulties for detection and removal. It also, however, stimulates a revulsive response, as cavities are penetrated for what is seen to be an improper or unnatural reason.60 Such a use of body cavities upsets order as a transgression of boundaries between the inside and outside of the body, self and other.

Other methods of supply of drugs into prison include the postal system, the projection of items containing drugs (such as tennis balls) over the walls and prison officers and other prison employees bringing drugs inside and organised trafficking.61 However, it is the focus on detecting drugs passed over during visits that has had a particularly serious effect on both inmates and their visitors, including through the instigation of visitor strip-searches. In Victoria, Western Australia, Queensland, Northern Territory and Tasmania legislation allows searches to be conducted on visitors by prison officers. In New South Wales and South Australia such searches may be conducted by the police on suspicion of drug possession.62 In one prison the following steps have been taken to inform visitors that they may be strip-searched:

Big signs warned visitors about the possibility of strip searches in the same way as shoppers were warned that their bags may be searched.63

In this way, visitor's bodies become containers for transporting drugs, no longer enclosed and a threat to order.64

In addition to the transversal of drugs across the boundaries of the prison, the specific ways in which
drugs enter into the body of the drug-user inside prison is also a site of significant disturbance. Drugs flow through the body and are shared between bodies in moments of pleasurable interchange. They require openness, through existing orifices or through a puncturing of the body’s membranes. Of particular importance in this regard is the role of the needle which, according to Manderson, exerts a disproportionate fascination and acts as "a medium between the outside world and the inside of our bodies" (Manderson, 1995: 801). In discussing HIV/AIDS in prison, I drew attention the metaphoric weight of the funnel as a channel and concentration of disease in the prison. A funnel enables the movement of liquid between worlds and bodies in a similar way to the hypodermic syringe. For, not only does the syringe concentrate the drug into a small opening in the body of the prisoner, it also encompasses the possibility of sharing and exchanging body fluids, in particular blood. The needle can be seen to invade the body (like cancer) or to enter it lovingly (like a sexual partner or object). It can also, however, pollute (like syphilis) exchanging both disease and pleasure. For Manderson, the hypodermic syringe becomes a symbol of boundary violation, thereby associated with pollution rituals and taboos. As such, the syringe and other objects critical to the rituals of drug taking come to form part of the construction of a barrier between those who do take drugs and those who don’t. They become ambiguous, or double-sided, symbols having different meanings for those who do take part and those who don’t (Manderson, 1995: 805; Rhodes, 1997). For example, the willingness to tolerate invasion is appropriated as a sign of difference and as a connotation of sexuality:

The phallic needle, the act of penetration, the orgasmic experience of the rush - this much is obvious .... But rather than being merely points of analogy which one might observe, these parallels are central to users' understanding of their experience. For many users, the act of injection has the same memorable and life-changing quality about it as a first sexual experience (Manderson, 1995: 805).

Therefore what seems to be horrific from one perspective is seductive from another. According to Manderson, it is this very ambiguity that is one of the most threatening aspects of drugs as it challenges our ability to maintain our boundaries of propriety, a factor which can help explain the intensity of the social reaction to the needle as a symbol (Manderson, 1995: 807).
Manderson’s analysis of the social/symbolic construction of drugs is intrinsically linked with the role of body fluids in the maintenance of the boundaries he rightly emphasises between mind and body, reason and emotion, self and other. As I have been arguing in this chapter so far, our understandings of fluidity are heavily invested in notions of the feminine (including disorder and receptivity). Drugs enter the body through bodily orifices (mouth, nose, anus, vagina) through a puncturing of the skin (injection) or through traversing the skin in other ways (tattoo). They are thus subject to the sorts of abjectifying processes discussed by Mary Douglas and Julia Kristeva, as they work as a border between two territories, the inside and outside of the body, the human and the non-human.66 By co-mingling with and altering body fluids such as blood and urine, drugs are feminised, both desired and feared. Indeed, Manderson, in discussing the presentation of two images, the opium poppy and the cannabis plant, in the colour plates found at the front of *The Australian Royal Commission of Inquiry into Drugs*67 says: "Their is a saccharine, cloying beauty, not of innocence but of depravity. It is the beauty of the *femme fatale*" (Manderson, 1994: 244).68 Drugs thus become the abject feminine, requiring containment.

As substances that traverse the boundaries between the inside and outside of the body, existing in and across both terrains, drugs also require specifically targeted forms of surveillance. In a research paper prepared for the Royal Commission into Aboriginal Deaths in Custody, David McDonald pointed to a hierarchy of intrusive practices aimed at identifying the presence of drugs:

- strip searches including the visual inspection and probe of body cavities
- strip searches involving manipulation of the body to permit close visual observation of body cavities;
- strip searches with visual observations;
- full body searches while clothed, including patting down the garments and inspection of pockets, etc.;
- a superficial frisk or patting down the outer garments (McDonald, 1992: 74-5).

MacDonald’s “hierarchy of intrusion” differentiates between a “probe” and a visual observation. In my understanding, a probe would involve the entry of an instrument or part of a body (prison officer) into the
body of another (prison inmate). In a strip search this would generally involve the penetration of an existent body cavity such as an anus, a vagina, an ear or a nose with a (gloved) finger. In my view, such an act would constitute a clear violation of bodily integrity, enabling an unbidden alien entry into the body of the prisoner, dis-enabling the possibility of self-enclosure. I would also suggest, however, that the gaze also has the power to penetrate, including Macdonald’s category above of “strip search with visual observations”. As Foucault demonstrates in The Birth of the Clinic, the gaze “plunges into the space that it has given itself the task of traversing” (Foucault, 1994: 136). Indeed, the visual observation of the strip search, with or without probe of body cavities, is an extremely intrusive practice. The following poem can only enable us to begin to imagine the intrusion:

Have you ever been ordered to strip
Before half a dozen barking eyes,
Forcing you against a wall -
Ordering you to part your legs and bend over?

In Fairlea Women’s Prison in Victoria 13,572 strip searches were conducted on a daily population of 100 prisoners over a two-year period in 1994-5. During the randomly chosen months of April and August 1995, 506 and 574 strip searches were conducted respectively, an average of six strip searches per prisoner per month. Nothing was found during the April search and two items of contraband were found in the August search. A spokeswoman for the then Corrections Minister Bill McGrath, Anne Stanford, said the number of strip searches at Fairlea was in line with standard procedures for both male and female prisoners. She said “Because Fairlea is a remand prison, prisoners are strip searched every time they go to court, every time they return to prison and every time they get a visitor”. Interviewees confirmed the regularity and intrusiveness of strip-searching in prison:
Yeah you're strip searched constantly. Like you're strip searched on the way out to [prison], you're strip searched when you get there, you're strip searched before you get into your cell, like you're strip searched every step of the way.73

When you get there, you have a shower, and then they strip-search you and stuff like that, that was kind of yuck. They don't touch you, they just eye you for injection sites and things like that. Check under your arms, make you bend over, check between your legs, under your feet, I suppose for drugs. It was so degrading.74

According to the spokesperson for the Corrections Minister, they may also be randomly searched when they have a urine test.75 As part of drug detection practices, MacDonald suggests that "[u]rine testing involves a degree of invasion of privacy which could be seen as similar to that of the strip search with visual observation, particularly since effective urine testing procedures include the requirement that an officer observe the actual passing of urine to avoid the risk of urine substitution" (MacDonald, 1992: 75).

I would suggest, however, that urine (or blood) testing could also be seen to involve a "probe" according to Macdonald's hierarchy as it involves the forced removal of that which is within the boundaries of the prisoner's body. Urine and blood are part of that which forms the prisoner's body (even if abject), and removing them to test them constitutes a serious boundary violation.

Urinalysis is conducted by all states to detect the use of drugs by prisoners. The existence of random testing is thought to have a deterrent effect on drug use since positive results are generally punished by loss of privileges, however its impact as a deterrent is hard to determine particularly given inadequate recording and collation of the results of random urinalysis testing.76 According to the *Illicit Drug Report*, urinalysis figures are affected by a number of variables including the frequency of testing, tests conducted, sample representativeness, and the length of time the drug stays in the system.77 There is little doubt that "urines" can be very upsetting:

The urines .... And well its supposed to be done in a sterile situation. There's a little room like a toilet cubicle, a big green plastic thing that fits on the toilet, and you're to do the urine in there. You've got gloves on, they're supposed to have gloves on too. Two officers. So you'd have all your clothes off in that room. Its so small as well, its
just difficult .... Now girls are wanting to go straight away because when you get called at seven o'clock in the morning, you are dying to go and you had to hold on .... Like some women had actually wet themselves. It was just degrading.  

As I argued above in relation to HIV/AIDS, the testing of body fluids can increase the visibility of a particular prisoner’s status, either as an HIV positive prisoner, or in the case of urinalysis, as a drug user. While the conjunction of deviance and discrimination which exists in relation to the HIV positive prisoner may not exist in the same way for a drug user (given the correlation between illicit drug use and incarceration referred to above), testing nonetheless can be used to isolate and punish those who ingest or inject illicit substances. While in a number of jurisdictions prisoners can elect to participate in intensive rehabilitation programs that demand separate accommodation, calls for general segregation of drug using prisoners are not uncommon. According to the following prisoner, segregation would be a good thing:

O’Connor said prisoners who use drugs should be segregated. “I feel it would be appropriate to fence off the known druggies from the rest,” he said. “They are the ones who usually cause the problems and we all know who they are, and when they were high. “If they were fenced off it would stop them interfering with other prisoners”.

The desire to fence off the drug-users from the non drug-users inside prison reflects the doubly outcast status of such prisoners. The goal of keeping them separate is to prevent them from interfering with other prisoners and causing a disturbance to the order of prison life. The disruptive potential of drugs lies in their ability to penetrate the walls of the prison security, bypassing expensive detection technology, and to undermine prison discipline by changing prisoners’ behaviours and creating new power hierarchies:

“There’s little doubt that drugs are used to maintain peace and quiet,” he says. “The system tends to revolve around a drug culture which sometimes escalates into violence and standover tactics. It all started when they took the tobacco away and the drugs became currency.”

The focus on detection and deterrence makes sense in the context of, firstly, the illegality of certain types
of drug use and, secondly, the social construction of drugs and drug taking which makes such substances and practices illegal in the first instance. Drugs must be stopped from flowing through prisons because they offend social as well as prison order. They break down the boundaries between self and other through their entry into and exit from the body. They are associated with the unclean, the abject, the other. And, in allowing themselves to be penetrated, the drug-user steps into the realm of the less-than-fully-human, available for internal searches, urinalysis and segregation.

While the discussion of HIV/AIDS and intravenous drug use preventative management practices has forced prisons to look at the flow and exchange of body fluids within their walls, everyday practices have served only to emphasise the permeability of the prisoner's body. Rather than provide barriers to the transmission of HIV/AIDS (for example condoms), most Australian prisons have acted in ways that increases the requirements of prisoner orificiality and penetrability. This response has included the introduction of further intrusive regulatory practices such as the mandatory testing of blood for HIV, segregationist and discriminatory policies for both HIV positive and drug-using prisoners, and the regular sampling of urine for the control of drug usage. Such practices highlight the fragility of the prisoner's self-enclosure and the openness that is (ironically) demanded upon imprisonment.

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3 Further discussion of the interface between architecture and its inhabitants will take place in Chapter 5.
4 Marc Peters, interviewed by Sharon Aris, "time after time", *good taste*, September 1997 p52.
5 Faces, I would suggest, are both solid and fluid. It is certainly, however, expelled from the body.
7 See also Crimp (1988) for an analysis of the cultural importance of HIV/AIDS. He says “AIDS does not exist apart from the practices that conceptualize it, represent it, and respond to it .... This assertion does not contest the reality of illness, suffering and death. What it does contest is the notion that there is an underlying reality of AIDS, upon which are constructed the representations, or the culture, or the politics of AIDS” (Crimp, 1988: 3).

11 The three jurisdictions are New South Wales, Western Australia and Queensland.
13 Dr Alex Wodak, the Director of Drug and Alcohol Services at St Vincent's Hospital, quoted in the Sydney Morning Herald, 15.11.96.
15 See, for example, Norberry et al (1991).
17 "Condoms in prisons outrage jail staff", Sydney Morning Herald, 6.12.95, p3.
18 Mr Debus, Minister for Corrective Services NSW, quoted in "Condoms in prisons outrage jail staff", Sydney Morning Herald, 6.12.95, p3, italics added.
19 Mr. Yabsley, quoted in Norberry et al (1991: 122). This metaphor is also used in relation to drug use in an article in the Courier-Mail, 3.7.98, p3. It says: “As you go down the funnel to harder drug use”.
20 For a critical discussion of the incubator hypothesis see Conolly and Potter (1990).
22 See Sontag (1991: 25) who suggests that to get AIDS is to be revealed as a member of a certain “risk group” or a “community of pariahs”.
24 For a discussion of these cases see HIV/AIDS Legal Link, September 1994, March 1995, March 1996 and March 1998. In both cases, complainants were able to prove discriminatory treatment and were awarded compensation.
25 For a discussion of this case see Inside Out, March quarter 1996. The complaint related to sections 7(1)(h) and 101 of the Anti-Discrimination Act 1991. It alleged discrimination the basis of impairment in the administration of State programs, particularly in relation to accommodation, goods and services and prison employment.
26 For a discussion of the background pressures exist in formulating policy in regard to HIV issues in Australian prisons, see Kerr (1992). These forces include: the political nature of prisons policy, prison industrial relations climates, the difficulty of communication within prisons and the isolation of and differences between state prison systems (Kerr, 1992: p47). See Cregan et al (1995) for a discussion of community responses to HIV/AIDS in prison.
28 For a discussion of tort law’s role in preventing the exposure of prisoners to HIV see Malkin (1995). In December 1993 a group of 52 prisoners instituted an action in the NSW Supreme Court, claiming that the State of NSW, was in breach of the duty of care it owes them through failing to provide condoms (Prisoners A to XX inclusive v State of NSW (1994) 75 Crim R 205). In a separate action, a former prisoner was suing the State Government for negligence, claiming he had contracted HIV while in prison between 1972 and 1993, where he was introduced to injecting drug use and homosexual sex but was denied access to condoms or sterile injecting equipment. The complainant died of an AIDS-related incident on 15 December 1996, Sydney Morning Herald (Sydney), 18.12.96.
29 Young draws on Bakhtin (1968) in her discussion of the grotesque and Bersani (1989) in her discussion of the anus.
31 I will return to this point in Chapter 7.
32 R.W., Interview, 19.2.98.
33 This is the only known case to date of a prison officer contracting HIV in a work-related incident. For a general discussion of prison officer occupational health and safety issues see Byrnes (1992).
34 For an outline of the reasons for this policy see Yabsley (1991).
35 According to Peter Harmsworth, former Director-General, Office of Corrections Victoria, quoted in Norberry et al (1991: 128): "Considerable effort has been put into ensuring that the concept of testing has
been 'sold' to prisoners on the basis of something that is just for them, rather than as something just for
the Office of Corrections. All prisoners who refuse a test are counseled by a member of the medical staff.
It is worth noting that after counseling, few prisoners do not agree to be tested". Beverley Schurr, in the
same volume, describes the Victorian system as "quasi-voluntary" (Norberry et al: 186).
36 The Prisons (Medical Tests) Amendment Act 1990 that enabled compulsory testing was passed in June
1990.
37 See, for example, Egger et al (1991).
38 C.L., Interview, 20.11.97.
39 See Note no. 26.
41 "Jails union agrees to end HIV segregation", West Australian, 24.9.96, p45.
42 Life (1995) Rough Trade Pictures. According to an interview with the Director, this monologue was
based on an interview with the first diagnosed HIV-positive prisoner in Victoria, Australian, 24.10.97.
43 Commonwealth Department of Health and Family Services (1996b), An analysis of trends over time in
social and behavioural factors relate to the transmission of HIV among injecting drug users and prison
inmates", p17. The studies they refer to are Miner and Gorta (1986) and Denton (1995).
44 For a discussion of these issues see Denton (1995) and Webb-Pullman (1995).
45 In May 1996 a coalition of more than 20 community groups accused the prison service of deliberately
over-prescribing prescription drugs to female inmates in Victoria. Medication charts obtained under
Freedom of Information legislation showed that in late 1995, 365 types of drugs were dispensed daily to
the 87 inmates out of a total prison population of 110 at Fairlea Women's Prison. Of those drugs, 171
were listed as psychotropic and 53 were analgesia or painkillers. Reported in the Age, 20.5.96.
46 Dr Craig Raeside, forensic psychologist and author of a study on Northfield Women's Prison, South
Australia. Quoted in Northern Territory News, 30.9.95, p15.
47 Andre Haermeyer, Opposition corrections spokesman, Victoria, quoted in the Herald Sun, 6.10.97.
48 As suggested in The Australian, 16.6.97.
49 see for example, Egger et al (1991) that enabled compulsory testing was passed in June
1990.
50 Dr Craig Raeside, forensic psychologist and author of a study on Northfield Women's Prison, South
Australia. Quoted in Northern Territory News, 30.9.95, p15.
51 S.M., Interview, 21.11.97.
52 Department of Justice Victoria (1994), Review of Prisons Drug Strategy. Summarised in the Australian
presented to the Australasian Drugs in Prison - Towards a National Strategy Conference, Melbourne,
August 22-24. Summarised in Australian Bureau of Criminal Intelligence, Australian Illicit Drug Report,
p150.
54 See, for example Mengler, C. (1997) Inquiry into Drugs in Prison, Queensland. Policies on New South
Wales, South Australia, Tasmania and the Northern Territory are summarised in the Australian Bureau of
55 See for example reports on X-ray machines in the Age, 7.3.97 and hand held vacuum units, Herald Sun,
15.10.97.
58 See for example, Crofts N. (1997a).
59 Information given at the inquest of David Leslie Brookes who died from a heroin overdose at the Sir
David Longland Correctional Centre, Queensland. Reported in "Drugs and jail - for some it's death
row", Courier-Mail, 29.6.96, p.16.
60 A response which may recall the threat of anal passivity, discussed in relation to HIV/AIDS in the
previous section.
63 "Anger at search demand", West Australian, 15.2.96, p.5.
64 I will return to the issue of body searches in relation to prisoners below.
65 As discussed in Chapter 3. Manderson draws from the work of Douglas (1966) in his exploration of
these issues.

66 See Ch 3 for a further discussion of this issue.

67 Commonwealth of Australia (1980).

68 In discussing the feminisation of drugs, Manderson (1995) also refers to a study by Taylor (1993). He says "most women never shoot up alone, and a majority always share; about half of all women users, but only 5% of men, are tied off and shot up by someone else". In sum, the "quality of submission in the injected partner is most marked" (1995: 806).


70 This information was obtained from the Department of Justice, Victoria under Freedom of Information legislation by the Essendon Community Legal Centre. It was reported in the Herald Sun, 17.5.96.

71 Quoted in the Herald Sun, 17.5.96.

72 Quoted in the Herald Sun, 17.5.96.

73 M.L., Interview, 10.5.97

74 J.B., Interview, 20.5.97

75 Quoted in the Herald Sun, 17.5.96


78 C.L., Interview, 20.11.97.

79 For example, in NSW prisoners can volunteer to be selected to participate in the "Lifestyles Unit". See NSW Department of Corrective Services (1997) Lifestyles Unit Evaluation Study.

80 Ray O'Connor, a former Premier of Western Australia, quoted in "Drugs Rife in Jail: O'Connor", West Australian, 17.5.95, p1.

Part III

Motion
Within and without prison, the regulation of space is an act of power. Manifested in bodily movement and built form, space is used to demarcate and to place, to reward and to punish. Space is a critical component of the motion and subjection of prison life.

[Prisoners have] the right to be in the open air for at least an hour each day, if the weather permits.¹

It is argued in this chapter that forms, gaps, interruptions, solids and the objects around us all enable in us a sense of place and identity, connecting us to our surroundings and our selves. In prison as elsewhere, our bodily experiences, the pressures and resistances of space, are influenced by the form of the built environment. As such, a focus on the geography and architecture of discipline is critical. However, the notion of space, so much more than simply a void or an absence of form, is also an essential component of any exploration of the ways in which space, including its use in punishment practices, has a role to play in materiality and subjectivity. Even the size of space in prison is important, as the following writer expressed, describing the moment of her release:

MANGO: Then the gate closes. Bang! You’re back out there and suddenly you’re struck, even the air is different. I feel sick from the bigness of it all.²
In talking about prison space, it is my intention in this chapter to raise questions about the way in which we think about space in general, the way in which bodies move in or negotiate space and the way in which built form creates and reflects our understandings of space. As a specific place/space of incarceration, I will use the prison to explore how the spatial disciplines utilise notions of open/closed, permeable/impermeable, moving/still to contain and regulate. In talking about prisoners' movement, I will look at the possibilities of spatial negotiation and the potentialities of inclusion, belonging and transformation. As the aim of this investigation is to detail at an intimate level the processes and the practices of daily, bodily spatial negotiation within the design of the prison, I will focus on the way in which prisoners situate themselves in prison, the ways in which they move between and against the walls, pass through the gates, travel the corridors and the yards.

Of critical importance in such an analysis are the decision making processes which inform the location and shape of prisons. As the 1990s have seen Australia embark on its largest prison construction phase for at least 100 years, such planning questions are of particular currency. Decisions that have been made raise questions about the relationship between space and subjectivity, buildings and social order.

This chapter has been divided into five sections. The first section sets out a number of ideas around the ways in which subjectivity can be understood through spatial concepts, including its critical relation to time. The following sections look at the prison as a site of differentiation, the spatial manifestation of power in the prison and the shape and specificity of the prison. The final section investigates movement within prison space and seeks new ways of understanding the spatiality of materiality and subjectivity, including a critical problematisation of the inside/outside binary.
Moving Space

In an interview in 1976 addressed to geographers, Michel Foucault put the view that to metaphorise the transformations of discourse through a spatial vocabulary enabled him to grasp precisely the points through which discourse transformed itself across and through relations of power. In fact he described himself as obsessed by space: "Once one can analyse knowledge in terms of region, domain, implantation, displacement, transposition, one is able to capture the process by which knowledge functions as a form of power and disseminates the effects of power" (Foucault in Gordon 1980: 69). While the manifestation of spatial power is made explicit within the prison, as the discussion to follow in this chapter will demonstrate, the links between space and social order clearly point to the breadth and depth of our spatial/social conceptualisation of knowledge and change, as suggested by Foucault.

It is argued here that the ways in which we live space is through our relationship to other objects/subjects in space, including the ways in which we move against, around and between them. As such, our relationship to space is not passive and space is not simply an empty container to be filled or left empty. Indeed, space is a moving force and, as such, the analysis of space cannot ever be fully separated from the analysis of time. We fit dynamically into our surroundings, never fully still, constantly in flux.

The importance of time in the analysis of space is, for Doreen Massey, a critical component of a challenge to the phallocentrism of spatial analysis which has long promulgated the view that space is stasis and opposed to time. She links the strategy of radically polarizing time and space, and of defining space by the absence of temporality, to the mode of dualistic thinking which continues to characterise Western thought:

It is time which is aligned with history, progress, civilization, politics and transcendence and coded masculine. And it is the opposites of these things which have, in the traditions of western thought, been coded feminine. The exercise of rescuing space from its position, in this formulation, of stasis, passivity and depoliticization, therefore, connects directly with a wider philosophical debate in
which gendering and the construction of gender relations are central (Massey, 1994: 6).

Massey argues that as one of the axes along which we experience and conceptualise the world, it is critical that the notion of space as stasis is challenged, and its political force recognised.5 And indeed, the challenge which Massey proposes to the continuing separation of time and space is given credence by moves in modern Einsteinian physics, which contend that time and space cannot be separated from each other, nor from the physical systems which they create and in which we all move.6 In classical Newtonian physics, both space and time exist in their own right with space being only a container for objects which are already constituted and which, in the passive setting of space, interact. In modern physics in contrast, space and time do not exist in their own right and objects are formed through their interactions with each other and with space and time.7 In line with modern physics, it becomes essential, therefore, to think in terms of motion, and to focus on the possibilities of the productive tension between space and time.

In prison and out of prison, space creates and is created by the organisation of edges, patterns, surfaces, places, paths, objects and gazes. The demarcation of disciplinary places, in this process, operates as a spatial enforcer of social order, an attempt to firm up the boundary between same and other, inside and outside.

Edge

It is argued here that the spatial dimension of the inside/outside binary is a key element in the construction of social difference. It reinforces a form of spatial/social dualism, making clear the separation of and difference between those who are on the inside and those who are on the outside. While I have already pointed to the possibilities of a problematisation of this dualism from boundary-crossing activities, it nonetheless serves as a powerful reminder and enforcer of hierarchised difference.8 Through the erection
of structures that divide space, architecture is in a powerful position to take part in the categorisation and separation on which social order depends.

According to the following commentator, building a prison is not that different from building a corporate construction:

Mr Penfold, who works for John Holland Construction and Engineering, said there were few differences between building a prison and an office block. "The basic materials are the same and the design is not much different to those we usually work with," he said. "The big difference is that stormwater drains, air-conditioning and heating ducts have to be concealed in the walls. We also have to make provisions for the sophisticated monitoring equipment which is built into the design. I guess the fact there is a three-and-a-half-metre barbed wire fence around it makes a bit of difference as well".

I would suggest that, rather than being of minor importance, the differences highlighted by Mr Penfold above have enormous significance for the differences between prisoners and office workers. The drains and ducts are concealed in the prison in order to minimise the risk of suicide in inmates (a point I will return to in Chapter 6). Suicide is not considered to be the same risk in the workplace. The monitoring equipment and barbed wire that is considered essential for the prison is to ensure that prisoners do not escape, reinforcing their confined and excluded position. Again, a factor not considered essential for office workers who are lawfully able to leave the building. In short, locating, designing and building a prison is a vastly different enterprise from the development of an office block. And it is in these differences that the key requirements of a punishment regime become apparent.

The need to demarcate the prisoner from the non-prisoner is reinforced through the differentiation of the prison building from other buildings in form and function. In particular, this difference is formulated around the gaze and the operation of power through surveillance, a point I will discuss in the following section. However, the moment or place of demarcation is also critically important. In the solidity of the
walls that divide the inside from the outside of the prison, I would suggest that there is also a point of fragility, based on a fear of disorder and the need to prevent contamination.¹⁰

As a sign of the edge, barbed wire has particular symbolic value for prisoners, as the following interviewee expressed:

I suppose it’s possible to escape, but you looked through your cell window and there was wire, wire was everywhere. They had some type of bird-proof razor wire. They say leaves and birds can’t land on it. They put razor wire on top of the granite walls to let you know you’re a prisoner.¹¹

The fragility of the prison edge has been highlighted in recent years in Australia in the debate surrounding the closure of a number of the prisons that were constructed across Australia from the late 1830s to 1880. It has also been evident in relation to the much-publicized (and largely privatized) new prison building program that is now well underway across number of states. The manner in which these closures and openings have been so widely discussed provides insight into the contemporary role that the prison plays in notions of social order and punishment.

As a former penal colony, Australia has a particular relationship to punishment and the spaces/places of confinement. Joan Kerr, in examining the role of architecture in Australian penal history suggests that, while conformity can be enforced comparatively easily when humans are confined within circumscribed architectural units such as cells, homes, settlements or towns, it is the spaces between them that contain the potential for trouble. As such it is the space between any formal units that became the key focus of surveillance:

Although obviously part of most penal systems, inspection of space rather than form was a principle particularly applicable in Australia. It was this above all which identified the continent with the gaol .... In the spaces between the visible, ordered parts of this open-air prison the onus was on the moving figure to prove that he or she
was not a convict in order to have the right, like the prison warder, to patrol its corridors freely" (Kerr, J., 1988: 2).

Examples provided by Kerr include the space between two prisoners in an exercise yard, the corridors separating rows of cells and the sterile zone between the inside and outside of a prison complex (Kerr, J., 1988: 1). As was suggested in Chapters 3 and 4, it is the interstitiality of categories and spaces that cause unease. In a way which reflects this discomfort, public reaction to the redevelopment of our historic prisons is somewhat ambivalent, exhibiting the pleasure and the pain of the abject, an ambiguity that is captured in the following poem:

A tourist closes the door of the cell,  
the solitary cell, setting off  
dark, panic and a faint whiff  
of madness, shit, blood.  
The floggin yard's rough triangle  
stands lonely in the centre.  
Someone pretends to be a prisoner,  
laughing as she leans against the poles  
and the boyfriend snaps.¹²

Officially opened for the tourist experience, a number of Australia's historical prisons have in recent years been inundated with people keen to catch glimpse of life inside prison walls. While the light and smell, the panic and madness of the prison cell circulates and penetrates the visitor above, she notes the laughter in the yard of someone being photographed. Somehow the laughter shocks, it is both nervous and painful. The discomfort of the visitor to the prison captures the revulsion and fascination of the abject. Being able to go inside prison, if only as a tourist, becomes a moment of crossing to the other side, of glimpsing the unknown. It is both gratifying and distasteful. For those who were inside as prisoners, this tourist intrusion can be problematic. Ultimately, the other side remains in shadow:

As I join the giggling gerties and hand-holding couples that wander through H Division, I wonder if they'll ever know how bad it really was, because the official
documentation belies the truth. Sure the rocks, the hammers and the labor yards are preserved in all their splendor, but the blood, the screams and the fear are but shadows in bluestone dust.\(^\text{13}\)

Since its closure in November 1997, an unprecedented number of people took what *The Bulletin* described as the “morbidly fascinating” tour of Pentridge, one that is “certain to dispel any misconceptions about the comforts of prison life”.\(^\text{14}\) Similarly in New South Wales, there has been a very high level of public interest in visiting Paramatta, with people queuing to visit and see what is behind the walls:

For 135 years, Parramatta jail was a place from which people tried to escape. But this weekend, Sydney residents will be queuing to be allowed inside .... The oldest building, opened in 1842, was still in use until last month. The Minister for Corrective Services, Mr Debus, said Parramatta, with its sandstone walls, was no longer appropriate for modern rehabilitation.\(^\text{15}\)

The closure of both Parramatta jail in New South Wales and Pentridge in Victoria has raised the issue of what to do with the space of the now closed (were they ever open?) prisons. Newspapers at the time of the closures speculated on the possible outcomes for the sites:

Parramatta jail, once one of Australia’s toughest penal institutions, may become a boutique hotel or even accommodation for Olympic tourists under plans being considered by the Government .... The choice will be difficult, as the historic nature of the jail means the original buildings must be preserved, leaving little room for alterations.\(^\text{16}\)

Melbourne’s historic bluestone-walled Pentridge Prison will soon be the site of a unique residential development .... Australia’s last execution was carried out at Pentridge in 1967 when prisoner Ronald Ryan was hanged. However, the future of the property appears much brighter than its past, with the total 37 ha site expected to yield more than 1,000 new homes as well as parklands and retail outlets. As well as its historic significance, the property also contains many large 20th century buildings and
additions. The final development proposal, however, is expected to feature the prison's forbidding front gates and bluestone walls as well as preservation of its heritage buildings.¹⁷

Of particular interest in these discussions of the development of the old prison sites is the tension between the demands of the future, including possible alteration of the site, and the demands of history, including heritage preservation considerations. While such tension is not surprising given the age of the buildings and their place in the history of Australian architecture and urban planning, I would suggest that there are also concerns evident which relate to the specificity of the historic sites as places of social exclusion and punishment, that is, as prisons.

In relation to Pentridge, while 1,000 new homes may be built, they will be constructed within the boundaries of the former prison, the "forbidding front gates and bluestone walls". While such an action may be one way of recognising the deaths and suffering of many who were inside Pentridge, it is important to question if retention of the walls and gates is also a way of reinforcing the otherness of the site, forever a place of containment and even contamination. As was pointed out by the then Finance Minister Roger Hallam, the bill for cleaning up the site was of "mind-boggling" proportions: "The difficulties we will confront include decontamination of the site, the removal of some kilometres of chain-wire fencing and an even longer length of razor wire".¹⁸ While it is unclear exactly what "decontamination" of the site would involve in this context, it clearly recalls notions of the diseased other. With the removal of chain wire fencing and razor wire once decontamination has occurred, crossing from one side to the other will no longer be problematic given that the site has been made healthy. However, the retention of the gates and bluestone walls remains an ambiguous gesture. Signalling what was once the edge of the prison, the walls can now be navigated at the same time that they continue to play a role as reminder of the possibility of inside/outside demarcation. And the gates, once a point of crossing, a contiguous entrance and exit, are now a symbol and reminder of the possibility of closure and containment. They threaten or tempt us with difference, playing on our fear of falling over into the other side, the formless, unknowable yet somehow tantalising other.
As the old prisons have closed over the past decade, there has been a surge in new prison building taking place across Australia. While the design and construction of these new prisons will be discussed in the following section, there is little doubt that this surge in building has demonstrated that locating prisons is a politically sensitive process. According to Joan Kerr, this is not a new problem. Drawing from historical evidence, she argues that:

All prisons were regarded as 'blots on the landscape', sources of contamination which transferred evil associations on to adjacent areas simply through their continuing existence. Finding a site for any new prison building has always been a major headache for the authorities (Kerr, J., 1988: 3).

The following two contemporary examples, which refer to new prisons in Victoria and South Australia respectively, show the contentious nature of such decisions:

Protesters released balloons into the sky last Sunday as a symbolic gesture of resident opposition to State Government plans to build a 600-bed men's prison and a 125-bed women's jail in the western suburbs. The member for Doutta Goulia, Ms Monica Gould, said the Government was treating the west as a dumping ground. "Every time there is something no one wants, where does it go...the west. The west has been treated as a dumping ground, a wasteland," she said.¹⁹

People living near a possible site for Adelaide's new 700-bed, privately operated prison say the will not have a bar of it .... They were worried about escapees, falling house prices and the damage a prison would do to the suburb's image .... "I certainly would be opposed to a prison. It would bring down the area and give it a bad name," said Mrs Michelle Matte, 39.²⁰

Prisons continue to be associated with wasteland, thus devaluing the surrounding areas. Although they are at the edge between the inside and outside of society, the contaminating properties can leach into surrounding landscapes in a manner which recalls the leaky characteristics of the prisoner's body.
Furthermore, in pointing to the increasing trend to locate new prisons either in country areas or on the periphery of the major metropolitan centres, David Brown suggests that, while this may be of economic advantage to the owners of the prison, it has distinct disadvantages for inmates. His argument is based on the symbolic and material exclusion of prisoners from their families and communities, and also the problems of distance and cost of travel. Brown describes such moves as "the new transportation" suggesting that "expulsion takes many forms" (Brown, 1992: 32). He argues that while the old traditional prisons in the main metropolitan centres often had appalling physical conditions, they at least had a physical relationship with local communities.

It is clear that the built environment is a critical forum for the exercise of power, including the erection of boundaries to differentiate between the activities of certain spaces and to prevent certain spatial crossings. While a new prison may fit uneasily into a particular landscape, it will solidify over time in its role as a spatial enforcer of social order and as a constant reminder that there is an other side of the edge.

**Gaze**

The work of Foucault serves to bring us up abruptly against space as a mechanism and technique of power. As he argues "in the first instance, discipline proceeds from the distribution of individuals in space" (Foucault, 1977: 141). In particular, consideration of the prison in *Discipline and Punish* and his analysis of Jeremy Bentham's panopticon\(^2\) as a method of surveillance has been critical in this context. Indeed as Michel de Certeau suggests, the panopticon is "the technology by means of which visibility transforms space into operator of power" (de Certeau, 1986: 194). As a form of power, surveillance, particularly the asymmetrical visibility of the panopticon, relies largely upon self-regulation as it is formalised through spatial design, linked to the unpredictably timed regulation of the gaze:

He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he

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inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection (Foucault, 1975: 203).

Linking visibility, space and power in this way points not only to the power of space as a tool of regulation but also to the spatiality of power. For, if we situate ourselves in space through our perspectival relation to other objects, the power relations of seeing (the asymmetry and the penetrability of the gaze) are an integral part of the moving relations of objects in space.

In an argument which supports this point from a different perspective, Massey suggests that the spatial is “social relations stretched out” [Massey, 1994: 2]. For Massey, keen to point to the political nature of space, social relations are multiple and dynamic and exist across all spatial scales. By focusing on the moving social relations in space, she emphasises space as an “[e]ver shifting geometry of social-power relations” (Massey, 1994: 4). Thus the movement of power/politics determines space. And, I would suggest, in such a scenario, power is spatially enabled and enacted, both determining and determined by space.

The panopticon, or all-seeing prison, was made up of tiered cells arranged in a centralised configuration, at the hub of which was positioned the guard's viewing tower. Many of the principles which underpinned this design were applied in subsequent prisons, including the separate system, which was the most common early Australian solution to the first stage of a long-term prisoner's sentence. The separate system was founded on the confinement of prisoners in individual cells to keep them separate from each other. According to James Kerr, the treatment was designed to prevent contamination, oppression and recognition by other prisoners and to promote reflection and remorse on the part of the individual prisoner (Kerr, J.S., 1988: 160). Prison design was seen as integral to this process of prisoner reform, and resulted in the star-shaped or radial prisons which dominated colonial Australia.

Kerr suggests that in the radial systems, the architecture precisely matched the purposes of strict isolation, hard labour and moral introspection as a means of reform and salvation, combined with total ease of
supervision by a minimum of staff. As examples, in Australia, from the late 1830s to 1880 the traditional form of major NSW gaols consisted of detached wings radiating from a central chapel and linked to it by an iron bridge. In 1860s Victorian gaols, the wings - both cruciform and radial - were directly attached to a large central hall, mainly for better internal surveillance but also perhaps because of the colder climate. In Queensland during the late 1870s and 1880s the wings were grouped around an open space (Kerr, J.S., 1988: 113).

Without doubt, the prison attempts to materialise penal theory, creating structures that move and shape bodies in particular ways and according to particular ends. While Kerr above suggests that the end is reform and moral salvation, loan Davies suggests that a more complex set of discourses are in play, and that all prison spaces are gradations on the route to realisation of the corrective ideal. They are spaces filled with the competing claims of the abstract mechanisms of law (punishment and rehabilitation), theology (salvation), politics (order), and architecture (control, neutralisation, elimination). In the midst of such competing claims, the architectural site of the prison serves as a locus, turning these abstract mechanisms into highly structured daily tasks, relationships and symmetrical shapes (Davies, 1990). As a pursuant of the corrective ideal, prisons thus come to reflect the major claims of penal theory in architectural form. According to Robin Evans, the fundamental aim has been the reform of corrupted character, and prison architecture was developed quite consciously as a means to this end (Evans, 1982: 363). Indeed, increasing technical sophistication was a consequence of successive failures to achieve reformation, which were frequently seen as failures of performance in the prison building. It was in the "technology of the prison" that the possibility of reform was to be realized (Evans, 1982: 363). This use of the word technology in relation to a prison building is illuminating, and reflects the concerns of Foucault who described the panopticon as a laboratory that "could be used as a machine to carry out experiments, to alter behaviour, to train or correct individuals" (Foucault, 1975: 203). As punitive technology, the prison building itself comes be vested with power:

The major agencies of compulsion were not the governor, the chaplain or even officers, but the building itself, inescapable, all-encompassing .... for bricks and
stones, blameless in themselves, absorb passion and hatred endlessly. The reformed
prison was, from this point of view, a subtle and brilliant retribution that vested in a
place properties that had hitherto been vested in persons (Evans, 1982: 419).

The relationship between prison form and function has received renewed attention in Australia and
internationally with the construction of new prisons in response to both increasing prison numbers and
new approaches to penal theory. In the context of this boom, changes are evident in new types of
buildings and regimes. Leslie Fairweather describes the new approach to prisons as part of the "New
Generation" attitudes to penal reform, originating in the 1970s in America. According to Fairweather, the
term did not refer to design as such, but to new ways of managing prisons, to which design then had to
respond:

The architecture which resulted avoided long grey corridors and tall galleries, and
replaced them with small groups of cells arranged in only two levels around multi-use
communal areas. Staff could control inmates less conspicuously and foster better
personal relationships; and prisoners could be allowed considerable freedom of
movement. Each cell had its own sanitation and a window to the outside air.
Decorations and furnishings in these new prisons were cheerful and attractive,interiors light and airy, and noise levels kept low (Fairweather, 1994: 25).

In line with such international moves, one of the principle design imperatives that has driven the
development of new prisons in Australia has been the push for facilities designed with the implementation
of Unit Management principles in mind. According to Architect, the newsletter of the Victorian chapter
of the Australian Institute of Architects, present day prison management has attempted to normalise
incarceration environments through its promotion of the philosophy of Unit Management. This
philosophy is based upon the division of the prison population into smaller groups so that a more
personalised management of prisoners can be achieved. These smaller groups of prisoners are then
accommodated in clusters of cells which in turn are organised around industrial, recreational and other
common use type facilities resulting in a campus style layout which diverges from traditional radially
planned prisons (Sciallu, 1996: 4)
According to Fairweather, the aim of “New Generation” design was to give each prisoner a "sense of place" within a new-style large institution, quiet, cheerful, attractive, light and airy. Similarly, the “campus style” layout of new Australian prisons seeks a more personalised management of prisoners. However, integral to this new prison organisation is the fact that, as Fairweather states, “staff could control inmates less conspicuously”. As such, the “sense of place” is infused already with a sense of being watched, a gaze that may be less overt than the panopticon but just as effective. Iona Spens argues that visibility within the prison can be achieved in different ways. While unobstructed visual observation has been a persistent thread in the design of prison buildings, there is increasing popularity for the view that “surveillance is not achieved by absolute visibility but by the officer's awareness of what is going on” (Spens, 1994b: 9). As the institution is encouraged to be broken up into smaller, self-sustained units, in more 'open' spaces within the boundary of a secure perimeter, it is argued that the physical barriers between officers and inmates are also broken down, thus increasing visibility. According to Spens, these new designs are supposed to assist the environment to become more human since “[m]ore dignified accommodation in an environment which facilitates movement, interaction and change is evidently more conducive to rehabilitation and, ultimately, reintegration into society” (Spens, 1994b: 11). Like the self-regulation integral to the panopticon’s gaze, these new forms of visibility also require the active participation of the observed. If self-regulation does not take place, the gaze is not enough to ensure that the punishment is carried out.

While Unit Management is supposed to increase the personalised management of the prisoner, one interviewee suggests that the ability to reconcile a supportive and a punitive relation between staff and inmates is limited:

So Unit Management in all its wisdom means that I’m supposed to sit down and have a cup of tea and chat about my problems with the same bastard who strip-searched me the week before. Get real.
The question then becomes one of whether or not Unit Management is really so different from previous forms of looking and surveillance. Indeed, in its covertex, it may even be more intrusive. Thomas Markus argues that the new way of designing/managing prisons is not very different from that which has gone before. He says:

In the name of creating a ‘community’, the vast institutions have become fragmented into smaller, low units, in which vernacular materials such as brick and timber, sloping roofs, dormers and picturesque cottage gardens feature. What, often, is not evident is that the spatial structure, functional programme and institutional regime which accompany these forms often bear much greater similarity to their nineteenth-century pre-cursors than do their novel forms. In the end, those are likely to influence the quality of life and social relations in a much more powerful, and lasting way, than the formal imagery (Markus, 1994: 19).

While Markus recognises that the buildings have indeed changed, he suggests that this change has been focussed on formal imagery rather than spatial structure, and that the ways in which program and regime characterise the use or spaces remain little different from last century. If Markus is correct, then the claims of the “New Generationists” that design has developed from new management practices, including Unit Management, must be questioned.

As an example of this, the Prison Development Plan for the Men's Metropolitan Prison in Victoria aims to create an “aesthetically pleasant non-institutional environment and ease of management”. The plan states that “[t]he buildings are designed to include natural light and a feeling of space. All accommodation units open out into associated courtyards. Building materials and finishes, colour schemes and landscaping, are all intended to create a cohesive environment”. While I will return to a further discussion of colour, landscaping, materials and finishes in the following section, it is important to examine the focus on creating a “non-institutional” and “aesthetic” environment as a way of fostering rehabilitation. The New Prisons Project, Victoria argues that:
The key design principles have been to allow for the greater degree of 'normalisation' for prisoners, while ensuring the highest level of security for the community. The philosophy of the site planning has been to organise and develop the architecture in a manner that engenders and fosters a community feeling within the campus. The facility as a whole is designed to provide a physical environment which mirrors the living and working conditions found in society.26

A critical component of an "aesthetically pleasant" environment, it would appear, is one that mirrors the conditions of "normal" society. In a way which challenges the social processes of abjection which see prisoners relegated to dark and dirty places,27 new prisons want to shed light inside the prison creating a community, not of outsiders, but of normal human beings. How different this is for the reformist and salvatory goals of the radial and cruciform prisons remains open to question.

As a point of both exchange and differentiation, the location of the prison and its relation to the surrounding area is critical. In line with Unit Management philosophy, experts note that in the newly constructed Metropolitan Women's Correction Centre in Victoria, "[f]amiliar materials such as concrete block walls and Colourbond corrugated steel roofs in Heritage colours have been selected to give the Centre a simple, low-key Australian feel" (Mow, 1996: 9). At the Fulham Correctional Centre, also in Victoria, "[t]he design aims to provide a self-contained community environment in character with the rural setting. Building forms are softened and unified by the use of curved roof lines. Landscaped earth forms are used to soften the environment where possible without compromising security".28 As such, construction was supposed to mirror, as far as possible, the vernacular buildings of the locality in terms of massing, scale and detailing. There is a limit, however, to how far such normalising activities can go. In particular, the ability of the prisoner to ever return the gaze is severely limited. In the Prison Development Plan for Fulham Prison in Victoria,29 part of the New Prisons Project, a view from the inside to the outside of the prison is explicitly inhibited. The Plan states that "[e]xisting windbreaks will act as visual screen in addition to trees clustered around farm buildings, both as a form of protection and a means of providing enclosure and colour. These serve the dual purpose of hiding the buildings themselves and creating a barrier to views outward from within."30
And, while the form of the barriers may have changed between the inside and the outside of the new prisons, they are nonetheless just as impenetrable. Thrown by the attractive appearance of the new prison complex in New South Wales, one commentator made the following observation:

At first sighting, Silverwater prison complex could be a big high school - not completely unattractive, surrounded by secured playing fields or recreational ovals - until you come to the STOP sign on the boomgate and the unsmiling Correctional Services officers manning the checkpoint. There are no sandstone walls and watchtowers here: just cyclone fencing, very high, rimmed with what looks like a giant tubular worm running all around the top. It's the modern way of keeping the punters inside. Try climbing up and over a four-gallon drum placed on its side on the top of a goal post and you'll get the general idea.\(^\text{31}\)

While we have seen a shift in ways of building and managing prisons over the past two decades in Australia, the questions remains as to how different the outcomes are for prisoners. Although the gaze may have moved or changed, its direction and intention have not, despite new forms of supervision and personalised management. And, although the prison might look different, as we shift from radials to clusters and the watchtowers are removed, it continues to perform similar regulatory functions and may be an even more intense form of surveillance.

Place

GAUNT: Who gave you permission to stop, Dale?
DALE: I, er .... the wall.
KERT: Wall? What wall? That’s just a figment of your imagination. If we tell you there’s a wall, then there’s a wall.\(^\text{32}\)

The determination of “place” is a contested process, an effect of spatial power relations, open to constant change. As such, it is not hard to establish in the example above who is the prisoner and who are the
guards. The ones with more power in this exchange, the guards, establish where the prison wall begins and ends.

The specificity of the prison, with its sharp edges and unwavering gaze, has led to a positioning of the prison site within the social imagination that is different to that of other places. Conceptualisation of prison space is constantly required to seek the “uniqueness” of the site, its character and even its soul. While I pointed in Chapter 3 to the metaphorisation of the prison as a monster (eyes and breasts), the closure of old prisons in Australia has led to other forms of prison personification. According to the acting Governor, Paramatta Gaol might be missed by some of its inmates:

Even a medium-security prison like this, used essentially for remands and prisoners en route to other jails, is an oppressive web of walls to separate space into small segments, of metres-tall mesh fences, of guard posts, heavy clanging doors and, along every wall and roof ledge, lethal silvery loops of ‘razor tape’ .... For all that the acting Governor, at least, finds Parramatta "a great place to work" and wonders whether inmates, too might not miss some of its unique character.33

An ex-jailer of Parramatta, John Smith, who served as a jailer from October 1959 to his retirement in August 1986, provides some clues as to what this “unique character” might be. According to Smith, in Parramatta "[p]risoners had no choice but to tolerate cold cells, the night soil tins in their cells, the basic meals and the discipline".34 Thus the specificity of the punishment regime, spatial and temporal, was an important element of the unique character of the place. Without doubt, the "oppressive web of walls" the separation of space into small segments, the fences, the guard posts, the clanging doors, the razor wire and the sandstone walls would also have contributed to its unique character.

It is argued here that a key element of place is the need for it to be distinguishable from different or other places. A place can be an object in a void (a bench in a yard) or a void in a solid (a prison cell). A place can also be an edge between voids and solids or a moment of crossing (a gate). However, of critical importance in looking at place, and indeed in looking at the action that takes place in, against and under
the voids and solids of the prison, is a refutation of the staticity of space. Places shift and change, affected by the movement of objects within them, even within the terrifying solidity of prison walls.

For Massey, the conceptualisation of space as stasis has had a significant impact on the way in which we understand place. She argues that place is too often seen as bounded, as a site of authenticity and as “singular, fixed and unproblematic in its identity” (Massey, 1994: 5). Place is not static and does not have boundaries in the sense of divisions which frame simple enclosures. Rather it is a process in which places exhibit multiple identities, full of internal conflicts. Indeed, an alternative way of understanding place would be to see localities as present in one another, simultaneously inside and outside. Such an approach could be achieved by stressing “the construction of specificity through interrelations rather than through the imposition of boundaries and the counterposition of one identity against an other” (Massey, 1994: 7). This approach does not deny the specificity or the uniqueness of place, rather it enables the complexity of place to emerge. In suggesting that place is too often seen as bounded, it reminds us of the borders which seek to mark off the masculine from the feminine, constituting subjects, and determining the limits of the inside. In effect, the bounding of space is an attempt to solidify the identity of place, just as abjection seeks for firm up the distinction between same and other. Massey suggests that rather than attempting to impose fixed meaning on a place, it is important to contest the process:

[T]he particularity of any place is .... Constructed not by placing boundaries around it and defining its identity through counterposition to the other which lies beyond, but precisely (in part) through the specificity of the mix of links and interconnections to that ‘beyond’. Places viewed this way are open and porous (Massey, 1994: 5).

It is difficult to imagine a process of empowered placing in the prison, with its hard edges and constant gaze. And indeed, the masculinity of the building is often drawn upon to reinforce its impenetrability. Prison buildings need to be potent in order to en-space, as the following newspaper headline attests: “Escapees expose jail impotency”. And they have a very real potential to penetrate:
Run your thumb along the blades, the wire is unambiguous, precise - the points hunger only for flesh, for penetration; reach carelessly, stumble, and the blades slide easily into meat, without fuss. 37

Such a metaphorisation of the prison as masculine strengthens its position as a site of firm boundaries, established to maintain the separation and exclusion of the vile and shameful other. 38 As such, it is important to examine the surfaces and the shapes of the prison to look at the ways in which it undertakes this differentiation. However, in so doing I will also seek to dislodge the walls, to show up their fragility, to find the gaps and the potential power of emplacement for the prisoners. All this is not to ignore the impact of the solid prison surface on the inmate:

And you do go stir crazy, especially as it's all enclosed and all concrete, it's surrounded by building itself all the time. 39

There is little doubt that building itself can act as an oppressive force, in addition to the fact that it cannot be physically/legally traversed during the time of the sentence. And indeed, prison walls are built from materials chosen for their impermeability such as bluestone, sandstone and concrete.

The use of bluestone in the construction of Pentridge has had enduring mythical impact. Known locally as the "Bluestone College" the rocks seem to be invested with a particular potency, hardness and stillness. However, while this barrier would seem to be impermeable, there are ways of entering its fabric. In the example below, the walls have taken in the fluids, the excretions, the suffering of the inmates and, in a sense, held on to them as some form of historical testimony.

Touring the prison is an emotionally draining experience. It is a harsh, bleak place with a pungent smell that gets into your bones. Decades of sweat, dirt, urine, vomit and fear have seeped into the bluestone walls. 40

The ability of the prison to absorb the abject body fluids of the inmate is a sign, not only of its own (porous) materiality, but also of its potential to collide with the (porous) materiality of the prisoner. It
becomes a moment of exchange and inscription. By suggesting this, I am pointing to the possibility that the physical place that is the prison cannot be separated from the way in which it is lived. That is, it becomes increasingly clear that we not only inhabit a place, but are inhabited by it through some form of exchange, linked to the strategic movement of our senses. According to Ioan Davies, the cells, yards, walls, corridors and gates of the prison are inscribed by the prisoner who "write[s] his way into and onto his imprisoned space" (Davies, 1990: 62). Without this inscription the prisons are, for Davies, "mere spaces" and therefore incoherent (Davies, 1990: 66). Such a view contrasts with the suggestion above that building itself can be oppressive. Perhaps, after all, this oppression can only be recognised in the relationship, the exchange, between the building and the prisoner. The power of the prison to inscribe/be inscripted, or as in the following example to be part of a metamorphic transformation, is significant.

CAZ: Prison can become a haven you know. All that concrete - walls and a limited horizon. You can become one with the stone. It's a good teacher, cold, hard with just the slightest pulse. The world forgets you after a while and you begin to think you are a piece of stone.41

The necessity of seeing the prison as inseparable from the prisoner (building merging into body) is explored in more general architectural terms by Elizabeth Grosz's counter-positioning of architecture and spatiality with Deleuzian rhizomatics.42 Grosz asks:

How to move beyond the pervasive presumption that subjectivity and dwelling exist in a relation of complementarity, either of containment (space or dwelling houses or contains subjects) or expression (space or dwelling as the aesthetic or pragmatic expression of subjectivity)? ... In short, how to think architecture beyond complementarity and polarization, beyond subjectivity and signification? (Grosz, 1995: 127).

In this move, Grosz is asking whether or not the edifice of a building can in itself be rethought in terms of dynamic surfaces, or as surface which inhabits us as much as we inhabit it. Subjectivity and dwelling come to co-exist as connections or exchanges. Prisoners and prisons become inseparable, the
materialities of buildings and bodies integrally entwined in both space and time. Space/time, as part of
the dynamic of sentencing and containment, reminds us of the changing nature of the interchange between
subjectivity and dwelling:

I was a little colder and a little older, more a part of the prison and its atmosphere, part
of the grey cloud that dismally envelopes it. This atmosphere got me down when I first
came in but now it had become part of me. I became an emptiness gas-filled with the
grey cloud.43

Four cold walls. Day in, day out, staring blankly. The harshness of this room
conveying messages to me of truth. Alone, abandoned once again, rejection, loss. Each
day, a piece of my mind blending in with the dull pink colour of the paint on the wall.44

Practices of inscription and inhabitation are a point of surface connection between the prison and the
prisoner, neither remaining unchanged by the exchange. They are about making space fit, as well as
fitting space. Of course, in the prison, and particularly given the regular and violent nature of cell
searches and confiscation of personal possessions, settling in to spaces or feeling any degree of comfort is
a high-risk activity.45

Eddy Withnell argues that the spatial reality of the criminal's environment determines patterns of
socialisation and communication and that this has consequences for society more generally (Withnell,
1984: 61).46 He suggests that the spatial reality can be broken down into four basic units: the 'slot' or cell,
the yard, the parade areas and the staff offices. He emphasises the centrality of the cell for the individual
prisoner and for the prison as a whole: "In the final analysis it is the slot where all 'crims' (criminal
inmates) are kept, it is the custodial soul around which the institutional body is built" (Withnell, 1984:
61). Here, I would like to look at what inmates think of the cells of their prisons. The yard will be
discussed in detail in the final section of this chapter.
Then after I'd been convicted, they put me into a cell, which didn't have a door on it, it just had a grille. And there were four in the cell. The whole door was grille, just bars, a cage.47

So you really had nothing in your cell. You could have a TV. I used to rent one at a dollar a week. Black and White. Three books. The bed, toilet, washbasin. A seat, a little iron seat and a little iron table which was clamped to the wall.48

You get your own little space. They're pretty modern because its a new jail. A bed, a desk, a little cupboard space, power points, just like a bedroom really.49

These three examples suggest the range of relations inmates have with their cells. They are cages or bedrooms, shared or single, empty or modern and well-equipped. For Davies, it is the fact that the cell physically surrounds the prisoner that leads to the prisoner writing his way into and on to his imprisoned space: "the cell written all around him forces him to make his own inscriptions" (Davies, 1990: 61). For Davies, inscriptive tactics might include graffitti, writing on or touching walls. For the following inmate, it includes dressing wall surfaces:

The room was shared. It had a bunk. Very small. But you could do it up, it could be nice. Well you know the girls are pretty, well you know our imaginations, we put curtains up, you know and little bowls with flowers and you know you've got your doona.50

Withnell suggests that for the prisoner, the cell is a symbol of himself. He says: "Once the day has wound itself out and the heavy door slams on the world, he places his physical body into a state of suspended animation and gives rein to his inner self" (Withnell, 1984: 62). The cell becomes a safe(r) space for the self, for survival:

It was relief, at the end of every day, when you were finally locked away in your little cell, to be away from 'them' and in the comparative sanctuary of your own mind and space.51
You have your own cell and the shower in your own cell which was, you know, by the time you got back there, you were back to being sort of human again.52

Just as the prison cell is simultaneously private (personalised) and public (visible, searchable), the space of the yard is also doubled in that it is simultaneously open and (en) closed. Depending on the specificities of a particular prison's spatial organisation and daily routine, it can be a space in which a large part of a prisoner's time is spent, including the majority of time spent with other prisoners. As such, it plays an important role in the processes of spatial negotiation, including those of inclusion, belonging and transformation, connections that I have signalled as critical to understanding the way in which subjectivity is negotiated in space. In Withnell's yard: "Space is at a premium, nothing exists beyond the yard" (Withnell, 1984: 66).

Within the ugliness of so many prison yards and beneath the momentous inscription of walls, wire and guard towers, it is important to recognise the yard as a place of critical body/subject negotiations in prison. Such negotiations, it is argued here, play an integral role in the survival of the prisoner, and may provide insight into the ways in which materiality and subjectivity are enabled through the movement of objects in space.

Objects

The potency of the prison and its ability to enclose and enforce is further accentuated through the movement of prisoners inside the prison. While new forms of prison design, modern means of surveillance and changes to daily routines may alter the way prisons are spatially organised, the movement of bodies within the boundaries continues apace. In essence, whatever the patterns of organisation and relations, prisoners are always located somewhere in space, colliding, connecting, transforming. In a move which acknowledges the critical nature of this interaction, Elizabeth Grosz suggests that:
It is our positioning within space, both as the point of perspectival access to space, and also as an object for others in space, that gives the subject a coherent identity and an ability to manipulate things, including its own body parts, in space (Grosz, 1995: 92).

By perspectival access to space, Grosz suggests that the shape of space - form and size, direction, centredness - derive from perceptual relations. That is, they are not conceptual impositions on space, but are ways of living as bodies in space. In this context perceptual relations refer to ways of seeing, hearing and touching. Therefore without the existence of objects, space has no representable or perceivable features. Indeed, the spatiality of space is determined by the objects it contains, but not the space of their containment (Grosz, 1995: 92).

What then of the potency of the prison building, the solidity of the walls? While I have pointed to the fragility of prison materiality, a tension nonetheless remains between the restriction of movement inherent to the power relations of the prison (and reflected in its shape and matter) and the definition of space as determined by the movement of objects within it. After all, objects which move in certain ways or cross certain boundaries are severely punished in prison. This tension, which I would argue is a productive one, challenges the fixity of form by emphasising the potential of moving objects to shape space, even within the containment of the cell or the yard. And indeed, it is through examination of the perspectival access to space, and the potential reclamation of space, that the spatial corporeality of identity can also begin to be explored. Indeed, for Michel de Certeau, the possibilities of resistance to disciplinary regimes are substantial. He says that the most totalizing sites of oppression can be sites of liberation given that the surface of order is "everywhere punched and torn open by ellipses, drifts, and leaks of meaning: it is a sieve-order" (de Certeau, 1984:108).

Furthermore, rather than a sense of stillness or stability, it is important to try and capture the movement inherent in the negotiation of space, what Elspeth Probyn describes as "the ways in which space presses
upon us" (Probyn, 1996: 10). Probyn talks of outside belongings, surface connections, desire for some form of attachment, what she calls "a process fuelled by yearning rather that by the positing of identity as a stable state" (Probyn, 1996: 19). She proposes that we develop a:

sharpened acuity to the machinations and configurations of desires as they play out on the surface - a surface upon which all manner of desires to belong are conducted in relations of proximity to each other, a milieu in which different modes of belonging fold and twist the social fabric of life, so that we find ourselves in unexpected ways using desires for belonging as threads that lead us into unforeseen places and connections (Probyn, 1996: 20).

Within the prison where space is so precious, where it is guarded or sought, the movement of objects in space can take on particularly loaded meanings. Prisoners move in, create and are created by space. Central to these processes are the ways in which they move against each other (seeing, hearing, touching, smelling), sensory explorations that are critical in the construction of material subjectivities, determined by their experiences of living as bodies in prison space. As I suggested in the previous section, as a point of interchange, the yard is a critically important place in the prison. According to Withnell, in the yard the ways in which prisoners walk, sit, look and stand in particular ways and in particular parts of the yard is full of meaning. In sum, "[t]he hierarchical structure of crim society dictates that the 'heavies' (long term, solid or staunch crims - 'good blokes') accrue and hold the prime real estate" (Withnell, 1984: 70). In the yard there is a whole conversation happening throughout the prison, without the mouth, through the eyes. Eyes are regulated, turned on, switched off, moved around. For some, eye contact becomes a game:

fire breathes from tattooed
dragons on muscled arms & eye contact
in yards is a game which costs nothing
to play but a packet of tobacco a week
for the weak.

For others, getting it wrong can be unsafe:
But you can't actually look at anybody in the eye, because if you look at anybody, that's enough to set some of them off.\textsuperscript{56}

Sightings can of course have many different meanings:

And then I saw her. And I knew straight away. She was just so beautiful she had this long hair then. And she just looked right back.\textsuperscript{57}

Seeing, for prisoners, makes possible different kinds of relations. It is an act of spatial negotiation, an object exchange, a movement and point of connection across the yard. Whether it is an expression of authority, a game, a moment of insecurity of desire, it has a critical role in the determination of spatial, prisoner-to-prisoner relations. However, in the specificity of prison spatial relations, “surveillance” of one prisoner by another can also be very problematic, recalling as it does the gaze of disciplinary practices. In recognition of the complexity of the objectification of the prisoner, Withnell suggests that the taboo against staring is inviolate:

A 'Morton Bay fig', a 'gig' or 'morton' (a busy-body, a starrer, idle watcher), is despised not simply because a crim is often engaged in illicit activities and fears arrest, but more importantly, he has been reduced to his crime, a deviant object, a specimen beneath the microscopic eye of his gaolers: staring reduces him to just that, an object or specimen (Withnell, 1984: 72).

To reclaim seeing as an empowered act of spatial embodiment is a complex process, subject to constant contestation and regulation. The variations in cultural meanings that can be attached to eye contact means that cultural and racial difference are an important indicator of this complexity. In this way, the fact that an Aboriginal prisoner may choose not to look a guard in the eye when requested can be mistaken for insolence, when the act of looking to the ground was intended as a sign of respect.
Hearing is also an essential part of the negotiation of prison space. As the following example shows, hearing noise can be a source of annoyance, preventing thought:

The second thing was to somehow become oblivious to the noise level. Inmates were allowed to bring cassette players and radios into the yard and quite a few took advantage of this concession. The result was that two or more cassette players would be booming out on high volume plus a couple of radios on pop stations, all of which was supplemented by the television which was continuously switched on. The cacophony of sound could only be likened to the noise level at the centre of a fairground and personally I found it impossible to think, let alone read or attempt any form of study.58

And, it is clear that touch is a particularly important aspect of spatial negotiation in prison, a point I will return to in Chapter 7 in the context of a discussion of desire. As a moment of bodily connection, it serves not only to remind us of our bodily barriers, but also the possibilities of openness, entry and exchange. While this may not always be positive (a touch can also be violent), it nonetheless offers a confirmation or affirmation of existence.

VITA: [...] Oh!! I need to be touched - so I can feel I'm still alive. 59

Apart from his twice-yearly hugs from his daughter and grandchildren, Lawson lives his life without the touch of another person. Our handshake on the morning of the interview was the first time he had touched anyone for several months. "I yearn for the touch of another human being, but it just doesn't happen, unless you're a homosexual, and I am not. Just to touch, just to hug somebody...when my daughter comes down, I put my arms around her and just hug her. It is the most wonderful thing".60

In the cell and in the yard, as moving objects, prisoners come to live prison space through seeing, hearing and touching (themselves, each other, the walls, the ground, the air). It is argued here that they transform both their selves and their space as materially lived and that such motion-filled negotiations are critical to corporeality, difference, identity and desire. In particular, they suggest a potentially productive
problematic of the same/other, inside/outside divide. That is, while prisons and punishment practices attempt to reinforce binary difference by controlling the flow of objects in space, they also by their very intensity, demonstrate their tenuous hold on this process. Within the regulation of prison life and space (at once administrative, disciplinarian and painfully inhumane) there is also a whole other set of negotiations and potentialities. Negotiations of self, negotiations of grouping, negotiations of belonging.

[His voice hardening] This here is my light! And this is my winder! [Softly] 'N this is my world... yer see?'

In pointing to the heterotopic nature of the prison in Chapter 3, I argued that the conflation of inside and outside inherent to heterotopic space works to challenge order by positing the ambiguity of the border. In a similar way, I would argue here that the reconceptualisation of space as inseparable from time also serves to challenge order. Quite simply, nothing can be made to stay put – not even in the prison. All is constantly in flux. In this way it may be possible to look at the prison as neither an inside nor an outside, but as a space of relations and irreducible sites. It is a place in which space as a mechanism of power is regulated, surveyed, granted and withdrawn in the name of punishment. However, prisoners disrupt this regulation at every moment (through seeing, hearing and touching), processes of spatial subjection that can never be fully contained. Clearly, the problematic of the inside/outside binary is of critical importance in relation to prisons. Prison walls, and the social prejudice upon which they are grounded formed, are a formidable barrier. And yet, built as they are upon binary conceptualisations of difference (same/other, deviant/normal), there must be room for the fragility to be discovered, for interruptions and crossings to occur.

As Mudrooroo asks:

Hell, what is outside anyway, excepting another big prison.

Rather than relying upon more traditional distinctions between the inside and outside, Probyn seeks to collapse the terms into each other. Thus, while retaining use of the word outside, she places it in
contradistinction to interior/exterior, or centre/marginal models. Rather, she suggests it may be more productive to think in terms of relations of proximity or surface connections (Probyn, 1996: 11). Probyn's analysis encourages us to problematise prison space as neither an inside nor an outside, rather, as inside and outside at the same time. What becomes critical is the detail of daily bodily spatial negotiations, the ways in which the connections and exchanges of prison negotiations shape up.

Prisoners are already doubled, invisible but not erased in a space that is at once intensely private and public. Perhaps the prison, and the contradictions embodied in being inside suggests new ways of understanding subjectivity without an interior/exterior split. Maybe, given this welding or torsion of the inside/outside, they suggest new ways in which subjects may connect.

1 Government of Victoria, Corrections Act 1986, Division 4, Paragraph 47, Prisoner’s Rights, Section 1a.
2 Somebody’s Daughter Theatre (1994), Call my name, p44.
3 This point is discussed at length in Irigaray (1985b).
4 For an exploration of these themes see Bloomer et al (1977), pp57-74.
5 Massey centres her discussion on Ernesto Laclau whom she contends centres his argument that politics and space are antinomic terms on a view of space as stasis.
6 Massey also draws on radical geography and feminism in seeking to question the space/time dualism.
7 For further discussion of these issues see Grosz (1994: Chapter 5). This issue will also be explored in Chapter 6 in relation to time.
8 I will return to this point in the final section of this chapter.
10 Critical points are discussed in relation to abjection and fluidity in Chapters 3 and 4 respectively.
11 C.T., Interview, 4.6.97.
13 Ray Mooney recounts his visit to Pentridge as a tourist after spending eight years inside as a prisoner, “Bluestone shadows” in The Age, 14.9.97.
15 “Queue to get into jail, just for a visit”, Sydney Morning Herald, 20.9.97, p17.
16 “Off to jail: Soon they may be the trendiest places to stay”, Sydney Morning Herald, 14.4.98. The transformation of this fascination into tourist dollars has been met with considerable success, particularly in regional prisons. In Castlemaine, Victoria, the old Gaol is now a boutique hotel. See for example “The Great Escape” in the Herald Sun, 8.3.96: “There must be a few prisoners having a laugh about this one - people actually paying to stay in the slammer. The lodgings are at Castlemaine Gaol, which closed its doors as a penal institution in 1990 and reopened last year as a bed and breakfast. Surprisingly, the accommodation isn’t too spartan. All rooms have been fitted with carpet and there are comfortable doona-clad double beds and bunk beds. While they may not be the most spacious suites, they are adequate - and if you want more space you have the option of spending the night in the death cell”.
17 “Pentridge future locked up”, Australian Financial Review, 29.4.98.
18 Mr Hallam, quoted in the Herald Sun, 9 October 1997, p27.
19 "Balloons Carry Protest", Brimbank Independent, 25.7.95, p1.
20 "We won't have a bar of this plan, angry residents say", Adelaide Advertiser, 14.11.96, p9.
21 See Discipline and Punish, Part Four in particular. The Panopticon was designed by Jeremy Bentham in 1791.
22 See the final two sections of this chapter for a further discussion of this point.
23 C.L., Interview, 20.11.97.
24 Victoria Department of Justice (1996b).
25 Victoria Department of Justice (1996b).
26 Victoria Department of Justice (1995b).
27 See Chapter 3 for a discussion of the links between dirt, abjection and imprisonment.
29 Victoria Department of Justice (1996b).
30 Victoria Department of Justice (1996b, italics added). This contrasts with the view of NSW Corrective Services Commissioner Neville Smethurst who advocates "softer systems using gardens, trees and murals as calming devices. The next jail, if he has his way, may be built on a hill with the walls at the bottom, so the inmates can see outside". Quoted in "Prison boss tries soft cell approach", Daily Telegraph Mirror, 14.8.95, p6.
31 Lorde, G., "Go to jail Go directly to jail", The Australia Financial Review Magazine, 27.10.95, p18.
33 "At least one man has a soft spot for prison life in Parramatta", Sydney Morning Herald, 4.4.96, p17.
34 See Chapters 3 and 4 for a discussion of boundary and sexual difference.
37 See the discussion on confinement in the opening paragraphs of Chapter 3.
38 P.W., Interview, 4.6.97.
40 Grosz describes texts in a Deleuzian framework as "modes of effectivity and action which, at their best, scatter thoughts and images into different linkages or new alignments without necessarily destroying their materiality. Ideally, they produce unexpected intensities, peculiar sites of indifference, new connections with other objects, and thus generate affective and conceptual transformations that problematize, challenge, and move beyond existing intellectual and pragmatic frameworks" (1995: 126).
42 Somebody's Daughter Theatre (1993) Tell her that I love her, Program, p32.
43 These issues will be discussed further in Chapter 6 which looks at the routine violence of prison life.
44 Eddy Withnell started his PhD whilst inside Fremantle Gaol.
45 S.B., Interview, 23.5.97.
46 Some issues will be discussed further in Chapter 3.
47 C.L., Interview, 4.6.97.
48 J.B., Interview, 20.5.97.
49 M.M., Interview, 18.11.97.
51 M.L., Interview, 10.5.97.
52 Of critical importance in this regard is the work of Merleau-Ponty (1986). See Grosz (1994, Ch4) for a discussion of Merleau-Ponty and phenomenology.
53 While Grosz does not include smelling and tasting in her list, such sensory activities are clearly central to the abjection of prison life as demonstrated in Chapter 3.
55 M.L., Interview, 10.5.97.
56 S.M., Interview, 21.11.97.
58 Somebody's Daughter Theatre (1994) Call my Name, p57.
59 Lennie Lawson, life-sentence prisoner, quoted in "In for life", Sydney Morning Herald, 11.11.95, p5.
SAM: Hickory Dickory dock
The clock, the clock, the clock.
The clock struck four, they shut the door
Hickory dickory...fuck ‘em.

Time markers - the clock, the calendar, the bell, the lights - feature prominently in depictions of prison life. Going to prison is, after all, about doing time. In prison, time is used to measure both the duration (and hence the severity) of the punishment through the sentence and to regulate the movement of the prisoner on a moment-by-moment basis. It circles the prison and the prisoner - essential both to prison management and to the structure of contemporary punishment.

While the various uses of time are readily explored in prison, the meaning of time is often assumed to be unproblematic. This assumption fails to allow for the complex ways in which time is implicated in determining the prison world and the specificities of lives within that world. As such, it is important to look at how time is constitutive of the prison, the prisoner and punishment and to ask how “doing it” affects a person’s beginnings and endings, their duration and their sense of self. What does it mean to say you have “done time”?

It is argued in this chapter that the way in which we understand and represent time has implications for the ways in which we live our subject positions. Our relationship to our selves as lived in (or passing)
time, or indeed as time itself, affects not only the way we organise our daily activities, but also the ways in which we come to have a sense of ourselves as material, embodied and sexed. In short, that the ways in which we understand and live time is a matter of critical importance in the enablement of subjectivity. As such, the prison will operate as a site for the analysis of time in this chapter, drawing attention not only to specific mechanisms of time-as-power, but also to time as constituent of subjectivity, time-as-self. I will demonstrate that the ways in which time is regulated, ordered and sequenced in prison can provide insights into the ways in which time affects subjectivity. In particular, I will explore the temporal specificities of everyday prison life, the differences between ‘inside’ and ‘outside’ time and the possibilities of material selves lived in (passing?) both the prison day and the prison sentence.

The notion of temporal possibility (even within the strictures of prison routine) is a point I will seek to emphasise in an affirmation of time as an open-ended force. While in the previous chapter I argued for a recognition of the potentiality of space for the reconceptualisation of subjectivity, I will argue here for the examination of new ways of doing or being time. Such an approach does not deny the intensely inhibitive spatial and temporal power arrangements in the prison. Rather, it draws on the detail of these mechanisms to find the possible inconsistencies and flaws, seeking movement and change within the punishment matrix.

To explore these issues, this chapter has been divided into four sections. The first of these will look at the place of time in relation to materiality and subjectivity, drawing together various ways of thinking time. The second section will focus specifically on prison time, examining in detail the disciplinary power of time and the possibility of differences between inside and outside time. The third section will focus on the daily time-markers of prison life, including a specific focus on routine violence and the final section will examine the temporal implications of the death-in-custody. As will become clear, concepts of time and duration are absolutely fundamental to the motion of our daily lives and are marked in specific ways in the disciplinary environment of the prison. Temporal imaginations figure strongly in the structuring of difference, the materialisation of social order, and in the possibilities of future specificities.
Time and Self

Hell, it's christmas
and all these people are still in cells.
None know their painful recollections
of time spent elsewhere,
others' lips, other spaces where time
has not gone berserk.

Described in the poem above as a space where time has gone berserk, the prison demonstrates the intensity of a time/space configuration designed to punish. Recalling the madness and frenzy of the abject, berserk time/space functions outside normality. It brings time and space together in specific ways, in a motion-filled range of power mechanisms.

As discussed in Chapter 5, the relations between time and space are critical. And, as part of the analysis of these relations, there has been a longstanding philosophical debate as to whether time and space are to be viewed as absolute entities which possess their own nature or particularities, or whether they are conceivable only in relation to each other and to other objects. In the light of this debate, commentators have asked whether time is in itself productive or merely relative, a way of characterising relations between the constituent elements of the physical world (Lash and Urry, 1994: 236). Others have suggested, like Adam (1990), Boyarin (1994) and Grosz (1995, 1999), that social science has operated with a conception of time now considered inappropriate in the natural sciences, an almost non-temporal time. This, they suggest, reflects continuing acceptance of Newtonian and Cartesian principles that have long been left behind in the worlds of physics and biology. As outlined in the previous chapter, in modern physics, time and space do not exist in their own right as objects. Rather, objects are formed through their interactions with time and space and with each other. In such a framework, time and space cannot be separated from each other, nor can they be separated from the system in which they (and all objects) move and which they help to create.
In the previous chapter, I pointed to the work of geographer Doreen Massey who argues for a further integration of temporal and spatial analysis on the basis that a phallocentric view of space as stasis refuses the possibility of spatial progress, change or history. In putting her argument, Massey clearly drew upon a perceived superiority of time to space in social conceptualisation, pointing to the placement of space on the negative side of the time/space dualism. Massey quotes Foucault for support: "Space was treated as the dead, the fixed, the undialectical, the immobile. Time on the contrary, was richness, fecundity, life, dialectic" (Foucault, 1980: 70, quoted in Massey, 1994: 5). In contrast to the view put forward by Massey that time is the more privileged concept, Elizabeth Grosz contends that the philosophical debate on time and space has produced a clear domination of time by space. She says that she can find no clear explanation for this phenomenon in that space is not more tangible, perceptible or concrete than time, nor is it easier to mathematize or represent: "[t]he subject is no more clearly positioned in space than in time; indeed, the immediacy of the 'hereness' of corporeal existence is exactly parallel to the 'nowness' of the subject's experience" (Grosz, 1995: 98).

However, rather than continuing to question the ontological priority of time versus space, it is perhaps more useful to take up the suggestion of Jonathin Boyarin that, instead of talking about "time and space" it may be productive to talk about "temporalizing and spatializing discourses" (Boyarin, 1994: 20). As Boyarin argues, we move through time as much as we move through space, and this motion is not separated into spatial sequences on one hand and temporal sequences on the other:

The body is structured, then, not just synchronically in space, but diachronically as well. And, of course, the organism cannot exist only in space or only in time. Thus we can call the body a 'rubric' in which spatiality and temporality coexist indissolubly, in which their necessary unity is most clearly shown. When you die in time you dissolve in space (Boyarin, 1994: 21).

Boyarin's corporeal focus is crucial, suggesting that our materiality and subjectivity are inseparably linked to our powers of temporal and spatial negotiation. In such a frame, the specificity of spatial and
temporal social organisation is very important, creating or inhibiting opportunities for synchronic/diachronic movement of the organism. An individual’s positioning on a factory production line, or in a prison watch cell will have bodily implications that will limit or enable their self-subject positioning. Scott Lash and John Urry turn specifically to chronobiology in their analysis of the ways in which time constitutes social relations and the ways in which modern societies constitute people as both having an orientation to time, and being disciplined by time (Lash and Urry, 1994: 226). They find chronobiology useful in its contention that humans are not just affected by clock-time but are themselves clocks:

Biological time is not confined to ageing but expresses the nature of biological beings as temporal, dynamic and cyclical - humans as having a lifecycle. And of course, even 'dead' things like machines, buildings or physical landscapes are not merely 'natural' and time-free but are both of particular times and constructed through temporal processes of change, order and decay (Lash and Urry, 1994: 238).

A focus on the temporal processes of change, order and decay as proposed by Lash and Urry is particularly useful in the way it draws our attention to the circularity or non-linearity of time, suggesting the complexity and multiplicity of temporal movement. Just as space frames our relations to back/front and up/down, time frames our relations to backwards and forwards, upwards and downwards. For Barbara Adam, we emerge as “activity-matter”, beings that “grow and decay dynamically in interdependence with other systems or change-order” (Adam, 1990: 156).

In bringing together the analysis of spatializing and temporalizing discourses, and in pointing to the corporeality of time, I am seeking to open up for analysis the ways in which the specific organisation of time in the prison impacts upon materiality and subjectivity. In particular, I am looking for the incongruities and the gaps, the ways in which punishment practices can be changed. In taking this approach I draw from Grosz’s work on time that seeks to privilege change towards the new (and futures yet unthought):
This is what time is if it is anything at all: not simply mechanical repetition, the causal ripple of objects on others, but the indeterminate, the unfolding, and the continual eruption of the new .... Duration proceeds not by continuous growth, smooth unfolding, or accretion, but through division, bifurcation, dissociation — by difference — through sudden and unexpected change or eruption. Duration is a mode of infecting self-differentiation: difference is internal to its function, its modes of elaboration and production, and is also its ramifying effect on those objects located “within” its milieu (Grosz, 1999: 28, italics in original).

The focus of Grosz on the surprise of time recalls Foucault’s eruption into laughter on seeing an impossible classificatory system, that is, one which proceeded from a completely foreign set of presuppositions. Grosz’s time, drawn from difference, enables the unexpected, embraces the unknown, is the time of the other. For the abject site of the prison, where time is managed so intimately to ensure the separation of the same from the other, this potential capacity of time to disrupt is kept under constant surveillance as the movement of the prisoner is traced moment-by-moment. The regulatory power of the prison is expressed not only in the control of movement, the spatial and temporal rubric of prison life, but also in the establishment of boundaries between inside and outside and in the subjection of prisoner desire. However, as Grosz suggests drawing from Foucault, even supervisory, regulatory power contains unpredictability, the eruption of the event and the emergence of new alignments unpredicted within old networks (Grosz, 1999: 16). It is in the appearance of small fissures within the power arrangements of such practices that some imagination of a future of difference can be allowed. It is surprise eruptions that may enable us to imagine a different way of doing time or punishment.

Such a task remains daunting, however, given the imperatives of a system of punishment that relies intrinsically upon time as a marker of severity through both the length of the sentence and the harshness of the daily regime. While there is no doubt that prison also limits spatial movement, the intense use of temporal regulation to restrain and limit movement is indicative of its power to contain difference and to enforce social order.
DADD&A: [mildly] He's only doin' six months, yer know...
BULLA: Hmph! That's what I started with.
DADD&A: He's not you.
BULLA: [wryly] Not yet he ain't. Takes time.
[He smiles at his own remark]
DADD&A: He's much too young - I mean, ter start thinkin' this is the world
BULLA: All it takes is time. They've got the years - you've got the time.

In the above quotation, Bulla describes time as central to the process of becoming who he is. The prison has the years, and he has the time. Such a view fully implicates the specificity of prison time in Bulla's conceptualisation of spatial boundaries and sense of self. Doing time means that prison becomes the world.

In the following poem, time and life become the essence of each other:

```
sleep time
    quiet time
good time
    piggy time
visit time
    torture time
work time
    houdini time
muster time
    bullshit time
alla time
time
    time
is time the essence of life
or
life the essence of time?
please answer
    PLEASE!!
```
While the concept of time is fundamental in the punishment practices of the prison, its meaning remains hard to capture. Grosz suggests that "[time has a quality of intangibility, a fleeting half-life, emitting its duration-particles only in the passing or transformation of objects and events, thus erasing itself as such while it opens itself to movement and change" (Grosz, 1999: 7). While we know what time can do, we are never really sure what it is. Similarly, while we know that the prisoner does time, it is an activity that is never fully understandable or indeed complete given the continuing discrimination faced by ex-prisoners in many aspects of their lives including employment, housing and parenting.  

**Sentences and Theories**

The landscape design of Parklea prison in New South Wales (the construction of which was completed in October 1983) incorporated formal areas of lawn, flower gardens, a fountain and a large sundial. Prisoners to this day are able to pass time in Parklea by watching the shadow of the sun move (slowly) across the sundial.

Sundials were the main device for telling the time up to the sixteenth century, when daily activity was primarily task-oriented rather than time-oriented. During this era, the week was not a common unit of time. More important were the seasonal cycles, related fairs and markets, the church calendar and ritual observances (Lash and Urry, 1994: 227). However, as market towns and private homes began to acquire clocks and the timetabling of daily activities became more common (particularly in public institutions and factories), the prevalence of clock-based-time rather than social time became increasingly obvious. According to Lash and Urry, the elements of this new clock time include:

[T]he disembedding of time from social activities as it becomes scientifically stripped of meaning; the breaking down of time into a larger number of small units; the emergence of the disciplinary power of time; the increasing timetabling and hence mathematization of social life (Lash and Urry, 1994: 229).
The disciplinary power of time, closely linked to the emergence of clock time, has been brilliantly articulated by, among others, Erving Goffman and Michel Foucault. In his discussion of total institutions, Erving Goffman suggests that "all phases of the day's activities are tightly scheduled, with one activity leading at a prearranged time into the next, the whole sequence of activities being imposed from above by a system of explicit formal rulings and a body of officials" (Goffman, 1961: 17). Time in total institutions is organised in stark contrast to the wider world for, as Goffman argues, "In civil society... he [the inmate] is allowed to go at his own pace" (Goffman, 1961: 42). Goffman suggests that walled-in organisations such as prisons have a characteristic they share with few other social entities in that part of the individual's obligation is to be visibly engaged at appropriate times in the activity of the organization. He argues that this "entails a mobilization of attention and muscular effort, a bending of oneself to the activity at hand" (Goffman, 1961: 162).

As the following poem suggests, and as the material on daily routine to follow reinforces, the activity at hand may be little more than a steady pace of the yard:

Back and forth...
Up and down...
Time after time...
Concrete yard...
Razor wire...
Lives scarred,
Legs tire,
Time slow,
Feet go,
Pendulummocks
slowness of clocks.

A focus on the physicality of time management strategies is taken up by Foucault who, in writing of the disciplining of the body in prison suggests that "a new set of restraints had been brought into play, another degree of precision in the breakdown of gestures and movements, another way of adjusting the body to temporal imperatives" (Foucault, 1977, 151). According to Foucault:
The act is broken down into its elements; the position of the body, limbs, articulation is defined; to each movement are assigned a direction, an aptitude, a duration; their order of succession is prescribed. Time penetrates the body and with it all it meticulous controls of power (Foucault, 1977, 153).

In adjusting the body to temporal imperatives, time penetrates the body, altering the position, direction and duration of body/limbs. In this way, time changes or becomes the body in a manner that is also inseparably spatial. While such a fusion of space, time and bodily movement need not necessarily be linked to the movement of disciplinary apparatus, the colonization of the temporal (and spatial) body in ways that enforce order are frighteningly apparent, especially in prison.

For Foucault, new techniques of power and new ways of administering time were built on segmentation, seriation, synthesis and totalization. In such a way, a macro- and a micro-physics of power made possible "the integration of a temporal, unitary, continuous, cumulative dimension in the exercise of controls and the practice of domination" (Foucault, 1977: 160). In Chapter 3, I pointed to the importance of categorisation in the maintenance of social order. In a number of ways, the mathematisation (counting, sorting, ordering) of the process of categorisation reflects uses of time as a technique of segmenting and serialising. The end result is an ordered whole, a manageable system which has clear distinction between elements and which minimises the disruptive potential of difference. The timed day of the prison is an example of such synthesis and totalization, for within each moment of time is the possibility of detailed control. Time becomes hierarchical through the creation of precisely timed and differentially valued activities, conducted in complex spaces that provide "a better economy of time and gesture" (Foucault, 1977: 148). In effect, the disciplinary fusion of time, space and bodily movement aims to create obedient individuals, who know their place and will not seek to disrupt the hierarchy.

Like Goffman, Foucault stresses the meticulousness of the regulations and the fussiness of the inspections as a time/power technique. He suggests that the supervision of the smallest fragment of life and of the
body provides "an economic or technical rationality for this mystical calculus of the infinitesimal and the infinite" (Foucault, 1977: 140). Eddy Withnell describes the observation of the infinitesimal as follows:

Every millionth of a second, that the screw is at the peephole, becomes an hour of indignity. He feels the full weight of biased screw perception zeroing in on him, symbolizing his total exposure, a bug under a microscope with the mad scientist seeing only what his eye seeks to see, reducing a living, breathing, feeling being into so many dissected and rejected pieces, destroying the specimen in order to prove it was faulty (Withnell, 1983: 82).

The intimate power of observatory time techniques does not mean, however, that prisoners do not have ways of reconfiguring time to their own ends. New ways of understanding and using time emerge which enable greater temporal control and greater determination of self (despite disciplinary tactics) inside. Within prison routines and prison walls, time-based resistance occurs.

According to Withnell there are two distinct phases that prisoners pass through which construct their own dimensions for time:

The first phase is based on outside time (outside of prison), linked as it is to all the chronological events which bring meaning into free social life, thus is multidimensional. The second phase, however, is based upon the crim's sentence ('lagging'), which reduces the whole of a crim's time in prison (the 'nick' or 'boob') to a meaningless suspension of time, as though a slice has been taken out of his real life, the outside image of self in existence, until he is released back into freedom (Withnell, 1983: 80).

Within both temporal states, there are different events or activities that differentiate one from the other. In the first pattern of time (outside time) it is the visit and the mail call (contact with outside) which structure time. In the second pattern of time (inside time) it is the rot (playing the game), surviving at a minute, daily, intimate level which structures time. In the second pattern of time, "without an anchor to pin time to, without emotional intensity to bind him to another world .... it is pointless in measuring time.
It is the lagging itself that counts" (Withnell, 1983:87). In inside time, the length of the sentence becomes a tangible thing against which a prisoner can check to see if they still exist.

Laggings are chunks of time in the prison sentence referred to by a complex structure of slang:

<table>
<thead>
<tr>
<th>Twenty years, or a Life Sentence</th>
<th>The Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten years</td>
<td>A Brick</td>
</tr>
<tr>
<td>Five years</td>
<td>A Spin</td>
</tr>
<tr>
<td>Two years</td>
<td>A Swy</td>
</tr>
<tr>
<td>One year</td>
<td>A Sleeper</td>
</tr>
<tr>
<td>Six months</td>
<td>A Zac</td>
</tr>
<tr>
<td>Three months</td>
<td>A Drunk's Lagging</td>
</tr>
<tr>
<td>Indefinite detention at the governor's pleasure</td>
<td>The Key</td>
</tr>
</tbody>
</table>

By re-naming the lagging, prisoners re-count the length of time to which it refers. As a “sleeper” the one year sentence connotes either a heavy beam of wood, someone asleep or something that can be passed as a dream. Ten years, a “brick” suggests heaviness, the permanence of a building, something that can be taken apart or, alternatively, something that can hit you over the head. Five years and the prisoner goes into a spin (a whirl, downward descent with rotation). In this way, the sentencing tariff is reconceptualised and renamed. Of course, the sentence was always intended to have a marked effect on the prisoner, however, these new names acknowledge the intended effect, and enable the prisoner to have some control over it.

Indeed, making sense of time inside prison and seeking some control takes place in many ways:

Some of us mark off calendars, and some don’t. I mark mine off a week in advance ... it makes the weeks go quicker.\textsuperscript{15}

Since appearing in court, he spent a lot of time pacing and thinking, Mark said. “It was a bit hard in Pentridge, pacing, seeing the cell was only two paces long”.\textsuperscript{16}
In emphasising the point that prisoners are sentenced to time in prison, it becomes increasingly clear that the role of the sentence as an overriding temporal framework for the prison and punishment is closely linked to role of language as a marker of meaning and sense. This point is emphasised by Kristeva who links the linearity of time and the enunciation of sentences:

It might also be added that linear time is that of language considered as the enunciation of sentences.... and that this time rests on its own stumbling block, which is also the stumbling block of that enunciation – death (Kristeva, 1986: 192).

I will return to this point in the conclusion to this chapter by exploring the ways in which both linear time and prison time are enunciated through the sentence, and by looking at the implications of this linkage for the way in which we understand time, linearity, circularity and rehabilitation. The first step, however, is to look at how time is measured in prison on a minute-by-minute basis, that is, to examine the routines of daily prison life.

Order

There is continuing public interest in the daily lives of Australia’s more notorious prisoners, including Ivan Milat and Martin Bryant. As part of this interest, as the following two examples show, there is a specific fascination with the detail of lived prison time as it is captured in the daily timetable. While this fascination is closely linked to the fascination of the abject discussed in Chapter 3, I would suggest that the focus on the prison routine in particular serves to reinforce the widespread acceptance of time mechanics as a principal tool of punishment.

Milat’s daily routine includes breakfast at 8am before making his bed and tidying his room until 9am when the prison wings are unlocked and prisoners can roam the yards until 11.45am when they are mustered. Prisoners are then locked in their cells to eat
lunch (sandwiches) until 12.30pm before returning to the yards. At 3.15pm prisoners are mustered again and collect dinner before being locked in their cells at 4pm.¹⁹

Sources have told the Herald Sun Bryant’s days in prison will begin with a 7am wake-up call when the cell’s single fluorescent light will be turned on. He will dress in his prison uniform of brown trousers, brown T-shirt, brown jumper, brown boots and a blue felt wool jacket. At 7.30am a breakfast of cereal, toast and baked beans or spaghetti and tea will be pushed through a hatch in the cell’s steel door, which has the name Bryant written in chalk on the outside. Bryant’s food will be the same as that given to other prisoners but he will eat alone in his cell with plastic knives, forks and spoons from plastic plates and cups. At midday a light lunch such as a salad, meat pie, chicken, dim sims or saveloys will be served in the same manner. At 4.30pm Bryant’s evening meal of mixed grill, stews, silverside and vegetables or salad or similar will be delivered to his cell and at 9.30pm his cell light will be turned off.²⁰

Not surprisingly, records of prison life and the way in which it is lived differ considerably from one prisoner to the next, from one time period to another and from one prison building to the next. As such, there is no such thing as “the” prison routine. What we have are simply prison routines, differentiated in their momentousness, and their moment-by-moment specificity. Nonetheless, certain patterns do emerge:

Most of the time it is a very boring place. Some prisoners like to waffle on about the dark and lonely solitude of their damp and lonely cell and how they never forgot the sound of the cell door slamming for the first time. What a load of crap. One cell is the same as any other. When you have heard one cell door slam you have heard them all. Jail life can be summed up in two words: petty and boring .... The day-to-day regulations are petty and drawn up by head office nit wits. After the years I have done inside I would write 1000 pages on jail life. But men who have done it, lived it, bled it, cried and nearly died in it, couldn’t be bothered.²¹

The prison routine is intimately corporeal - controlling gesture, duration, direction, connection. It is argued here that such disciplining of body movement, such regulated temporal corporeal sequentiality, has very specific implications for subjectivity. Indeed, the routine of the prison and the use of time in the prison, is critical in determining the limits of self, the beginnings and endings of the prisoner’s body. For
the following woman, losing control of time in prison resulted in the feeling that she was left only with her thoughts, implying that when she lost control of time she also lost control of her body. This movement or loss had significant impact on her sense of self and her feelings of sanity/madness.

NAT: [....] Time and thoughts, thoughts and time, time and thoughts, their time my thoughts. I think I’m going mad.22

As Goffman points out, the regulation of time is one of the determining features of the walled institution. The prisoner, firstly and fundamentally, is unable to determine his or her own pace. As such, moments of interaction, solitude, leaning, resting, moving, being still are regulated elsewhere. Such control clearly has an impact on the ability of the prisoner to manage their own limits, and to determine their own corporeal integrity. In previous chapters I have pointed to the routine extraction of bodily fluids for HIV and drug testing, suggesting that this violation of body boundaries has a significant impact on processes of subjectivity. Through a similar set of theoretical manoeuvres, I am arguing in this chapter that the regularity of bodily intrusion in prison impacts upon the specificity of the material self. That is, the timing of the prison day, both the repetitions and the extraordinary incidents, are all part of the way into materiality, corporeality and subjectivity for the prisoner. Throughout the passage of both the day and the sentence, moving and connecting, the diachronic/synchronous body enables prison subjectivity. To explore the ways in which this occurs, it is critical to look at the sequentiality of the prison day ("everyday life" in prison) including the regularity of violence and abuse.

The following excerpt is a description of an average day in prison as portrayed by an interviewee:

Once I got up, seven o’clock in the morning and they come over and opened up and you had a choice of Weetbix, Cornflakes, a bit of cold toast. They put the tray in, then they closed the door again, so that was all you saw ‘til nine o’clock when you got let out and locked up again in the yard. You’d decide which corner to sit in and that’s where you’d stay ‘til eleven o’clock. They’d lock you back in your cell with your meal and that’s where you’d stay till one. And then you was back out in the yard again, if you didn’t want to stay in the yard, you’d stay in your cell. Then you were back in there, at four
o'clock you got let out for an hour in the yard. Picked up your meal, you went back to your cell. And in between all those times you were allowed back for a shower. So nineteen hours of the twenty-four hours in the day, you were locked up.\textsuperscript{23}

One writer described the routine as follows:

The days slowly passed and endlessly merged into each other with the routine becoming an unthinkable habit. When one was not at work one sat or walked in the yard until it was time to be locked away for the fifteen or so hours. Even when in the yard the inmates seemed to develop set habits and their own voluntary routine. They chose to sit in what became their favourite spot, always walked the same area at the same times each day, played their various games at set times and had their showers at about the same time. Even the various groups had their own spot and their own group routine.\textsuperscript{24}

Another interviewee talks about a day in the yards:

It's just outside like this rain, hail and snow and there's showers in the corner which is just like two showers coming out of the wall and that's it. There's no covering, nothing and you stand out there from 7.00 in the morning until 3.00 in the afternoon.... There's nothing to do. Absolutely nothing to do. And a couple of seats, benches .... Some guys do push-ups all day, others just sit there, a lot of them play cards.\textsuperscript{25}

The descriptions and the analyses of the prisoners quoted above echo the insights of Goffman and Foucault in their observations of disciplinary institutions. Points clearly linking the above three prison routines include the regularity of procedures within specified periods of time, the repetition of movements and the establishment of habitual acts. For Foucault, the timetable is an "old inheritance" which works to "establish rhythms, impose particular occupations, regulate the cycles of repetition" (Foucault, 1977: 149). Foucault's attention to the rhythm and circularity of the timetable are of particular relevance to the prison. According to much of the evidence, the "rhythm" of prison life can have a distinctly militaristic beat:
It's a grim place and I have grim memories of it. Jails are the most violent places in the world. I never had a hand laid on me, probably because of my reputation, but plenty other people were killed or copped beatings. Discipline was absolutely rigid. Step out of line and they were on you like a ton of bricks. You had to do everything at the double. Marching was enforced.26

Prisoners often refer to the militaristic use of ritual and routine in the daily prison timetable. This makes sense in the context of Lash and Urry's contention that the emergence of clock time corresponded with the use of compartmentalised and mathematised time units for disciplinary purposes (Lash and Urry, 1994). Some prisoners said they were able to cope with the routine by drawing on their previous experience in the army:

And I'm a good prisoner. A good inmate. You should remember that how I coped with prisons was that I was ten years in the merchant navy. So I'd been institutionalised to that extent. So if there was an officer, you instinctively obeyed, you did not think, you did not fear. So that was what I was trying to do. So when I got to prison, I did that quite well.27

The focus on clock time inherent to disciplinary rhythm emphasises the cyclical nature of the prison timetable. As a critical marker of time, the round clock face, with its hands that move around (like the shadow of the sundial) comes to symbolize the circularity of time. In prison, through the constant and regular repetition of acts, time circles, and the clock becomes a literalisation of the movement of prisoners around the yard, the cell or the criminal justice system. One interviewee described time in the yard as follows:

What would happen is the yard was very large and all you could do was walk around, around, around, in circles, like you see on TV, around and around.28

This circularity of act in the yard is reinforced in numerous ways through the boredom and repetition of prison life. Given the unvarying nature of the routine, it is critical to imagine the impact of such
meaningless activity on the prisoner. The following comments from two interviewees provide some
insight as to what this impact might be:

I'd sweep and mop, I didn't care if someone else had done it, I'd sweep and mop and .... there were only magazines to read, it was just awful, I've got a mind. So I used to do exercises a bit, they all thought this was a bit freaky, but I'd just do sit-ups and push-ups and that. So I didn't learn to hang around, I just .... there was just nothing it was just awful.29

As people left the place they would leave stuff for you, leave you things that they'd collected. You've got nothing but you accumulated stuff. You know the little Cornflakes packets, the little ones you used to have as a kid? You'd save them. Put things in them, like Coolmints. I had Coolmints in one, I had the twist tops from headset bags in another, I mean why do you need a Cornflakes box full of twist tops? You don't, but you've got nothing. So you save twist tops. And another was elastic bands. I mean, like you don't need elastic bands either. I just became so institutionalised, fairly quickly, and I was so pathetic, I took those things with me when I moved, because I didn't know if I'd need them where I was going.30

As one writer put it:

Time passes outside. Inside the days circle.31

They do not circle easily however. In addition to boredom, the prison routine is also characterised by assaults and other violent incidents. While analysed separately here, such events are regular enough to be considered part of the normal routine of prison life. Physical assault, sexual assault, verbal assault, self-mutilation, suicide, homicide are all part of the bodily rubric, the temporal and spatial discourses of the prison. These acts or events are all deeply intimate, precisely timed moments which form part of the change, order and decay of the prison day and the prison sentence.
Violence

The specific characteristics of a violent incident make it critical to the examination of time in the prison. Violence operates very effectively as a performance of power primarily through its ability to challenge the corporeal integrity of the person on whom the violence is directed. This violence may be inmate on inmate, officer on inmate, inmate on officer, or inmate on self. As Goffman suggests, the level of violence in a total institution can have a very significant impact on the inmate's sense of self:

[Loss of a sense of personal safety is common and provides a basis for anxieties about disfigurement. Beatings, shock therapy.... may lead many inmates to feel that they are in an environment that does not guarantee their physical integrity (Goffman, 1961: 30).]

Collecting information on the degree of violent incidents in prison is very difficult. According to the Victorian Prison Service staff newsletter, the data on the incidence of prison violence is not reliable due to inconsistencies in how violent incidents are reported and recorded. Drugs, situational factors (for example, prison conditions and institutionalisation), prison management and regime are identified as the major factors contributing to violence within the prison system. The authors conclude that:

Prisons, by their very nature of containing individuals and restricting their freedom are violent places. Bullying behaviour (that is, standovers, physical violence, psychological abuse) occurs throughout the prison system.42

While the rising death rates in Australian prisons will be discussed in the next section (including death by homicide), there is also increasing evidence of rising levels of violence. This concern has led to an Inquiry by the Independent Commission Against Corruption (ICAC) into the New South Wales prison system, resulting in a report which did attempt to quantify the degree of violence in NSW prisons. This report concluded that NSW jails have the highest assault rates in Australia, including both inmate on inmate and inmate on officer assaults. They estimate that the inmate on inmate assault rate in NSW is
12.65 assaults per 100 prisoner years, compared to an Australian prison average of 8.89. Inmate assaults on officers in NSW was 5.27 per 100 prisoner years, compared to an Australian average of 2.76.33

In Victoria, recent concern has been particularly focussed on the management of the State's private prisons. According the Age, which cites several leaked internal reports from prison officers at Metropolitan Women's Prison, the following incidents occurred between 1 September 1996 and 2 March 1997: one suicide attempt, nine self-mutilations, seven assaults on staff, eight assaults on prisoners, nine inmates repeatedly testing positive to drugs, two refusing drug tests, and 42 “acts contrary to the security and good order of the prison”.34 At Port Phillip Prison, the number of prisoners who had died to March 1998 was seven. A prison spokesperson said there had also been 10 reported cases of attempted suicide and 41 self-mutilations at the prison during this period.35

Stories of violence continue to form a significant part of the account of time inside, reinforcing violence as part of the routine of prison life:

Violence was part of the general theme in prison. It was just there, it didn’t need to be spoken about, you knew it. It didn’t have to be spelled out.36

You’re just turned out into the yards during the day, and what happens, the warders are not interested at all. People got raped, people got bashed, people got robbed, everything happened in there. It was just the survival of the fittest, or it might be the case was the survival of the smartest.37

We were sleeping in these terrible dormitories, they just lock you up and go away, well, of course, it was bedlam... But I mean there was bashings, rapes, every nights of the week, homosexual rapes. It was very difficult to sleep.34

Every day they were at me for the longest time. Well she’s just run in with her cronies and just started layin’ into me. I thought you’re kidding so I’m trying to fight. Couldn’t even see, but she’s got the biggest boobs so I just grabbed hold of them and I had the longest nails and I said yeah cunt.39
Violence, for the above interviewees, is part of the daily timetable of the prison, it is both expected and feared, a normalised aspect of the sentence. Violence, in effect, is timetabled into the prison day, a routine part of the regime and an unspoken requirement of the punishment. The outcome of such incorporation, in addition to causing extreme distress to those who live it on a moment-by-moment basis, is to further integrate violence with notions of control and discipline. As a result, fear of violence drives self-regulation, and the survival of the smartest may mean the best able to negotiate violence. A further troubling aspect to the violence of the system is suggested by David Heilpern, who conducted research on the level of assault and sexual assault of young men in prison. Heilpern contends that “[t]he level of violence in our prison system is so great that prison authorities must be aware of it and are turning a blind eye or, worse, they use it as part of the methodology of control.”

Heilpern’s research is based on a survey of 300 prisoners aged 18 to 25 in 10 NSW prisons over three years (1993-1996). He finds that one in four respondents claimed to have been sexually assaulted and one half claimed to be assaulted other than sexually. Younger, smaller and gay prisoners within the range are at greater risk, and the perpetrators of the assaults are almost always other male prisoners. As Heilpern points out, sexual assault in prison is rarely reported. Heilpern describes his experience of research as follows:

Conducting the research was a harrowing experience to say the least. As I look back, I well recall leaving interviews with prisoners only to give in to waves of grief and anger. Writing and editing the work brought me to the brink of madness at times as I struggled to reduce such depressing material into stark facts and figures, for what is described in these pages is one of the greatest hidden crimes of our times (Heilpern, 1998: 9).

Evidence provided to the West Australian on sexual assault adds a number of further dimensions to the issue of sexual assault, drawing attention to the complex ways in which discourses of drug use and blood-borne diseases are implicated in the categorisation of prisoners within the system. The targeting of
“cleanskins”, young men in prison for the first time, discussed in the following newspaper report is extremely disturbing:

Behind closed doors, the sources say, young addicts ‘bend over’ for older prisoners in return for drugs. With the complicity of one or two prison staff, computer checks have been made to identify ‘cleanskin’ inmates, according to allegations provided to The West Australian. Any 18-21-year-old first timer can become a target for rape or sexual predators who believe the novices are a safe bet because they are unlikely to be carrying a blood-borne disease. Prison staff, too, have been implicated in the sexual abuse of the young, but The West Australian understands that no action has been taken against prison officers accused of having illicit sex with prisoners.42

This evidence also refers to the complicity of staff in sexual assault, a point which is linked more generally to the issue of prison officers and violence. Richard Edney argues that the threat of violence against prisoners is ever present, not only from other prisoners but also from prison officers who employ violence as an instrument of social control within prisons. He says “every prisoner knows, or ought to know, that an infraction of the prison rules may end, as it is known amongst officers, with a ‘flogging’” (Edney, 1997: 289). Edney endeavours to outline the contours of prison officer violence, in his words, “its shape, forms, rituals and justifications” and he suggests that the failure of criminology to relate the problem of state violence to other manifestations of criminal violence is part of a wider cultural process by which we know that terrible things occur in prison but we tend to ignore them. He argues that we remain comfortably oblivious to the mundane, day-to-day acts of violence and terror that occur in our prisons (Edney, 1997:290). We also remain largely oblivious, I would suggest, to the extent of the violence used in times of perceived management crisis, such as sit-ins or riots:

I’ve seen a woman on the oval with five male dog squad kicking into her, five of them. Another woman ran at her, to help her, like pull them off, you know you can’t do anything but if you can imagine, its a very hard thing to watch five men kicking into one woman who is down. She’s not standing up, five of these males, they’ve already got her down on the ground.43
For Edney, analysis of violence is centrally linked to the control of prisoners’ time. As he points out, the structure of the prison ensures that prison officers are in control of the minutiae of prisoner’s daily existence, evidenced by the daily routine of the prison including random cell and strip searches and the lack of any sensible notion of privacy. As he argues, the times when prisoners are to eat, to sleep and work are not determined by consent or free agreement but by the administration of the prison and the prison officers who give effect to this policy (Edney, 1997:290).

Such control of time, combined with the fact that violence is possible at any moment (but especially when the prisoner is alone) leads, I would suggest, to an imbuing of violence in time - the passage of time and the experience of violence become inseparable for the prisoner. Time is spent in fear of the next violent intrusion, be it an inspection through the cell peephole, a bodily cavity search for prison contraband or a bashing. Constant expectation of violence as a form of discipline or as part of the punishment effects every moment of time inside. Indeed, it becomes the only way that time can be lived or known. As an example of this, the threat of the “random” strip searches is ever-present, the prisoner is always waiting for the assault. One prisoner described her experience of this violence as follows:

In Jika Jika, .... [w]e had to be strip searched by male officers, if there were no female officers available. There hardly ever were. If you refused on the grounds of common decency - you may have had your period - then you were brutally and forcibly held down by five or six male officers by your arms and legs and beaten at the same time. Then your clothes were ripped off, your legs kicked open and held your buttocks parted, then you were turned over. If you had a tampon in and refused to take it out, they'd just as soon rip it out themselves .... I don’t know what society calls it outside jail walls, but I call that sort of behaviour, rape without penetration. I ask you to tell me of anywhere in the world where you can be held down by men, your clothes ripped off you and your private parts tampered with. Where in the world is there not a law against that?

Self-harm is another aspect of violence in prison. While such acts may or may not be linked to suicide, self-harm and self-mutilation are part of the order of daily, corporeal prison life. However, there is a disturbing trend in the literature on attempted suicide or self-harm in prison to stress the importance of
differentiating between so-called "manipulative behaviours" and so-called "genuine suicide attempts".

An internal Victorian Prison Service report, detailed in the Age states:

Experience has shown that things are sometimes not what they appear to be - the intent of the suicide attempt may have been to manipulate a preferred outcome for the prisoner, while the seemingly minor slash-up may have been a signifying display of a future fatal act. Intent and outcome may prove to be two different things again.46

Such an approach, I would suggest completely misses the critical nature of self-harm in and of itself. That is, a self-mutilatory act, irrespective of whether or not it was linked to any suicidal desires, is an act of extreme significance for the prisoner and for the prison system. In the context of the Royal Commission into Aboriginal Deaths in Custody,47 Fleming et al (1992) aim to reinforce the critical nature of suicidal gestures, they also read it in terms of "completed" suicide, rather than raising the possibility of the suicidal gesture having a point that is not related to death.

All attempted suicides, even those forms of behaviour which are not intended to result in death, must be regarded equally seriously for two fundamental reasons: many non-serious suicidal gestures can accidentally result in death and the probability of a non-serious attempter becoming serious and, in fact, a completed suicide case, is very high (Fleming et al, 1992: 386).

Another disturbing trend, highlighted by Dianne Pritchard, is to interpret self-harm as attention seeking behaviour or a result of personality disorders. For Pritchard, who conducted research into deaths at Mulawa Women's Correctional Centre in New South Wales, such conclusions are seriously inadequate. She argues instead:

Another more realistic explanation of self-mutilation is that it must be analysed in the context of the prisoner's feelings of anger, hostility and impotence which result from institutionalisation. In a prison situation, there is no outside target or means of release for these feelings. Thus very often the aggression is internalised, the anger is directed towards the self (Pritchard, 1988: 92).
Pritchard's contention that the disempowerment and brutality of institutionalisation is a reason for self-multilation is a much more plausible argument than that of attention seeking behaviour. I would suggest, furthermore, that it may also be the case that emotions other than anger may influence the decision to self-harm. Perhaps people slash-up to prove to themselves that they are alive and that their bodies still belong to them - despite where they are. And perhaps (as suggested below) there is the pleasure of release, unconsciousness and serenity, the flow of blood signalling the possibility of another existence and another time.

To feel that sharp, cold razor blade, cutting deep into the skin, the smell of blood. At first it was like being on a high. That rush of adrenalin pumping through your heart. Your brain begging you to go far deeper. The pain no longer there. All your madness and crazy emotions pulsating around your body, eventually flows through your veins and out with flowing blood. Pain no longer there.

I picked up the razor and went over to my bed. I lay down, still holding on to it, listening. It was deathly quiet. This place was death. It felt dead. I wished I was dead. The first slice is a release. I could feel everything that was bottled inside drain away. Each slice got easier. I never felt any pain, just release. Then darkness fell all around me. I don't know for how long, but at last I was in peace, not surrounded by hate and anger. Just serenity at last.

Given what I am arguing is the centrality of precisely timed disciplinary arrangements to prison life and subjectivity, the fact that time in prison is made violent must be cause for extreme concern. Assault and self-harm are part of the punishment matrix, anticipated by both prisoners and management, regular, predictable and unsurprising. Violence thus becomes an inescapable element of the sentence, another daily threat to the corporeal integrity of the prisoner. It is logical then, finally, to expect the death-in-custody, intrinsically linked to abjection, decay, the end of time and the end of the sentence.
Decay

If the way in which we live in time is an intrinsic part of the way in which we live our selves, then the way in which we die in time must also be of extreme significance. Indeed, death may be the ultimate marker of time, a final expression of the temporal processes through which we move, dependent as they are upon change, order and decay. It is argued here that the way in which time moves in prison lends the act or experience of death a particular significance. Often marked by violence, the death-in-custody denotes the premature end of the prison sentence for the individual prisoner and a breakdown in time-regulated observation processes for management. It may also denote the failure of linear time, where the supposed end point of correction, rehabilitation, is shown to be a logical impossibility.

According to Adam, "[o]ur life is lived in relation to our finitude" (Adam, 1990: 128). Indeed, Adam argues that it is death that unites us with all living things. She says:

[N]either in the fact that we are aware that we have to die nor in our experiencing death in others and the recognition of our own finitude, but in having to reflect on it, having a relationship to it, imposing meaning on it, and in having to take an attitude to it, do we find the source of transcendence and human time (Adam, 1990: 128).

If, for Adam, death is the source of human time, for Foucault death is both temporal and spatial. It is temporal in the timing of its occurrence and spatial in its fixed finality. According to one commentator Foucault conceives of time as pre-spatial and pre-temporal, giving rise to both dimensions: "By this ingenious move death is made into the common origin of (diseased) time and (corporeal) space alike. (Casey, 1987: 354).

The death in custody, however, often involves an immediate suspension of time, a different rhythm and motion, the moment of a hanging:
The cell in the lock-up was clean; almost sterile. Sam lay in a heap on the floor. Gradually he became aware of his surroundings. He felt the sticky matted patch at the base of his skull. As his eyes focused Sam could see the Duty Sergeant and the clock.

Sam listened for the dingo but was too dazed to know whether or not he heard it. He could only focus on the clock. “Move damn you” he muttered under his breath. The hands of the clock remained motionless. Sam willed them to move. They didn’t. He could see the clock at home move. Why not this one? He lay motionless for an eternity. Still the hands did not move.

[...]

Sam looked again at the motionless clock. Then he saw the dingo. He reached for his belt and took it off. He glanced at the clock. It all happened so quickly. How could it stop now? Sam willed the clock’s hands to move. They refused. It was then that Sam understood the grey caterpillars. It was then that Sam understood that the dingo had come to take him home.50

I would suggest that the suspension of time implied by the hanging-in-custody and the motionless clock above has implications for the way in which we understand the relationship between time and punishment. At the moment of the hanging, time stops abruptly: it is an event that is both shocking and expected, a failure and a challenge.

In Australia, examination of deaths in custody inevitably traces the outline of race and racism, given the national attention that was focussed on the Royal Commission into Aboriginal Deaths in Custody (RCADIC). The Commission investigated 99 deaths of Indigenous Australians which took place in custody between 1 January 1980 and 31 May 1989, including 33 deaths in prison custody. The Commission looked at the circumstances of each death as well as the social and historical factors that have had such a significant impact on the lives of Aboriginal and Torres Strait Islander peoples.51

'AAAh! Tear out the page...Forget his age.
Thin skull’, they cried. ‘That’s why he died!’
But I can’t forget the silhouette
Of a concrete floor ...a cell door ...and
Presenting its final report in April 1991, the Commission found overwhelmingly that too many Indigenous people were in custody too often. The Commission’s recommendations were thus aimed at reducing the numbers of Indigenous Australians taken into custody, reducing the risks of death of Aboriginal and Torres Strait Islander people in custody and finding ways of dealing with the underlying issues, such as health, education, employment and housing. The centrality of the criminal justice system for highlighting the troubled nature of the interactions between Indigenous and non-Indigenous Australians is emphasised by the Council for Aboriginal Reconciliation. They argue that the mainstream justice system provides “tangible evidence that indigenous Australians remain marginalised and powerless” (Council for Aboriginal Reconciliation, 1994: 10). Given that insufficient progress has been made in addressing this issue, the Australian Institute of Criminology continues to suggest that new efforts need to be expended in addressing the increasing over-representation of Indigenous people in custody, the increasing rates of incarceration following interaction with the criminal justice system and the increasing number of deaths in prison custody (Dalton, 1998: 8).53


> These people are not numbers in a government file. They are real people. They are someone’s sister or brother. They might be someone’s aunt or uncle, or mother or father or someone else’s friend. Apart from the pain and anguish it causes communities, when are governments going to feel this pain and anguish? When are they going to find that this is a serious issue?"54

John Pat.
The end product of *gudiya* law
Is a viaduct for fang and claw
And a place to dwell like Roebourne’s hell
Of a concrete floor ... a cell door ... and John Pat.52
The overall number of deaths in prison custody (Indigenous and non-Indigenous) has risen over the last 19 years, from 30 in 1980 to 68 in 1998. Between 1 January 1980 and 31 December 1998, 787 people died in Australia’s prisons. The 75 deaths reported in 1997 was the highest recorded for the 18-year period, followed by 68 deaths from 1 January to 31 December 1998 (Dalton, 1999b: 3).\textsuperscript{55} In prison, the specificity of manner of death, circumstances in which death occurred and whether or not death was self-inflicted are critically important. These patterns not only distinguish the death-in-custody from other deaths, but they also point to the significance of death in the maintenance of prison order.\textsuperscript{56}

Given the failure of correctional jurisdictions to implement the Recommendations of the RCADIC, including the improvement of cell safety, the death-in-custody recalls again the dehumanisation of prisoners and the low value that is consequently placed on their lives. As the father of one prisoner who died by hanging himself from a pipe in a cell said:

“Those pipes have been talked about for the past three years that I know of - and apparently they are still there. What value do they put on a life?” he asked. “Sure, these people are prisoners, but they’re still human - their life is worth something, surely”.\textsuperscript{57}

In analysing the death-in-custody, and in seeking to emphasise the humanity and life-worth of the prisoner, it is important to look at both the manner and cause of death. Manner of death indicates the broad category into which each case can be assigned without a judgement or comment on responsibility for the death or whether or not the death was intentional. Cause of death, determined by a coroner’s court, is critical to determining responsibility for the death including the particular circumstances in which it occurred and whether or not it was self-inflicted (Biles et al, 1992: 527).

In relation to the 99 cases examined by the RCADIC, natural causes were the most common manner of death, followed by hanging and head injury. Of the overall deaths in prison custody examined by the Commission (as opposed to all forms of custody) 52 per cent were from natural causes and 21 per cent were from hanging (Biles et al, 1992: 527). The categories which are currently used by the National
Deaths in Custody Monitoring and Research Program to analyse cause of death are: hanging, natural causes, injuries, gunshot, drugs, alcohol, other/multiples causes and not known. Table 5.1 summarises causes of death and Aboriginality for the years 1980 to 1998. As can be seen from the table, from 1980 to 1998 hanging was the most common cause of death in prison, accounting for 333 (or 42 per cent of all deaths) followed by natural causes at 257 (or 33 per cent of all deaths).58

Table 6.1 Australian prison deaths, 1980 - 1998: Cause of death and Aboriginality59

<table>
<thead>
<tr>
<th>Cause</th>
<th>Indigenous</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanging</td>
<td>47</td>
<td>286</td>
<td>333</td>
</tr>
<tr>
<td>Natural Causes</td>
<td>55</td>
<td>197</td>
<td>252</td>
</tr>
<tr>
<td>Injuries</td>
<td>10</td>
<td>75</td>
<td>85</td>
</tr>
<tr>
<td>Gunshot</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Drugs</td>
<td>4</td>
<td>73</td>
<td>77</td>
</tr>
<tr>
<td>Alcohol</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Other/Multiple Causes</td>
<td>14</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>Not Known</td>
<td>12</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>118</strong></td>
<td><strong>669</strong></td>
<td><strong>787</strong></td>
</tr>
</tbody>
</table>

As the above table attests, more people in Australian prisons die by hanging than by natural causes, or any other causes. As I have previously suggested, hanging holds a particular place in prison time and space. While its prevalence as a method of suicide in custody may be due to lack of alternative methods, its specificity serves to reinforce the suspended status of time inside prison, the time of the “lagging” where outside time has no relevance. Touching neither top nor bottom, the body suspended in the moment of the hanging is both a pain-filled reminder of the failure of prison order and a defiance of that order.

This is no sudden quick approach
of death that I can fight
but kindly softly
you engulf me with your words
your guile
My will my desire
is sucked from within me
through me
So fine am I
I stand stick thin
as I watch you
as I watch you
cut my body down\textsuperscript{60}

According to one newspaper report, a suicide epidemic is sweeping through WA prisons “like a disease”, a reminder again of the contaminating status of prisoners.\textsuperscript{61} However, suicide and attempted suicide remain extremely difficult concepts to define, identify and confirm. In Australia there is very little data that describes the incidence of attempted suicide in custody, yet it remains an everyday problem for custodial staff and inmates alike (Fleming et al, 1992: 386).

The daily nature of suicide is emphasised by the following writer:

We flirt with death on a daily basis and to be seduced by death - ecstasy release, the ultimate - release from the prison we had created for ourselves, no more fears, no more sickness, no more chances! JUST NO MORE!!\textsuperscript{62}

However, for this writer suicide is not routine or ordinary, it signals seduction, ecstasy and release. In sum, death becomes a chance of escape, a preferred alternative to life in prison.

Whether or not a death is considered to be a suicide is decided by the coroner investigating the death at the inquest. The purpose of the coronial inquiry is to establish the identity of the individual who has died, to determine the cause of death and to identify any individual or individuals who may have contributed to the death (Morrison, 1996: 169). In order to make a finding of suicide, the coroner must be satisfied that the person had intentionally brought about their own death and that the person was capable of forming such an intention. In a comparison of prison suicide with other prison deaths, Morrison found that from 1980 to 1993, almost half of all prison deaths were as a result of inmate
suicide. Almost all (91 per cent) of those who died did so in a prison cell. Morrison concludes that men are no more likely than women to commit suicide in prison in Australia, or to die in prison at all. However, as she points out, “figures are not available to examine the extent of attempted suicide or self-harm which is believed to be a far more common occurrence in women’s prisons than in men’s” (Morrison, 1996: 171). On the basis of Aboriginality, Morrison concludes that non-Aboriginal people were slightly more likely to die by suicide than Aboriginal people. In relation to time of death, Morrison observes that while deaths by natural causes occurred fairly evenly throughout the day and night, with no particular peaks, self-inflicted deaths were twice as likely to occur in the eight hours between 8pm and 4am (Morrison, 1996: 171).

A further cause of death in prison is that of homicide. From 1980 to 1998, 56 homicides occurred in Australian prisons, comprising 7 per cent of all prison inmate deaths. All of these cases involved unlawful inmate-to-inmate homicides and only one case was that of a woman. There has been an increase in both the number and rate of prison homicides over the last 19 years, particularly since 1994. Indeed, in 1998 there were 8 homicides, a greater number than in any other 12-month period since reporting commenced. The Australian Institute of Criminology (AIC) suggests that such a figure confirms the violent nature of prisons in that the homicide rate per 1000 prisoners is up to seven times higher than the homicide rate in the comparable non-prison community (Dalton, 1999c: 1).

In analysing prison homicides, the AIC makes the following observation:

The distribution of homicides reveals little variation in relation to what month or season such incidents are likely to occur, with slightly more deaths taking place in winter.... On the other hand, considerable differences were noted in relation to the day of the week, a significantly greater number of homicides occurred on a Monday.... One could speculate that reasons for such incidents occurring on a Monday are in many cases related to the fact that prisoners receive greater numbers of visitors over the weekend.... The most likely time of a homicide incident is
between midday and 6.00pm when interpersonal contact is greater, with nearly two-thirds of homicides occurring during these hours (Dalton, 1999c, No. 103: 3)

In relation to where people die, almost half of all prison homicide victims die in their cells. Slightly more than one quarter die in hospital and the remaining deaths took place in other custodial areas (for example, the yard, the gym or the kitchen) (Dalton, 1999c: 4). Stabbing was the most frequently used method leading to the death of inmates, with most victims assaulted with prison-constructed weapons. Others have been attacked with kitchen knives, scissors or screwdrivers. Other common methods of assault include physical bashings/assaults with fists or a weapon such as a barbell or other gymnasium equipment; strangulation with fists or cord/rope, or in one case, being injected with heroin (Dalton, 1999c: 4).

In asking what motivated inmates to assault other inmates, Dalton suggests the following: prison overcrowding, the changing composition of the prison population, larger numbers of violent offenders, including a greater number of people entering the system with drug habits, increasing numbers of persons with mental illness, the escalating problem of inter-racial conflicts, and conflict related to gangs (Dalton, 1999c: 4). Heilpern suggests that the main causes of the assaults were: the seeking of power through sexual violence, the acquiescence of prison administration, overcrowding, and the prior experience of perpetrators (Heilpern, 1998: 7).

According to Richard Harding, Director of the University of Western Australia’s Crime Research Centre, “[d]eath is a symptom of a badly run prison”.67 While he is certainly correct in his assertion, the facts that almost half of all prison deaths are a result of suicide and a person is seven times more likely to be murdered in prison, certainly tell us more than that prison management systems are failing. An indication of what this might be is hinted at in an article in the West Australian that raises concern over “unnatural deaths in custody”. Rather than being seen as an “unnatural” death, it must be asked if hanging, the most common form of death in prison, is, after all, “natural”, an understandable legacy of capital punishment?68 It is argued here that suicide and murder form part of a person’s time in prison: expected, anticipated and
feared. And, just as the bodies of the prisoners who have hung themselves are searched for clues as to cause of death by the coroner, the death-in-custody points to the failure of time-based prison punishment as well as the continuing ability of the state to wound and kill.

In this chapter I have suggested that the dominant way in which we use and understand time is clock time - divisible, mathematicized, progressive. This type of time has been used for very explicit disciplinary ends in the prison through the timetable and through the regularised intrusions on a prisoner’s corporeal integrity that prison life entails. In suggesting that such disciplinary practices are reliant upon a very specific understanding of time, Foucault argues that:

The disciplinary methods reveal a linear time whose moments are integrated, one upon another, and which is orientated towards a terminal, stable point; in short an 'evolutive time (Foucault, 1977: 160).

Given Foucault's methodological approach that focuses on the irruption and the use of concepts of discontinuity, threshold, limit and transformation, it is clear that such disciplinary time is, for Foucault, highly problematic. Similarly for Grosz, a disciplinary conceptualisation of time that remains dependent on predictability, will be necessarily limiting. Rather, we should seek chance and risk disorder:

Predictable, measured regulated transformation, change under specifiable conditions and with determinate effects seems a readily presumed social prerequisite; upheaval, the eruption of the event, the emergence of new alignments unpredicted within old networks threatens to reverse all gains, to position progress on the edge of an abyss, to place chaos at the heart of regulation and orderly development (Grosz, 1999: 16).

As such it is essential that we reconfigure our understanding of time to look at the possibilities of material selves lived in daily prison time, the possibilities of temporal rebellion and the subversion or transgression of temporal rules. In order to do this we must start to think about time in different ways and ask if time can exceed our current use of it or be lived in different (perhaps as yet unimagined) ways.
In his own analysis of prison time, Withnell talks of inside and outside time (Withnell, 1983). Inside time is in itself a form of rebellion, a refusal to pass the sentence in the way in which it was intended, a refusal to time the deprivation of freedom in the same framework as the outside world. In effect, inside time becomes the creation of a new inside temporal frame. While I am not suggesting this makes the sentence any easier, although Withnell does point to it as a survival tactic, it does show that time can be lived in different ways, even within the harshly controlled disciplinary apparatus of the prison.

Luce Irigaray argues that in order to live and think through sexual difference, we must reconsider the whole question of space and time (Irigaray, 1991: 166). Irigaray suggests that femininity is experienced as a space that often carries connotations of the depths of night, while masculinity is conceived of in terms of time: "The subject the master of time, becomes the axis, managing the affairs of the world" (Irigaray, 1991: 167). In taking such an approach, she concurs with Julia Kristeva who argues that when the name and destiny of women is evoked, one thinks more of the space generating and forming the human species than of time, becoming or history (Kristeva, 1986: 191).

Kristeva conceptualises three temporal dimensions. These are, firstly, the time of linear history, or cursive time, secondly, the time of another history, another time, monumental time (Kristeva, 1986: 189). The third temporal dimension is that of cyclical time or women's time, which is closely akin to monumental time and has cultural reverberation in the linkage of female subjectivity, reproduction and maternalism (Kristeva, 1986: 192). For Kristeva, linear time is historical time: "[T]ime as project, teleology, linear and prospective unfolding: time as departure, progression and arrival – in other words, the time of history (Kristeva, 1986: 192). On the other hand for Kristeva, monumental temporality is "all-encompassing and infinite like imaginary space" (Kristeva, 1986: 191). Monumental time encompasses cycles, gestation, biological rhythms, cosmic time and "occasional vertiginous visions and unnameable jouissance"(Kristeva, 1986: 191). Monumental time has more to do with synchrony than with diachrony - it is more concerned with spatial rather than historical ways of thinking.
The relations between time and subjectivity are given explicit attention by Kristeva in her analysis of the differences between linear time and monumental time. For Kristeva, linear time suggests clock time - progressive, measured, straight. In contrast, monumental time - the ‘other’ time - suggests alternative ways of counting or being, situating ourselves as time/space fusions. As Tina Chanter describes it, "[t]he former, the sedimentation of identity, takes shape as linear or cursive time, and the latter, the undermining of identity, is a 'monumental' movement" (Chanter, 1990: 68). Such monumental time holds, I would suggest, significant opportunity for new ways of thinking identity and subjectivity. Irigaray also argues that such shifts in thought are essential and that "[t]he transition to a new age in turn necessitates a new perception and a new conception of time and space, our occupation of place, and the different envelopes known as identity" (Irigaray, 1991: 167, italics in original).

Drop by drop (I) do not care to live my time. For whole and entire (I) want myself at every instant (Irigaray, 1991: 14).

To continue to rely upon a narrow conception of time as clock time is simply inadequate. It does not enable an analysis of the movement of subjectivity, the shifting folds, the many moments and places from which and in which we know ourselves. I have suggested that prison discipline runs on and utilises clock time. It assumes a manner of regulating bodily movement in time - a way of controlling and affecting the subjectivity of everyone it touches. It assumes progress, correction, rehabilitation - and it fails time and time again. Clearly something is wrong. As Grosz suggests, “[w]hat is significant about clock time is that is homogenizes and measures all other modes of passing insensitively, with no reference to or respect for the particularity of the duration of events and processes. It imposes rather than extracts a unity and wholeness through homogenization and reduction" (Grosz, 1999: 18).

The costs of this homogenization, built on an attempt to solidify the other, has been a horrific account of repetition, boredom, violence and death. In prison, difference is elided, all is already other. The end of time, the death of the sentence, the failure of correction, the death in custody. Old ways of thinking time - the assumed clock, the false measurability, sequentiality and progression of being are no
longer adequate. New ways of thinking time are intrinsic to new ways of thinking subjectivity. Cycles, layers, folds - temporal and spatial - fused, suggest a future. They reject correction and rehabilitation - suggesting ever-changeability, forever:

The soft flow of eternity about my forehead and it hurts, pains, and I have to keep that scream down in the centre of my forehead and let flow the segmented days of my time. 69

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3 See discussion in Grosz (1994: Chapter 5).
4 Also quoted in Boyarin (1994: 7).
6 This recalls Irigaray’s suggestion that the mechanics of fluids may be the space of the other.
9 See Davies and Cooke (1998) for a discussion on women’s post-release mortality. Their research raises serious questions about the health and welfare of women after leaving prison.
11 Taking the example of clock time, Adam argues: “Once this created time is related to as a resource to be used, allocated, controlled, spent, or sold it affects our relationship to death, the timing of our activities, our institutions, our technology, our understanding of reality, and our practices of work, leisure, and even sleep .... even our bodies, are different because of it” (Adam, 1990: 163).
12 Goffman defines the total institution as “a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time together lead an enclosed, formally administered round of life”. He states that prisons serve as a clear example (1961: 1).
14 According to Simes (1994), this term can also mean a short sentence in general, from three months to two years.
15 Peter, quoted in “A view from the inside”, South Gippsland Sentinel Times, 3.9.96, p3.
16 “Jail hit Mark, now he’s going straight”, Warrnambool Standard, 15.7.96.
17 Ivan Milat was found guilty of seven counts of murder and one count of kidnapping in what became known as the “backpacker murders”. His life sentence took effect from 22 May 1994, the day of his arrest and detention. Discussion of this case is found in Maynard (1996).
18 Martin Bryant killed 32 people and wounded 18 others on 28 April 1996 at Port Arthur in Tasmania. See Bingham (1996) for a discussion of this case.
19 “Milat adjusts to life in a prison cell”, Australian, 3.8.96.
20 “One hour’s daylight for mass murderer”, Herald Sun, 22.11.96.
21 Read, M. (Chopper) (1991) From the Inside, p57. Somewhat ironically, Chopper Read has gone on to produce numerous books, a CD and a film based on his prison experience.
22 Somebody’s Daughter Theatre (1994) Call my Name, p34.
23 B.A., Interview, 5.6.97.
25 M.L., Interview, 10.5.97.
26 “Billy speaks freely”, Herald Sun, 11.8.97

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27 C.T., Interview, 4.6.97.
28 M.L., Interview, 10.5.97.
29 A.C., Interview, 20.11.97.
30 S.D., Interview, 28.1.98.
33 The Bulletin, 3.3.98, p24.
34 The Age, 20.3.97. The paper had attempted to gain this information through a Freedom of Information request, but had been refused on the grounds that the information would expose Corrections Corporation of Australia (the prison operator) to commercial disadvantage.
35 Quoted in the Age, 21.3.98, News Extra, p3.
36 C.T., Interview, 4.6.97.
37 S.B., Interview, 23.5.97.
38 S.B., Interview, 23.5.97.
39 M.M., Interview, 18.11.97.
40 Quoted in The Bulletin, 3.3.98, p24.
41 Heilpern (1998) also suggests that there is sufficient evidence of sexual assault in women’s prisons to justify further research. He does not find a racial basis for the assaults in New South Wales.
42 “Behind the Wire: Justice WA style”, West Australian, 21.3.98, p1.
43 C.L., Interview, 20.11.98.
44 See George, A. (1993) for a discussion of strip searches as a form of sexual assault.
47 Discussed in detail in the following section.
51 Of the 99 cases of Aboriginal deaths in custody that were examined by the RCADIC, 88 were male and 11 were female with most deaths occurring in the age group 25-29 years. Nearly twice as many of the deaths occurred in police custody as occurred in prisons (63 out of 99). The highest number of cases were in Western Australia and Queensland, and there were no Aboriginal deaths in prisons in Victoria, Tasmania or the ACT in the period. (Biles et al in Biles and McDonald, 1992: 526).
52 Davis, J. (1988) John Pai and Other Poems. John Pat’s death was investigated by the Commission. He died of closed head injuries in the juvenile cell of the police station lockup in Roeburn, Western Australia on the night of 28 September 1983. He was sixteen years old. The death of John Pat became for Aboriginal people nation-wide a symbol of injustice and oppression. The anniversary of his death continues to be marked by demonstrations calling for justice. See also RCADIC (1991) Report of the Inquiry into the Death of John Peter Pat.
53 Nationally, Indigenous adults represent less than 2 per cent of the Australian adult population, but approximately 19 per cent of the total prison population and, during 1998, 13 per cent of all prison deaths were of Indigenous people (Dalton, 1999a: 4).
54 Mick Dodson, quoted in the Sydney Morning Herald, 26.11.96.
55 It should be noted that data on deaths in custody (which is formally recorded by the National Deaths in Custody Monitoring and Research Program at the Australian Institute of Criminology) is drawn primarily from jurisdictional custody authorities (police and prisons) and coroner’s reports. Prior to 1990, nearly all deaths in custody were regarded as institutional deaths which had occurred either in prison, police lockup or juvenile detention centre, during transfer to or from an institution or in hospital following transfer from the institution (Dalton, 1998, No.105). In the following analysis, while the focus is on the examination of deaths that have occurred in prison, at times the data requires reference to all deaths in custody.
56 Recommendation 41 of the National Report of the Royal Commission into Aboriginal Deaths in Custody recommended that the definition of a “death in custody” should include at least the following categories:

1. the death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile;
(ii) the death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care whilst in such custody or detention;
(iii) the death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and
(iv) the death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention (RCADIC, 1991a: 190).


It should be noted that the relative health status of Aboriginal and non-Aboriginal people means that the rate of death by natural causes is higher for Aboriginal people in the general community. It is to be expected that such an outcome would be reflected in the number of deaths by natural causes of Aboriginal people relative to non-Aboriginal people. This view is supported by Thomson and McDonald (1992).

Drawn from Dalton (1999b).


Sunday Times, 28.4.96, p6. See Chapter 4 for a discussion of the intersection of disease, criminality and otherness.


The definition of an inmate homicide used by the Australian Institute of Criminology is "the intentional, accidental or justifiable killing of an inmate detained in prison custody within the prison environment". See Dalton (1999c: 1).

55 of the 56 prison homicides over the past 19 years were of males. The proportion of prison homicides involving Indigenous victims (7.1 per cent) is less than the proportion of the total prison population who are Indigenous (Dalton, 1999c: 2).

Over the same period the national average rate of imprisonment has increased by 85 per cent (Dalton, 1999c: 2).

According to the AIC, despite allegations over the years, at no time during the period covered by this report has any correctional officer been found guilty of the unlawful homicide of an inmate (Dalton, No. 1999c: 1).

Quoted in Time, 6.4.98, p54.

See Table 6.1.

Part IV

Subjection
Desire

As far as the sexuality goes, I found it very similar to the outside world, I really did, because I knew that there was the very obvious sexuality going on and everybody knew about that, but there was plenty of other sexuality going on as well.¹

Throughout this research I have argued that there are many links and complex inter-relationships between punishment and sexual difference, links which are reinforced through the discourses of discipline, matter and motion. In this chapter I would like to draw on these complexities and point to the ways in which the specificity of sexed and desiring subject positions are both constrained and enabled by everyday prison practices.

For such a task, notions of power and identity are critical. Analysis of power, as suggested in the Introduction, serves to focus attention on the detail of the conditions in which we know our selves (however partial this knowledge may be) and explorations of identity, including sex and sexual identity, serves to de-consolidate the categories and framework within which such self-knowledge is formulated. In prison as elsewhere, these conditions include the languages in which we speak, the bodies in which we move and the historical and cultural specificity of our positionings. Prison materiality and subjectivity, as I have argued in the preceding chapters, are particularly informed by notions of abjection, fluidity, space and time, the matter and the motion of everyday prison life. While these are conditions that differentiate the inside of the prison from the outside of the prison, the nature of desire and the degree to which desire is somehow different for prisoners remains open to question.
As the opening quotation suggests, in prison, as in the outside world, sexuality “goes on” in varying degrees of “obviousness”. Everywhere sexual acts and sexual identities are combined in a variety of ways, and revealed or hidden to varying degrees. As prisons are predominantly single-sex institutions, the claim that sexuality “goes on” immediately indicates the possibility of same-sex desire. Furthermore, inherent in any power relations of control and resistance is the possibility of shifts in identity, including sexual identity. Subject to strict regulation, each prisoner takes up a position as a sexed and desiring human being in ways that challenge sexual and social order and the static, normative categories of sex and desire. As already other, as outcast, a link emerges between the abject position of both prisoners and so-called non-coherent sexes and sexualities. Drawing from the abject and its ambiguous status as simultaneously desired and feared, questions on the role of desire in prison, including same-sex desire, can begin to be formed.²

**BULLA:** [reaching a hand to STANLEY’s hair, which is longer than permitted] You’ve got lovely hair. Anyone ever tell yer that?
* [Touching it] Lovely hair.
* [STANLEY steps a pace backwards, his expression like a hypnotised mouse.]
Nice and long too.
* [He smiles. STANLEY continues just to stand. BULLA keeps smiling at him.]

**DADDAA:** Drop off that!

**BULLA:** [ignoring DADDAA, still smiling at STANLEY and holding his eyes] None on yer chest, though, is there?
* [STANLEY swallows and shakes his head.]

**DADDAA:** Bulla!
* [Pause]

**BULLA:** [turning slowly] What?

**DADDAA:** [evenly] Yer trying ter make him somethin’ he’s not?

**BULLA** That’ll make two of us then, won’t it?
* [He turns to eye STANLEY again. He offers him the tobacco pouch.]

**DADDAA:** [quietly] Why be what yer not, then?

**BULLA:** Why be nothin’ at all?³
According to Bulla, being "what yer not" is better than being "nothin' at all". And, central to being "something" for Bulla is desire. Touching, smiling, looking and talking are indications of Bulla's desire for Stanley. It is implied that this desire, however, could make both him and Stanley something that they are not. Presumably, they could become not-homosexual, a position of anti-identity performed through the desire if not the act of homo-sex. In such a way, Bulla and Stanley confuse more traditional conflations of sexual orientation, sexual act and sexual identity, calling into question the logic of such a trajectory and opening up the possibilities of other arrangements of desire and identity.

The ways in which desire operates as a discourse in the constitution of materiality, subjectivity and identity is of crucial importance in this context. Indeed, it is essential to consider the ways in which particular configurations of desire become discursive practices, embedded with power, and the ways in which desire can also resist and shape such discursive demands. For Patrick Fuery, it is in desire that we find "both explication and definition of the post-structuralist subject". He says:

> [P]ost-structuralism formulated the concept of the subject as something uncertain, fragmented, split (within itself and from others), struggling with or against power and its institutionalisation, and driven by insatiable desire (Fuery, 1995a: 6).

While full exposition of the complex debate which underpins Fuery's placement of desire as essential to the post-structuralist subject is not possible here (see Fuery 1995a, 1996b), I find it useful as a starting point for the exploration of desire in prison. In arguing for the importance of desire in the analysis of subjectivity, Fuery emphasises the powerful (indeed insatiable) force that is desire. Within the power regime of the prison, discourses of desire become both forms of regulation and forms of resistance – at once desiring, loving, refusing and revolting.

In order to open up questions of desire in prison, I have divided this chapter into four sections. The first of these raises issues to do with prison power and desire, including a problematisation of the relations between forms of repression which operate on and in the body. The second section explores the
imposition of gender-normativity and hetero-normativity in the prison through regulations and practices related to sexed and desiring identities in prison. This section includes an examination of the risks of same-sex desire, including the risk of violence. The third section explores desire as a critical formative component of subjectivity through openness, touch, friendship, protection, sex and love. Finally I address questions of identity in an examination of the relations between sexual orientation, sexual act and sexual identity in prison.

While this chapter does contain some harrowing depictions of the regulation and abuse of same-sex attracted prisoners, the overall aim of the analysis is, taking inspiration from Les Moran, to focus on the body as the human subject in all its "capacities, desires, pleasures and practices" (Moran, 1996: 198). In other words, it is a celebration of desire and connections made in spite of the reconfiguration of bodily boundaries and the disciplinary manipulation of space and time that characterises prison life.

**From Discipline to Subjection**

In suggesting some form of movement from an analysis of discipline to subjection, I am aiming in this section to explore in more detail the relationship between power and subjectivity. In particular, the ways in which subjectivity is formed or enabled through the intersection of institutional disciplinary apparatuses and practices of self-regulation. While this approach has been suggested in much of my analysis so far, particularly in relation to the impact of specific prison practices on subjectivity, it is argued here that the role of desire and desiring practices in such movement is critical.

For the purposes of this research, it is the trajectory of Michel Foucault's work and, in particular, the continuing conversation between Foucault and Judith Butler on power, that makes the shift from discipline to subjection possible. Such a shift problematizes the separation of the inside and the outside of the body, the corporeal and the psychical, in ways which open up to question the practices of prison punishment and prison desire in producing a subject according to (or in spite of) culturally prescribed
determinations of correct sex and desire. It emphasises the subordination inherent in processes of becoming a subject, a claim that requires particular attention in the highly regulated environment of the prison.

In Volume I of the *History of Sexuality*, Foucault describes the discursive practices and institutional mechanisms through which sexuality is socially constructed. His object is, in his words, “to define the regime of power-knowledge-pleasure that sustains the discourse on human sexuality in our part of the world” (Foucault, 1978: 11). Of particular importance in his analysis is the role of the confession as a technique of domination in the production of truth, a form of the proliferation of sexuality. In Volumes II and III of the *History of Sexuality*, Foucault shifts his emphasis to the transformation of the self through what he calls the “games of truth”. He asks:

> What are the games of truth by which man proposes to think his own nature when he perceives himself to be mad; when he considers himself to be ill; when he conceives of himself as a living speaking, laboring being; when he judges and punishes himself as a criminal? What were the games of truth by which human beings came to see themselves as desiring individuals? (Foucault, 1984: 7)

In many ways, this is a shift that moves attention from the technologies of domination to technologies of the self. It moves from normative forms of subjectivity to the ways in which individuals recognise and place themselves within these forms, a move from a broader look at the history of modern sexuality in the West to “a genealogy of desiring man” (Foucault, 1984: 12). The reformulation of his project was described by Foucault as being a process of analysing the practices by which individuals were led to focus their attention on themselves, to decipher, recognise and acknowledge themselves as subjects of desire (Foucault, 1984: 5). In order to achieve this, Foucault looked at what he termed the “arts of existence”, the intentional voluntary actions by which men set themselves rules of conduct and seek to transform themselves and make their life an “œuvre” (Foucault, 1984: 10-11).\(^5\)
This shift of Foucault’s is critical in that it returns us to a consideration of the prisoner as not simply a passive recipient or victim of technological disciplines, nor simply a disciplinary self-regulator. Rather, it requires us to approach questions of individual desire, corporeal and psychical, desire for self, same and other as an active force in processes of subject formation. It requires that we examine the conditions of expression of such desire in prison, the possibilities and the risks of self-conduction.

Of course, questions of the body and the psychical interior are well known to Foucault. As discussed in the Introduction, in Discipline and Punish, Foucault conducts a critical examination of power through its effects on the body of the prisoner. He also looks closely at the role of the prisoner in self-regulation, including through the mechanism of the panopticon. Indeed, the disciplinary practices of the prison such as inspection, confession and the regularisation and normalisation of bodily movement and gesture are shown to be critical to the construction of both punishment and the prisoner. It is at this very conjuncture that Butler takes up Foucault’s argument, suggesting that Foucault’s focus on the body as the site of subjectivation raises critical issues on the relations between the interior and the exterior of the prisoner’s body, and the place of power in formulating subjectivity.

According to Butler, Foucault’s individual prisoner is formulated through his discursively constituted identity as prisoner, particularly through the disciplinary regimes of the body referred to above. In this way, the prison acts on the inside and the outside of the body:

The prison thus acts on the prisoner’s body, but it does so by forcing the prisoner to approximate an ideal, a norm of behaviour, a model of obedience. This is how the prisoner’s individuality is rendered coherent, totalized, made into the discursive and conceptual possession of the prison .... This normative ideal inculcated, as it were, into the prisoner is a kind of psychic identity, or what Foucault will call a "soul" (Butler, 1997a: 85).

Indeed Butler suggests that "[a]lthough the soul is understood to frame the body in Discipline and Punish, Foucault suggests that the production of the 'subject' takes place to some degree through the
subordination and even destruction of the body” (Butler, 1997a: 91). Due to the imprisoning effect of the soul, the prisoner is subjected in ways that are more fundamental than the spatial captivity of the prison or the temporal limitations of the routine. And, while Foucault is referring specifically to prisoners in this instance, Butler suggests that the Foucault’s metaphorical use of the soul as the prison of the body has implications for his theorisation of the body per se. Butler wants to know, in particular, why bodies produced through disciplinary regimes are denied resistance, whereas in his formulation of sexuality, power is seen to act not only on the body but also in the body (Butler, 1997a: 89). Butler’s question is critical to the analysis of this chapter which looks at the way in which the regulation of prisoners is formulated in relation to the normative sex and sexuality matrix. At what point can the prisoner’s body move from docile (Discipline and Punish) to intelligible (History of Sexuality)? While in many ways such a question suggests an integration of Foucault’s early and later work on subjectivity as discussed above, it also raises questions on the regulation of the psychic life, questions which are pursued in some detail by Butler.

Analysis of the intersection of disciplinary apparatus and desire require a more detailed look at Butler’s use of the term subjection. Butler moves from use of the term subjectivation (as used by Foucault) to that of subjection which connotes more strongly the subordination inherent in becoming a subject. Butler focuses on the ways in which social norms are internalised as power works to form subjects, rather than simply to repress existing subjects and she suggests that an account of subjection is found in the turning of a subject against itself through processes of self-reproach, conscience and melancholia, acts which take place alongside processes of social regulation. She asks how desire for the norm and for subjection can be accounted for in terms of a prior desire for social existence, a desire that is exploited by regulatory power (Butler, 1997a: 19).

Bound to seek recognition of its own existence in categories, terms, and names that are not of its own making, the subject seeks the sign of its own existence outside itself, in a discourse that is at once dominant and indifferent. Social categories signify subordination and existence at once .... Subjection exploits the desire for existence,
where existence is always conferred from elsewhere; it marks a primary vulnerability to the Other in order to be (Butler, 1997a: 20).

What if, however, you already occupy the position of the "Other"? As prisoner, as lesbian, as transgender, as HIV positive? What then of the desire for existence within a social category?

In prison, processes of othering are central to the classification and expulsion of prisoners. In Chapter 3, I pointed to processes of filth and disorder which see prisoners located in places which do not meet social norms in regard to cleanliness and order. Through such boundary control, prisoners come to be seen as less than human, monstrous, animalistic and uncontrollable. In Chapter 4, I pointed to the perceived permeability of prisoners, and the resultant disciplinary practices of HIV and drug testing, surveillance and segregation. Such practices, I argued, serve to reinforce the threat of the prisoner as disorderly, contagious and therefore open to invasive management technologies. In both of these chapters, links were made with the non-normative status of the prisoner, the outsider, and other outcast groups such as gay men and drug users.

It is suggested here that within prison, certain types of prisoners are regarded as somehow even less human than others, even more open to abuse, in ways which can be seen to compound their outcast status. While I have already suggested that this is the case in relation to HIV positive prisoners and drug users, I am arguing here that, through a similar set of manoeuvres, prisoners who express same-sex desire or challenge sex norms are subject to a particularly harsh prison regime. It is a regime in which they are subject to vilification and violence when the processes which deny their existence or attempt to render them invisible fail. The consistency of such repressive practices are a recognition of the threatening power of desire as a critical component of the circulation of power and the formulation of identity.

Furthermore, in exploring the repudiated position of certain groups in society, Butler asks "what happens when a certain foreclosure of love becomes the condition of possibility for social existence?" (Butler, 1997a: 24). She suggests that this foreclosure might be usefully relinked with the Foucaultian notion of a
regulatory ideal, "an ideal according to which certain forms of love become possible and others, impossible" (Butler, 1997a: 25). For Butler, subjects which express impossible love, including homosexuals, people who die from AIDS, prostitutes and drug users, are marked for social death since such subjects refuse to desire normal social existence:

What would it mean for the subject to desire something other than its continued ‘social existence’? If such an existence cannot be undone without falling into some kind of death, can existence nevertheless be risked, death courted or pursued, in order to expose and open to transformation the hold of social power on the conditions of life’s persistence? (Butler, 1997a: 28).

The need to assume a socially coherent existence is not misplaced in prison as the following quotation, which demonstrates the power of prison practices to question the very humanness of transgender prisoners, attests:

I was herded into a truck packed full with male prisoners. We sat sideways in the dark, humid, smelly and airless truck. When I said something from my cramped space at the back, someone at the front said, ‘Is there a girl in here?’ I didn’t respond, and the moment passed. Eventually I was let out at Long Bay Jail. ‘We’ve got three prisoners and one thing’, said an enormously obese screw (prison officer). I was infuriated at being so blatantly dehumanised.6

It is clear that in prison one must be coherently sexed in order to qualify for an identity. And indeed, as Butler (1993) so cogently argues, it is the incoherence of sex that marks off the abject and the dehumanized from the recognizably human. As the above quotation suggests, in prison such rules are also applied where prisoners who challenge sex norms are doubly othered, rendered inhuman. In such regulated environments which are, after all, “outside of all places”7 it is critical therefore to question the ways in which discipline and desire reinforce each other.

The key element of Butler’s work that can be drawn out here is the critical insight that bodily matter and sex, as well as sexuality, are constructed through power regimes. The implications of this for sexuality
and identity derive primarily from the suggestion that sexuality does not flow directly from specific configurations of bodily matter, sex or sensations. Indeed, Butler suggests that any social displays of nonidentity, discontinuity, or sexual incoherence will be "punished, controlled, ostracized, reformed" (Butler, 1993: 350). In seeking to resist the linkage of sex and identity, Butler proposes a strategy which calls into question the foundation on which identity is socially determined. Using homosexuality as an example, Butler suggests that it is important, rather than to claim the category of invert or of homosexual, to rework that term to signify something less pathological, mistaken, or deviant. Perhaps instead "[t]he task is to call into question the explanatory gesture that requires a true identity and, hence, a mistaken one as well" (Butler, 1993: 357).

In calling into question the notion of coherent sex, gender and sexuality I am seeking to open up for examination the possibilities of non-normative desire in the prison. While evidence suggests that serious attention is paid in prison to the regulation of sexual incoherence, it is also clear that resistance to these norms, including a fundamental questioning of sexual and gender categories, is also in place. In this way, desire in prison becomes a form of regulation and a form of resistance. Importantly, this regulation and resistance takes place through technologies of domination and techniques of self and a confluence of discipline and subjection. In seeking to explain how it is that the disciplinary apparatus fails to repress sexuality, Butler suggests that "the apparatus is itself eroticized, becoming the occasion for the incitement of sexuality, and, therefore, undoing its own repressive aims" (Butler, 1997a: 101). Such a view draws from Foucault's argument in the History of Sexuality that the repressive function of the law is undermined precisely through the fact that the law itself becomes the object of erotic excitation.

For one interviewee, the eroticism of the prison yard was a powerful force:

I mean it's a homoerotic environment anyway. I mean there's guys doing push-ups, they're all pumped up, they're sort of naked walking around, there's all that sort of, you know, male thing going on.
Before exploring the erotic yard, however, and the interchanges of desire that happen within its walls, I will firstly examine the repetitive functioning of the laws of sex and sexuality, that which frames the disciplinary apparatus of the prison and sets the parameters of normative sex and sexuality. The iteration and reiteration of the prison are marked as critical elements of this process, leading to a questioning of how it is that the disciplinary routine of the prison and the repetition of broader social discourses related to criminality, masculinity, femininity and sexuality serve to mutually reinforce each other.

**Correction**

As Butler points out, the regulatory power of the law is extensive. She asks:

> How does the capacity of the law to produce and constrain at once play itself out in the securing for everybody a sex, a sexed position within language, a sexed position which is in some sense presumed by any body who comes to speak as a subject, an 'I', one who is constituted through the act of taking its sexed place within a language that insistently forces the question of sex? (Butler, 1990: 95).

In prison, the production and constraint of sex is evidenced in particular through the implementation of the regulations that govern prison management practices and the way in which such regulations intersect more broadly with discourses of sexual difference. While, as Butler suggests, the law seeks to secure a sexed position from which all subjects are required to speak, it is also clear that such attempts are not always successful, creating anxiety around the maintenance of identity borders. Such border transgression recalls the abject, the disorder the lies beyond the boundaries of dominant cultural understandings of sex, and puts into play a range of management strategies which aim to quell disturbance.

In this section I will examine how normative sex and sexuality is imposed, regulated and enforced in the everyday practices of the prison. It is argued that such practices simultaneously seek to circumvent the
appearance of incorrect sex and desire, and to punish it when it does appear through the cracks in the regulatory apparatus. In seeking to highlight the experience of those who refuse the sex and desire norms of the prison, it is critical to maintain a link between Butler's notion of social death and the threat faced by some prisoners, including gay, lesbian, bisexual and transgender prisoners, of physical violence.

Throughout this research the surveillance of the prisoner, including the power of the regulatory gaze, has been identified as critical to the maintenance of order. Indeed, in the specificity of the prison, surveillance demands a particular form of visibility, requiring, as Foucault and Butler argue, forms of self-regulation and self-repression. Visibility is, however, already an ambivalent issue for gay men, lesbians, bisexuals and transgenders where the act of coming out contains both promise and danger (Sedgwick, 1990). For prison authorities, there is also a parallel act, I would suggest, of coming out or failing to come out about the existence of sex inside prisons, a recognition of desire and its powers of disruption, pleasure and danger.

According to the following interviewees, sexual behaviour amongst inmates is denied.

No, it doesn’t exist. Sex in jail doesn’t exist to be seen. You just shut the door.

The officers are intolerant of any form of sexual behaviour among inmates and at the first whiff of such activity the inmates are called into the office and made to feel small.

And, as the following interview between Lawrence Johnston (Director of Life) and journalist Chris Beck suggests, this denial of sex is a form of homophobia:

L.J. What gets me is that it is denied by the prison that it actually happens ....
C.B. So, in effect, the system is homophobic?
L.J. Very homophobic, completely homophobic. We asked the superintendents .... "Do you think sex goes on between prisoners?" "No". It was a complete wall-up.
Within a punitive apparatus that demands visibility as a central form of control, it is ironic that same-sex desire is rendered invisible. Clearly, underlying the need to reform or correct prisoners more generally is an intense fear of non-normative sexuality. A fear that is so great it must be rendered unspeakable. This denial, however, has significant implications for the safety of prisoners who wish to express same-sex desire. Without recognition of their position in prison, meeting the duty of care requirements is made more difficult, an argument which is supported by the continuing failure to provide condoms in most Australian prisons.\textsuperscript{14}

In seeking an explanation for the denial of same-sex desire in prison I am returned to the question of sexual difference and the arguments raised in Chapter 2 in relation to the ‘othering’ of femininity. I suggested that the question of sexual difference raises a much wider set of concerns to do with the understanding of sexed subjectivities and difference within contemporary knowledge systems, including in this instance the regulation of bodies and desires inside prison. Drawing on notions of abjection, fluidity, and the spatial and temporal processes of hierarchisation and exclusion, I suggested that prisoners are made other in a range of ways that are integral to the structuring of contemporary punishment. At this point, as the analysis turns to focus more directly on questions of materiality and subjectivity in relation to same-sex desiring prisoners, the presence of parallel processes of control, which seek to maintain the social order of sex and desire normativity, become more evident. That is, the denial of same-sex desire reflects fear of the other and the need to shore up the culturally recognisable forms of sex and desiring difference. It is an attempt to prevent slippage or leakage across the binary. In addition to the denial of same-sex desire and attempts to render invisible that which does appear, such fear is also manifested in sexual stereotyping for women and men, unsustainable conceptualisations of the norms of femininity and masculinity, and discrimination against non-conformity to these norms.

Questions of femininity and masculinity continue to be essential in conceptualisation of the prison. As discussed in Chapter 2, feminist critiques of criminology have pointed to the biologicist understandings of sexual difference, sexual stereotyping of women and girls, and discrimination in the operation of criminal
justice system. More recent incursions of postmodern feminism and masculinity studies have examined the meanings of sexed subjectivity for women and men, including sexual stereotyping of men and boys. Such work is critical in that it sets out for examination the ways in which dominant formulations of masculinity and femininity affect the position of the prison and the prisoner in the sexual imagination. This form of examination is central for unpacking what I would suggest is the already sexed nature of the prison and punishment, given the culturally persistent links that are made between criminality and masculinity.

The masculinity of imprisonment exists not only in the body of the prisoner but also in the materiality of the prison itself. Prisons are described as “sterile male environment[s]” while the introduction of women into Long Bay men’s prison in New South Wales was seen to create “a more ‘normal’ and maternal environment.” While both quotes are intended to reinforce the masculinity of the single-sex, male prison, they also strongly remind us of the normality and indeed fecundity of an alternative male/female environment, one that is re-productive. Indeed, I would suggest that both female and male prisoners can only be understood in the regulatory sex/desire schema of the prison which both reinforces sex differences but which also demands heterosexuality. In such a schema, men are positioned within stereotypical notions of masculinity while women are positioned in opposition to stereotypical notions of femininity. Thus, sexed prisoners are made intelligible in a way that equates men with law-breaking behaviour and women with law-abiding behaviour, a desirable opposition in the promotion of normative (hetero)sexed binary identity.

To illustrate the argument that sex differences need to be understood within an overriding framework that sees criminality and imprisonment as masculine, the following two quotations demonstrate ways in which people adapt. One interviewee described her own process of emasculation in prison as essential to survival:

I was tough. Very gutsy, and my walk changed again. Tried to walk like a bloke. Longer stride, shoulders back a bit, and it was just pathetic. Pathetic.
One writer, describing her relationship with a male prisoner, remarked that his status as a criminal worked to firm up his masculinity:

Maybe he was the first male I’d ever met who didn’t feel the constant need to prove his manhood. Not because he’d resisted this unavoidable male urge but because after achieving the status of a notorious criminal, he had nothing left to prove.¹⁹

In positing the strength of sex- and hetero-normativity in the prison, I am seeking to emphasise the pervasiveness of such discourses in the maintenance of social order within the punitive apparatus. Clearly there are contradictions in the prison. Given the predominantly single-sex environment of most prisons, gender norms cannot be reinforced through oppositional positioning of men and women, a positive promotion of heterosexuality. Rather, their maintenance must rely on the denial of homosexuality, a closeting of difference, and a devaluation of femininity which links the othering of women and the othering of same-same desire. In support of such a claim, one interviewee pointed to the devaluation of femaleness and its links to homophobia in prison:

It’s a dreadfully homophobic place .... the women are all right, the lesbians get on okay, they’re not seen as anything untoward, because that sort of elevates them to a position of almost maleness, somehow, whereas with a man, it’s almost femaleness, which is a very bad thing.²⁰

In linking the negativity of femininity to the negativity of homosexuality, this quotation opens up for critique the specific practices which serve to regulate sex and gender normativity through the management of desire in prison. Such moves can see only risk and danger in the pursuance of same-sex connection, yet do little to promote safety. In order to explore some of the precise ways in which desire is managed, I will look firstly at the policies and practices which regulate same-sex desire, with a particular focus on gay and lesbian prisoners. Secondly, I will explore the policy and practices of sex-normativity in relation to transgender prisoners.
No correctional jurisdiction in Australia has a specific policy in relation to gay or lesbian prisoners. In personal correspondence from relevant government Ministers it is clear, however, that there are a number of common practices in their management across the country. There is, firstly, an insistence on non-discriminatory treatment consistent with anti-discrimination legislation for each state and territory. Secondly, there is a focus on maintaining the safety of such prisoners, with a concomitant implication that such prisoners are either at risk or are themselves a risk. Thirdly, not one jurisdiction asks questions on sexual identity or sexual practices, questions that may assist in assessing placement or specific needs. Rather, it is up to the individual prisoner to disclose their sexual identity or practices.

In Tasmania, notions of vulnerability and protection are emphasised despite a statement that the management of gay and lesbian prisoners has not proved problematic:

No specific policies or procedures are focused on these groups of prisoners. At the same time, management of them has not proved problematic. Information regarding a prisoner's sexuality is not routinely collected and would not be known to prison personnel unless disclosed by the prison or established by virtue of his or her offending or prison history. Disclosure however would not result in any differential treatment unless the prisoner sought protection or was assessed as presenting with a degree of vulnerability that warranted some form of protected placement.  

In Western Australia and Queensland, respectively, the focus again is on safety:

As with all prisoners admitted to prison, they are asked if they perceive any threat to their safety from other prisoners. If, for example, they indicate a fear that they may be subject to predatory behaviour from other prisoners because of their sexual preference .... then action can be taken to ensure their safety as part of the prison placement process.  

The department does not discriminate on the basis of the sexual preference of a prisoner, however the department does have a duty of care to provide for the safety of all prisoners.
In essence, the only differential treatment relates to safety, a recognition of the risk of gay and lesbian prisoners, but a gesture which serves to negatively reinforce the position of gay and lesbian prisoners as vulnerable and as requiring separation and targeted surveillance. There is no positive support for gay or lesbian prisoners noted in these statements at all. Such lack of positive support may in fact result in discriminatory management practices as defined by anti-discrimination legislation, for example through the inability of gay and lesbian prisoners to access community papers and magazines or gay and lesbian literature.24 In addition, the failure to provide condoms in prisons, as well as exhibiting a possible failure of duty of care, represents a failure to acknowledge a specific expression of same sex desire amongst men in prison. I would argue, furthermore, that relying on the disclosure of prisoners recalls the confessional apparatus (with its implication of sexual sinning) and also a preference on the part of the authorities to not know, to remain unaware of the possible disruption of such desire.25

For transgender prisoners, the policy position is somewhat better articulated than that of gay and lesbian prisoners. I would suggest that this relates in part to the ability of gay and lesbian prisoners to remain invisible. For transgenders, however, invisibility may not be an option, their arrival at prison reception signalling a fundamental challenge to the single-sex institution of the prison and the sexed understanding of criminality and punishment referred to above.26

The Department of Corrective Services in New South Wales was the first state in Australia to develop a policy on the management of transgender prisoners which does allow placement of transgender people in a prison according to their identified rather than their birth sex. Under Section 7.37.2 of the Operations and Procedures Manual, the following definition of transgender is provided:

A **transgender person** is a person of one sex who:

a. identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex, or

b. has identified as a member of the opposite sex by living as a member of the opposite sex, or
c. being of indeterminate sex, identifies as a member of a particular sex by living as a member of that sex.

This definition of a transgender person according to the sex with which they identify rather than their biological characteristics has been developed in order to comply with the definition included in the *Transgender (Anti-Discrimination and Other Acts Amendment) Bill 1996.* This Bill, which proposed reforms to anti-discrimination law, birth certificates, the *Crimes Act 1900* and the *Wills, Probate and Administration Act 1989*, uses the term transgender rather than transsexual in a radical move away from a predominantly medical construction of gender identity. Rather than privileging surgical intervention, the Bill allows identity and behaviour some influence in legal decisions on sex status.

These changes to the law in New South Wales have had a number of implications for transgender prisoner management including: identification; initial placement; the induction screening process; the classification and accommodation process; general management issues; access to health services; rehabilitation and integration; and access to information. Importantly, in the context of case management, the policy requires under Section 7.37.3 that:

transgender inmates will be accommodated in a correctional centre of their gender of identification unless it is determined through case management that the inmate should more appropriately be assigned to a correctional centre of their biological gender.

While such a policy indicates that "gender of identification" will play a role in determining whether a transgender person will enter a women's or men's prison, it is also made clear that prison authorities, through case management, will have significant input into this decision. As the following quote makes clear, the translation of policy into practice is not always straightforward:

A Corrective Services spokesperson told the Sunday Telegraph that such transfers would by no means be easy. "It won't just be an automatic thing where if you see yourself as the other sex and you identify with other sex you will automatically be transferred to the other jail", the spokesperson said. "Without being discriminatory, we
have a duty of care not just to that person, but to the rest of the jail population. What we have to do is be very careful in our assessment".

We are thus returned to questions of risk and safety, emphasising yet again the anxiety generated by such destabilisation of sex and desire norms. In order to be "very careful" in the assessment of sex in prison (as suggested by the above spokesperson), it is essential to address a whole set of questions to do with the nature of correct sex, including questions over the point at which sex reassignment becomes complete. I will return to these questions below. Firstly, I would like to outline the policy in another jurisdiction, the Northern Territory, to demonstrate how disparate the conceptualisation of transgender identity is within correctional management.

In the Northern Territory, an alternative definition of transgender is found in the Classification and Security Assessment Manual. This definition differs from the New South Wales definition primarily due to its focus on the importance of surgical intervention in the determination of sex status. Interestingly, it also includes a reversal of the more usual understandings of 'sex' as biological and 'gender' as social, for no apparent reason. This is evidenced by use of the term "transsexual" for those people who have not undergone surgical reassignment and "gender reassigned" for those who have. The Manual states:

Section 4.0.6 Transsexuals:
Prisoners who have the characteristics of the opposite sex but who have not undergone surgical reassignment are to be placed in a location matching their birth sex unless otherwise approved by the Superintendent on advice from the Visiting Medical Officer.

Section 4.0.7 Gender Reassigned:
Any such prisoners are to be placed in a location that corresponds with their reassigned sex, i.e., they are to be treated as they would be in the community.

This definition is clarified in personal correspondence with David Payne, Superintendent, Northern Territory Correctional Services who states that a gender reassigned person is one who has "had full surgical reconstruction transition from one sexual identity to another (male to female etc)".
In all jurisdictions, it is clear that the degree of sex change is of critical importance. In Queensland individuals have an input to the decision concerning their placement and each transgender case is determined on merit. As the following quote makes clear, it is the degree to which the individual is seen to have become the other sex that determines merit: “During the reception process a medical examination is conducted to determine the extent of sexual change and to assist in identifying the most appropriate placement centre”. Western Australia states that “[f]amily background, development history including development of sexual identity, recent lifestyle, medical history with particular reference to hormonal and/or interventions and gender identity preference” are taken into account in determining placement for transgender prisoners.

As the above policies demonstrate, the principal issue is the extent of sexual change, determined by medical examination and with a focus on hormonal and/or surgical intervention. In effect, transgender bodies must be rendered intelligible within a system of binary sex-difference, made real by medical intervention. Such intervention serves to eliminate ambiguity, to reinforce and shore up difference, once again attempting to make firm the boundaries between same and other. In Western Australia, once placement is decided, transgender prisoners are treated “the same as any other prisoner”. That is, once their status and position in the sex binary has been clarified, transgender prisoners are again able to be seen as normal. However, I would suggest that some doubt remains as to the comfort such forms of medically constructed normality can be expected to bring to the ever-anxious prison authorities. In Tasmania such nervousness in relation to the potential disruption of transgender prisoners is made evident in the following statement:

So far as transgender prisoners are concerned, I am relieved to be able to say that management of them is an issue we have not yet had to confront. Apart from one prisoner earlier this year who began displaying signs of increasing feminisation towards the end of his sentence, we have not had to accommodate any prisoner who has been undergoing, or wished to commence, gender reassignment during his/her sentence. Should we be required to do so our approach would be to mainstream their placement and management in an environment based on their original gender unless medical or psychiatric opinion, or individual needs, dictated otherwise.
Again, the assumption is that transgenders will be classified and placed according to their birth sex, reasserting the notion that everybody has a natural sex and throwing into question the very possibility of sex change.

Of particular importance in the decision over the sex of the transgender inmate is the absence or presence of the penis. In the Northern Territory, transsexuals are treated in accordance with their "physical sexual construction". In other words, "the person may well have breasts but if they possess male genitalia, then they are treated as a male person". In Queensland, this issue is described as the extent of gender reassignment: "where extensive surgery has taken place such as removal of the penis, the prisoner is often better housed with female prisoners". In Victoria, the policy requires that a person with male genitals be regarded as male. In this way, the penis becomes the signifier of sexual difference, and women are defined by its absence. In addition to its extremely troubling condensation of all difference into the male genitals, such a policy seriously discriminates against the female to male transgender given the surgical difficulty in constructing a functional penis, a difficulty compounded by a long-standing cultural resistance to the appropriation of the phallus by women.

Norrie May-Welby, however, had to hide her female genitals in order to slip through the "trany dragnet" and avoid being separated from the boys:

I thought my female body would be noticed when I was strip-searched. I walked with my pelvis forward, like a man, I flexed my chest when I took my pants off, minimising my breasts, and was asked to turn my back when I dropped my underwear. I kept my legs together and they didn't realise I had female genitals.

The intense gaze to which transgender people are subjected in prison is a reflection of their ability to challenge the assumed pre-discursive naturalness of the sexed body. Having an ambiguous or non-coherent relation between biological sex and social gender is not allowable, especially in the single-sex prison. The intersection of the disciplinary apparatus and the maintenance of sex and gender normativity
becomes particularly clear in the assignment of a sex to a transgender prisoner, with a strong reliance upon medically determined difference rather than identity and lifestyle. While management focus, as with gay and lesbian prisoners, is on the safety of the individual transgender inmate, safety of other prisoners and safety of the sex/gender system remains of paramount consideration. In some instances this results in a practice of separation. In the NSW policy, for example, "[t]ransgender inmates (of the same gender of identification) are to be clustered together wherever possible" (Section 7.37.4.2.4). Such a policy is also reflected in a comment by one interviewee:

I used to see the transvestites there, they were separated and they used to keep them in this area, where they sewed with machines. Like I knew one of them, [name] he'd be dead by now, he was about my build, very bad, very vicious, but I always got along well with him, but they always kept them very much separate in those days from the other prisoners.  

According to Roberta Perkins, for transgender prisoners in particular, there are further risks related to the assumption of stereotyped roles of sex and hetero-normativity inside the prison. Perkins argues:

In a male prison the transgender becomes the woman, in an exclusive men’s society, even for heterosexual males who would normally spurn tranys as sex partners. This gives her greater bargaining power than she ever possessed outside. But, unfortunately, once a mate is selected the trany reverts to the usual exaggerated excessed of the heterosexual model by becoming the subservient ‘wife’ and is as vulnerable to HIV as non-incarcerated tranys (Perkins, 1994: 69).

For some commentators, a similar pattern of relations is seen to extend beyond the transgender prisoner to those who have sexual relations. These commentators point to the patterns of homosexual relations in prison (particularly men’s prisons) which they suggest reflect heterosexual patterns. In this way Robert Adamson and Bruce Hanford argue that:

It is untrue to say that the prison culture of New South Wales is a homosexual culture. It is a culture that is strictly heterosexual, and that rigidly enforces two separate codes.
of conduct upon its members, who are either masculine or feminine. Butch partners are not considered homosexuals in this culture; they are the men, and would react violently to the suggestion that their fucking is perverse. Queens are treated and spoken of as girls, by both the crims and the screws (Adamson and Hanford, 1974: 32).

Two interviewees described the following scenarios, which would seem to reflect the views of Adamson and Hanford:

Well you’d see them, the big butch guy would be sitting outside his cell in the sun and the little kid would be lying there with his head in his lap, nobody said anything about it.44

Then there was a couple of very effeminate little guys, but they wanted to be put in the cells with the really big tough criminals, and I would say that they would have been having anal sex and everything. Of course, they thought it was Christmas because they were having sex every night and during the day, and they were being protected by these big time crims.45

While some commentators may like to suggest that such scenes reflect a form of culturally intelligible binary sex relations and heterosexuality, I would suggest that seeing such role-playing as heterosexual has been made extremely problematic by the work of Butler in Gender Trouble. Butler argues that the presence of so-called heterosexual conventions within homosexual contexts, and the existence of specifically gay discourses on sexual differences (such as butch and femme) cannot be explained as copies of a heterosexual original. Rather, she argues, they bring into relief the utterly constructed status of the so-called heterosexual original: "Thus, gay is to straight not as copy is to original, but, rather, as copy is to copy". The parodic repetition of the original thus reveals the original to be nothing other than a parody of the ideal of the natural and the original. Furthermore, this repetition may well be the site of the "denaturalisation and mobilisation of gender categories" (Butler, 1991: 31). In such a way, the queen's 'identification' with femininity is not a simple repetition of the heterosexual codes. Rather, femininity is brought into relief against a culturally intelligible male body.
Building on the risks noted above by Perkins in relation to transgender prisons, it is clear that concern to do with safety and risk is critical. In suggesting that this may have much to do with the anxiety generative by non-normative sexed desiring capacities and identities, I do not with to deny in any way the threat of violence that is faced by, gay, lesbian, bisexual and transgender prisoners on a daily basis. As Gender Centre spokesperson Bill Robertson said:

> It is very common for male to females to suffer horrendous abuse within the prison system .... It's the same as saying you are gay in prison – you become a piece of meat. 46

As the following accounts demonstrate, such violence includes verbal abuse, the use of hate-language, silencing, physical and sexual abuse.

> I shower at this time [in the evening] because I prefer to be clean before I go to bed but also because not many others shower at this time and there have been in the past accusations that gay people ‘purve’ on others in the showers. I try to keep away from such accusations but it is sometimes difficult. I think a gay man could just nod at someone in passing and be accused of trying to chat him up! I believe that there is a sort of institutionalised homophobia here which makes such accusations acceptable because there is a widespread belief that ‘that’s the sort of thing poofs do’. 47

> If you’re gay you get beaten up, oh yes. They’ll beat you up if they don’t like you anyway. They don’t need much not to like you. But I mean I survived in there without ever having to be overt about it. There’s always jokes and stuff but I would just laugh along with them. I mean different people react differently. 48

> When I first came to jail it was a nightmare – I used to get hassled out about sex. People coming into my cell: ‘We’ve rocked in for a cuppa’. It’s like when guys go out to pick up girls. ‘I’ll buy you a drink and the dinner’ and then the next thing you know – does dinner constitute the cock? I spun out badly at first. Some of them tried to pressure me physically. 49
Furthermore, the power relations of the prison can at times problematise the way in which sex between prisoners is to be understood, particularly given the ability of more powerful prisoners to obtain “consensual” sexual favours in exchange for other paybacks.

The guy comes up and says “Okay, I know what I’ve got to do”. It’s bribery, it’s a way of life. And that person, nine times out of ten he’ll start off, it might be oral or something and give it two or three weeks and it’s all on both ways. He’s moved in with you and you’ve become compatible.50

The first time he did it was at [prison] where an older, responsible person, he never told me if it was an officer, started the ball rolling. And then he thought, “Well, I’ll be here for life, so I may as well make the best of it”. And he just said “Well, here I am. I’ll just do what one does”. And he was damn good at it so he got on all right.51

At other times, an act of extreme sexual violence can result in a new identity within prison power relations:

They got im in a cell an the lot went through im. It was the end for im. After the shaggin ee went queer an that meant ee was lost to us. We ad to work with im an say good day to im, but we couldn’t afford to be friendly with im. Yuh know the expression ‘splattered with the same shit’? Well, somethin smelly like that, an to be seen to be friends with a queer was to be labelled as one too - or to be is lover. Anyway ee was shagged an became a strange sorta eddy in our midst. Somethin that shamed us.52

The shift of identity in the above quotation wherein a person becomes “queer” as a result of violent rape is extremely problematic. Once again it raises the issue of regulatory regimes and the power of naming. It reinforces the horrific nature of the prison and the system of social exclusion which requires the abjection and expulsion of the other. In this example, it is not the choice of same-sex desire or homosexual love that brings about social death, but the taint of abuse - the soiled, penetrated other.
In the prison, resisting the imposition of normative sex, gender and sexuality is made very difficult through a series of policies that seek to homogenise difference. Policies related to gay and lesbian prisoners do not exist, and the practice is to ensure safety through practices of separation (if they disclose to management that they require protection) and then to ignore them. While the policy position of transgender inmates is clearly established particularly in relation to their placement in a male or female prison, it functions through an anxious lens of medical interrogation, determined to remove sex ambiguity and to minimise disruption to prison classificatory systems.

As the next section will demonstrate, such attempts at “correction” are not always successful. As one transgender prisoner put it:

The Department of Corrective Services has corrected nothing with me – I don’t need ‘correction’.53

Connection

As discussed above, prisons in Australia do not have specific policies related to the management of gay and lesbian prisoners and yet, inside prison, gay men, lesbians bisexual and transgender people are living out their desires every day. They do this in the absence of adequate institutional support, almost always without safer sex equipment and often in fear of physical abuse. Despite all of this, and as the following examples demonstrate, they are successfully making connections, surviving, resisting and loving. In the words of one interviewee:

I had a girlfriend, and stuff, it was pretty cool.54

In seeking to draw out the experience of gay men and lesbians in prison, I am hoping to build upon the analysis of the previous chapters which suggests that there is some room for movement within the prison that may enable alternative conceptualisations of desire and difference. That is, despite the oppression
and intrusion of prison practices, it is still possible to identify gaps and discontinuities, the moments of collapse, from within which alternative processes can emerge. These gaps are critical to the specificity of both punishment and sexual difference, produced and maintained through the everyday motion of discipline and subjection. Connection is explored in this section through notions of openness, protection, touch, love and sex. These forms of desire, which shape the limits of the prison, attest to the power and insatiability of desire, and its critical role in our material and subjective positionings. They also serve as a challenge to the imposition of sex and desire normativity by the prison authorities, demonstrating that technologies of domination may only ever be partially successful, and provide a useful entry point to debates on the possibilities and the limits of identity.

As was suggested in the previous section, themes of visibility and surveillance are critical not only to the imposition of gender norms in prison, but also to their refusal. For gay men and lesbians in prison the idea of being out is somewhat ironic. At once out about their sexuality and in prison due to law-breaking activity, they are both constrained and resistant. In prison, as elsewhere, some gay men and lesbians come out and some don't, some form relationships and some don't, some have sex and some don't. Clearly, such specificity raises questions on the extent to which certain acts determine identity, and on the extent to which identity determines certain acts. I will return to these questions in the final section of the chapter. Firstly, I would like to explore moments of connection and exchange. Moments fuelled, as Elspeth Probyn suggests, by yearning and a desire for belonging. (Probyn, 1996: 19).

The following comments demonstrate the very different positions taken by individual gay men and lesbians in relation to the visibility of their sexual identity. While for one of them sexuality simply wasn’t an issue, for others there was no choice in whether or not to be in or out, while some choose not to come out at all.

I didn’t feel .... I hadn’t come out yet. I don’t know. I haven’t come out. I think it was just there. I don’t think I actually remember saying “By the way guys, I’m a lesbian” That like just happened. I don’t know, you knew, you just knew. Who was and who wasn’t you just knew. I don’t know how. Like, I don’t remember consciously saying it
but I guess I just must have .... I had not one single problem with sexuality in there, it wasn’t an issue. Because what I hate about outside is sexuality’s such an issue, it really shouldn’t be an issue and in jail, it was not an issue and that was what was really good.  

I wasn’t doing anything about my sexuality till I was comfortable with it and it just happened in circumstances which seemed right at the time, at a workshop, and all the guys just gasped.  

I was really proud to be gay in there. And it wasn’t a problem, nobody seemed to have a problem with the fact that I was gay, and I didn’t have a problem telling anyone I was gay. It was a really positive thing. And it was good too, because a lot of people there hadn’t met many gay people, that they knew of so they had a different opinion of gay people as well. They would have known some gay women in there, of course, but I was so out and about.  

I couldn’t really pretend not to be gay and get away with it. I’m not putting on an act, being effeminate. I’m just like that. I mean, there wasn’t much point in coming to prison and thinking “osh, I’m going to be beaten up because I’m homosexual, I’d better pretend I’m straight” because I couldn’t get away with it. I didn’t have that option. I never have in my life, and I certainly wouldn’t in here.  

Well I didn’t really say that I was gay, as such, because I didn’t really think it was anybody’s sort of business.... But I had mentioned to [name], as I said before, you only have to mention one thing to one person, and you know when someone asks you a question, that they know, like that they’ve been told, that somewhere along the line it’s been written down somewhere and it just spreads out and has got like gay written on it somewhere. It’s somewhere and they just know because of the way they ask you.  

I would guess that in the Unit that I am in [name] there are probably 10-15 men who identify as gay. The majority of these men would not tell other people this and would generally only acknowledge this when in the company of someone else they know to be gay. I think gay people are generally tolerated by other inmates (“as long as they don’t do anything to me”) however any even mildly overt (non-sexual) expression of
homosexuality (laughing, talking raucously about gay activity, discussing books, paintings etc) is seen as somehow being wrong or inappropriate.60

At once out and in, the gay or lesbian prisoner is simultaneously caught in the power problematics of visibility/invisibility and must assess the risks and rewards of being seen by other prisoners and by prison management. One of the ways in which risks to safety are managed is through the formation of protective relationships in which prisoners reach agreement to look out for each other, developing important support networks. Patterns of protection can be found in both women’s and men’s prisons. They may or may not be sexual and they may or may not be related to the gay, lesbian, bisexual or transgender identity of any of the partners in a protection arrangement. As demonstrated below, however, it is clear that such relationships represent one of the ways in which desire for belonging, in addition to protection from violence, is negotiated in prison. It must be noted, however, that protection can in fact mask abuse, particularly in the requirement of sexual gratification for other favours, a point made in the previous section of this chapter.

A person who is under the protection of another prisoner, usually someone who is more powerful within the prison hierarchy, is seen as being minded. In the following quotations it is made clear that both women and men can be minded. Reasons for protection can include identification by others as a lesbian or gay man and recognition that such a position requires some form of assistance from other prisoners in negotiating prison routines and networks.

And then an inmate called me out from somewhere else, She was a lesbian and she was letting me know that there were plenty of women in there who were supportive of me. It just felt so good, because she was a strong woman, a character and longstanding, had been in there a couple of years and she said “There’s plenty of people in here will look out for you”. Anyway it was great to have a lesbian contact.61

Because I had a lip ring and I was a little bit whatever, it was weird, they were just nice to me, they thought I was nice, which was really good .... Because I wasn’t a person that
fought, I didn’t get into fights and that, I kind of attracted women to look after me, which was really nice. They were really cool.62

I had someone who protected me while I was in there, covered in tats, big guy, um he was 25 and so he looked after me, everyday he’d come up to me and say – “Is everything all right?” That sort of thing.63

Because I was so open about being gay, I did have a lot of guys looking after me.64

If I feel threatened, I’ve got a couple of guys I know I can call on. They’ll simply go up to the person and say to them “Back off” or go in with fists and sort the problem out. These are people who’ve voluntarily come up to me saying “We’ve got experience if you’re in trouble”. They’re certainly interested in return of affection. They like to be liked. They’re just a person that I can rely upon. So I think they just enjoy that feeling of “I am his minder, I look after him”. And I have no doubt that they would come to my rescue if I was in trouble.65

While the above comments are from people who are being minded in specific ways, those that follow suggest that people take their position as a minder, a person who is looking after others, very seriously:

I think I was treated as a bit of a father figure by a lot of the prisoners, the young ones, kind of looked after them. I wasn’t attracted to them sexually, most of them were ugly as sin, but I kind of had a fatherly relationship with them.66

I said to him, I’m not going to pull any punches, I’m openly gay, and I’ve been told to look after you. As from today you are my boy, and he said “what do you mean?”.... If you’re my boy, I say, even if nothing happens between us, I said, no one else will touch you .... over two or three weeks we got closer and closer and it happened anyway, and it went on from there .... we were together for eleven months, and even saw each other outside, after.67

In Chapter 5, I pointed to touch as a particularly important aspect of spatial negotiation in prison. As a moment of corporeal connection, touch suggests openness and exchange, reminding us of the possibilities
of existing and belonging. While touch can be an important expression of affection and friendship, in prison it may contain elements of risk given the surveillance of prisoners and the need for the authorities to limit the circulation of non-normative desire. In addition, I would suggest that the meaning of touch may be read differently in a women’s and a men’s prison, linking back to previous discussion of the sexed matrix within which criminality and prisons are understood. In particular, even within the already othered site of the men’s prison, touch recalls the threat to masculine corporeal integrity that is found in the potentially penetrative practices of male homo-sex. It is, after all, an exchange, implying openness and vulnerability. As the following excerpt shows, this exchange is an extremely important aspect of connection:

JACK: I don’ wanna get it, I wanna let it out...before I go fuckin’ mad.
TOM: [laughing] Don’t look at me.
JACK: Not that...affection, y’know?
   [Pause. TOM raises his eyebrows.]
Well, y’know, to give some fuckin’ affection to somebody! To touch, ruffle someone’s hair, smile at ‘em, let something go from me to them...y’know?

While women in interviews emphasised the positivities of touch, men pointed to the risk as well as the need for touch. The first two quotations below are from women, the last two are from men.

Yeah, hugs and stuff were really important. We did it a lot.
Like you could hold hands and kiss in public, no hassle, you were never once picked on because of it.

Expressing one’s emotions with other prisoners in a men’s prison is problematic. Boyish sort of camaraderie, a slap on the back etc. is acceptable but giving someone a hug when they are down or being physically close at all is generally seen as inappropriate. I guess that this is not really much different from the outside world. And yet, particularly in this prison, there are many inmates who do listen to each other’s problems, who console others etc but the next (logical) step (to me) is a hug and this
never happens. If I hug my friends it is usually out of sight of other inmates and Officers; primarily because other inmates and Officers are likely to read so much into such contact.\textsuperscript{72}

Well, I did cry once and this guy gave me a bit of a hug. But he looked around first to make sure no one was about to see it.\textsuperscript{73}

The director of \textit{Life}, Lawrence Johnston, commented that more violent or aggressive forms of touch in a men’s prison may contain a whole set of other meanings as well: “I think those are the places where men connect in prison. If you punch someone out because you are defending someone else, then that is a way of connecting, rather than actually being able to say, ‘Oh, I really care about you. We should be friends’. It doesn’t operate on that level”.\textsuperscript{74} While Johnston’s comments reinforce the problematic nature of touch for men in prison and the links of masculinity to law-breaking behaviour, I would argue that violent touch or the fear of violent touch is one of the factors which limits the possibility of forms of gentle or loving touch. This is due to the fact that gentle touch is understood within a framework which renders men unable to make themselves open to exchange or receipt. Indeed, it is the risk of violence that causes many men to choose not to act upon their desire in prison.

Affection can, however, be successfully negotiated through friendship for both men and women:

I’d get my nail file out and I’d start filing my nails. And they’re just watching me, freaking out because they’ve never seen a guy filing his nails before or watching TV documentaries on gays or lesbians. But they’re fine about it, I respect them when they sit down and watch the tits and ass shows.\textsuperscript{75}

Sometimes we’d put three mattresses on the ground, Friday night, and the girls’d rage and we’d all get out, the four us, and it was ‘Fuck you’ to the outside. We used to try and do so much things to not put our heads out, because it potentially drives you crazy.\textsuperscript{76}
Indeed, friendship and other forms of loving relationships are critical forms of connection in prison. In the following accounts of love, it is the motion of prison life, the specific elements of spatial and temporal organisation that become predominant. The length of the sentence, the rhythms of the daily routine, the close proximity to a limited number of people, the constant surveillance and the confined movement of the cell and the yards all impact in different ways on the ability of people in prison to connect in loving ways. It affects not only how they connect in the first instance but also how they maintain their connection. Love moves at a different speed, condensed in the sentence:

I never had a relationship like that, I don't know it was like, you fall in love almost really quick.77

In the following poem, the officers pacing outside the cell form a rhythm against which love is measured. Love becomes a time and a place inside prison that is safer than the terror of the outside.

... All night he talks
And holds me, all night he loves me slow
And carefully. The screws pace the catwalks -

In time their footsteps mark our love.
Who, now, can really know him more real than me?
Once he hugged me till my bones were sore -
We understood the terror then in being free.78

It is prison time and space that shapes the love between Maddy and Nat below. It is the motion of the prison that, at once, puts them together and keeps them apart:

MADDY: We'd hold each other after being humiliated, cling to each other after buildings burnt down and women burnt to death.

NAT: We spent nearly every minute together or within eyesight every day from 7am till 10pm when they locked my cell, then we would speak for hours through the 6" by 12" trapdoor.79
In the above two examples, it is clear that the specificity of the spatial and temporal constraints of prison have significant impact on the contours of each relationship, shaping moments of connection, inciting both fear and comfort. Prisoners are limited in when they can be together and the places in which they can be together. They remain constantly aware of the gaze that monitors them. However, as the following accounts attest, despite this intrusion of the disciplinary apparatus into desire-filled moments of intimacy and exchange, relationships do happen.

So there’re good relationships happening. As I said, some of them are a bit rough, but I was in one for eleven months, up till I got out and then I still seen him for another three months. But I’ve met some really nice people in there and I had some very good relationships.80

When we got out we got married by this church that marries gay people. We exchanged rings and [name] changed her name to my name. Because the love was there, it was the best feeling I’ve ever had in my life. Then we went back in but we were still married.81

We stayed together the whole time after that, we were quite happy. I was sentenced to 20 years with 11. I cut my tendon once to protest when they took me away from him. They were shocked when I did it, because I said if they didn’t put me back with him I’d cut my throat next. I was pushed to that extreme.82

In and out of loving relationships, despite the denial of sexual behaviour amongst inmates referred to earlier in this chapter, it is clear that sex does happen in prison and that it happens in ways which often confuse more traditional confessions of sexual orientation, sexual act and sexual identity. It is suggested here that sex in prison has a range of meanings, as diverse as the moments of connection themselves. Such experiences, in their specificity, are nonetheless linked by the frame of the disciplinary apparatus in which they occur. This frame, albeit erotically charged according to Butler, limits the ways in which prisoners might connect through seeing, hearing, smelling and touching. Such sensory explorations,
which I have argued are central to material subjectivities, can also however move through the
constraints of the prison matrix, causing both unease and pleasure.

It’s the norm in there. There are a lot of guys that would come in there, especially
people that are doing more than twelve months. As I said they can’t masturbate all the
time. It’s not mentioned but it’s nothing to be ashamed of. So if a guy there finds a
young guy, anybody, nobody will say anything to him and no one else. It’s a cliquey
little prison.

It happened heaps. And we just really went for it. I didn’t realise it at the time but it
happened heaps and heaps and the way the sex was in jail it was so strong, so full on,
like the girl you were seeing in there, we’d pretty much be together for twenty-four
hours a day, it’s such a strong bond.

While the theme of opportunity sits uneasily with the restriction of life in prison, particularly in relation to
intimate contact, it was raised consistently as one of the possibilities of sex in prison.

I’ve found that guys in here would have sex with another guy just for the experience
and it’s as good a place as any to do it because they’re in jail, they don’t have to ever do
it again. I think it would be a lot different on the outside, if you go to a toilet block or
something you have to actually seek out that experience. Whereas in here, I have to
admit, there are a couple of guys I’ve done, that have been like that. I may have put
some of them off homosexuality for the rest of their lives, but some were fine.

Certainly most of the guys in here who say they are straight would be quite happy to get
into certain stuff. I think you can get very starved of affection if you don’t engage in
that fairly exploitative relationship network which a lot of them do have, and they quite
naturally will seek out affection where they can get it and that does affect them
generally. It calls into question their dominant sexuality and a lot of guys can’t cope
with that, they may have an encounter and not be able to deal with it.

Men in prison do have gentle, loving sex .... Not much is said, it’s all quiet and
intimate. Lots of guys won’t admit it but it’s something special to them – it is. It’s
something that they wouldn’t get to experience out in the real world if they were out there. They’ve only been able to experience it in jail.88

Thus taking up the opportunity of same-sex desire in prison can have a different impact on different people, including a challenge to what one interviewee describes as a person’s “dominant sexuality”. Indeed, notions of sexual identity in prison, predicated by forms of same-sex desire, can only render problematic (and incomplete) the technologies of sex- and hetero-normativity, including the trajectory of bodily matter, sex, desire and identity. I will return to this point below.

While the meanings of sex, love, affection, protection and openness in prison are diverse, it is clear that connections are made in spite of the repression of the prison routine. Such connections clearly challenge the attempt of the prison to correct based on a limited conceptualisation of difference that can only render non-normative desire unintelligible. To be rendered intelligible, prison desire must successfully negotiate the processes of materiality, what Butler describes as that which “qualifies a body for life within the domain of cultural intelligibility” (Butler, 1993: 2). It would seem clear that the existence of desire in prison, and the successful enactment of that desire through forms of connection, is a claim for intelligible materiality and subjectivity through and despite the impositions of disciplinary technology. Prisoners do survive, resist and love, under the watchful eye of the authorities, in unsafe spaces and in the suspended time of the sentence. As such, they successfully resist the prison processes which seek to disavow their sexed and desiring identifications.

Identity

Throughout this chapter I have been suggesting that analysis of the links between punishment and sexual difference must account for relations of power and identity, including the ways in which the specificity of sexed and desiring positions are both constrained and enabled in the prison. In particular, it is important to try and capture the movement inherent in such power relations and the way in which identity can shift,
even within one body, resulting in alternative arrangements of desire and belonging which fit and shape the specific circumstances of correction and connection.

Importantly, and in a way that seeks to integrate analysis of the effects of discourses of punishment and sexual difference on the inside/outside of the body, the corporeality of subjectivity and the physicality of desire both play a major role in discussions of identity. As an effect of power, Butler argues that materialisation incorporates the processes through which bodies are sexed, including the ways in which this process of assuming a sex is linked with the question of identification. It is also linked with the discursive means by which the heterosexual imperative enables certain sexed identifications and forecloses and/or disavows other identifications (Butler, 1993: 3). Thus, processes of identification are critically linked to the sexing/desiring practices of materiality and subjectivity, enabling bodies to challenge the meanings of culturally dominant notion of sex and desire.

In looking at how notions of identity might be reconceptualised to allow a new form of politics to emerge, it is useful to see identity as an effect that is produced or generated. In such a move, the agency that is foreclosed in the fixing of identity categories is recaptured. In line with such an approach, Butler describes identity as part of a "dynamic map of power" in which identities are "constituted and/or erased, deployed and/or paralysed" (Butler, 1993: 173). It is therefore important not to seek the rigid occupation of exclusionary identities, rather: "it will be matter of tracing the ways in which identification is implicated in what it excludes, and to follow the lines of that implication for the map of future community that it might yield" (Butler, 1993: 167). In a way which evokes a similar approach, Probyn points to new ways of connecting and belonging, processes which also challenge the positing of identity as a stable state (Probyn, 1996: 19).

Flowing on from the linkage of materiality, subjectivity, power and identity in prison, a central focus must be on the relations between desiring practices (including sexual acts) and identity and the extent to which such practices formulate identity within or against the laws of sex and desire normativity. If the prison yard is indeed an erotic space, what then do we make of the interface between such disciplinary erotics
and the repression of difference? In particular, if the prisoner is already other (socially dead in Butler's terms) how can identity be possible?

In the prison, as the following interviewee suggests, it is not conceptually possible to fully separate discourses of criminality and sexuality. Twice criminal, once as a prisoner and once as a lesbian, the interviewee finds it imperative to assert her normality as a lesbian:

"I was not a hardened criminal sort of person, just your average run of the mill lesbian off the street." 89

Compounded by notions of abjection and fluidity, as spatially and temporally outcast, the prisoner is placed within a particularly harsh normative regime, regulating movement and the possibility of exchange on a moment-by-moment basis. As such, pleasure and desire is snatched from within the discontinuities, representing and enlarging the collapses in the system.

Indeed, it is in the very repetition of the discourses that are central to processes of subjection, that Butler finds room for movement. Building on her earlier work on the power of performativity (Butler, 1991, 1993), Butler argues that the Foucaultian subject is never fully constituted in subjection, rather, "it is repeatedly constituted in subjection, and it is in the possibility of a repetition that repeats against its origin that subjection might be understood to draw its inadvertently enabling power" (Butler, 1997a: 94). While repetition has been clearly presented as a major theme of the prison routine in Chapter 6, it is argued here that both the repetition of corrective norms and the reiteration of connective resistances form the basis on which new subjectivities and collectivities may be built.

It is suggested here that one of the major repetitions in the analysis of desire and identity in prison is the slippage between sexual orientation, sexual act and sexual identity. 89 That is, there is a clear disruption of the trajectory resulting in discontinuities and seeming contradictions. The identity of the person does not necessarily result in the act, and the act does not necessarily result in the identity. Indeed, acts/identities
merge and shift, thus rendering the use of sexual categories problematic. While this is not to deny the existence or the experience of prisoners who do identify as gay, lesbian, bisexual or transgender, it does open up for exploration the possibility of non-identified sex acts, desire for pleasure's sake, fragmentation, multiplication and new forms of self-knowledge and self-declaration.

For Lawrence Johnston the turn away from a clear association between act and desire results in a new form of sexuality in prison, one that he suggests is neither homosexual or gay. In discussing the relationship between Jimmy and Snaky, Johnston says:

If anybody in the film is homo or gay, it is Jimmy. The only reason Snaky would be in that relationship is because it is a prison type of homosexuality which a lot of people wouldn't understand, being a separate type of sexuality to gay sexuality.

While I would agree with Johnston that we are looking at new forms of sexuality, I would stress the specificity of each connection, rather than suggest the existence of a “prison type” of sexuality. While patterns can be drawn, particularly in relation to the importance of sex and desire to people in prison who would not consider themselves to be gay, lesbian or bisexual, I would suggest that there is no one “type” of prison sexuality. Within women's and men's prisons, acts and identities merge and separate in specific configuration of power and desire.

For the following interviewee, the act of sex is equated with the identity:

There was a lot of homosexuality going on, in the prison, believe you me, all the time.
Mainly oral sex.

In this way, the identity of male homosexuality, while separated from its usual association with anal sex (Dowsett, 1996: 33) becomes conflated with a sexual act. For another interviewee, having sex would have let others know that he was gay and, in so doing, would have placed him at risk.
Now I never had sex with anybody when I was in there not because I was frightened of AIDS or anything, but because the minute I did, I'd have been finished because they'd know what my weak spot was .... you see they try you all the time .... if I'd have had sex with one of them I'd have been gone - they had a fair idea that I was gay but they just weren't sure .... and I wasn't any different from what I am with you now, I was just me.93

For some interviewees, the inside and the outside of the prison was critical to both the delimitation of acts and identity. The notion of “gate-gays” is used to describe people who have same-sex relationships inside prison, but who return to their husbands/wives on the weekends and, as the first interviewee suggests, “be normal”.

Because I was gay, I became a fairly popular person. But there were people who said they were gay or pretended to be gay when I was in there and there were lots of women in there, what they called gate gays. They’re just gay when they’re in there, and their husbands or boyfriends might come and visit on the weekends, and they go and be normal to them. Anyway, I wasn’t going to be entered into this I decided, that was fine they could be nice, but I wasn’t going to do this.94

Well, a lot of guys who do have sex inside, well it becomes, it’s quite funny on visits, because you’ll have a group of people who’ll come down there and sit with their wives, and then they’ll go back with the boyfriends inside.95

While such transgression may be expected to cause extreme anxiety amongst those negotiating relations, it is portrayed instead as an expected part of prison life and indeed serves to throw into question the authenticity of any original identity. Even naming seems to cause less stress than expected, as people simply accept that the identificatory practice of naming may not be appropriate in what is, after all, a more fluid formulation of identity boundaries.

There’s a lot of guys in here I imagine who have sexual experiences and decide to go straight when they get out the gates. And that’s common. I’d expect that. I’m not sure if they ever really called themselves gay anyway.96

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Well the first couple of times I was in I don’t think I said out and out that I was lesbian .... They didn’t have a word for it that I remember, generally women who were lovers of women would never describe themselves as lesbians.97

Clearly, there is a shift in people’s desiring practices from the inside to the outside of the prison. The question that remains, however, is the way in which such shifts relate to the erotics of discipline, that is, the ways in which technologies of discipline/self specifically enable or disallow specific formulations of subjectivity and desire inside prison or indeed in the positioning of the prisoner. I have pointed to the management imperative to maintain order, including sexual order, through the practices and policies that work to correct difference. Butler suggests that such repression will necessarily fail, however, given the proliferation of naming and indeed the incitement of sexuality that such repression inherently generates (Butler, 1997a: 101). Such processes can be seen to exist, ironically, in the commitment to deny the existence of sex as authorities stress time and again the non-discriminatory nature of their policies to gay men and lesbians. Such repeated attempts to invisibilise, I would suggest, is in itself a confession of intense anxiety at the very prospect of gay or lesbian disruption. In a somewhat contrasting fashion, the intense gaze that is directed at the genitals of transgender prisoners in an attempt to determine their true sex also enacts a proliferation of sexed difference, an erotic expansion of the sexed object of desire.

The prison becomes, therefore a place that is different to other places, imbued with certain propagatory prospects, new ways of mixing desire and identity.

Being a homosexual I believed that if any man fancied another he was a homosexual. But when I went to jail I was shocked that half the jail, or more than half the jail wanted to have sexual relationships with me.98

However, notwithstanding the challenge to sex and desire normativity in the prison that I have outlined in this chapter, it is important to continue to see the prison as an outcast site, a place of harassment, abuse and violence particularly for those who desire or identify differently. The prison must therefore remain
ambiguous. It is at once a safe place to try out new forms of sexual connection (given what I have suggested is an anticipation of such practices) and yet at the same time it remains a very unsafe place in which to upset order. Despite the connections that happen, the prison remains a site of high risk, in which risking desire can mean risking self. As already other, prisoners hold a socially tenuous position. As a threat to social order, prisoners confuse social categorisation and rattle shaky identificatory borders. And yet they are also, at the very same time, desiring and desirable human beings. The problem with such ambiguity lies, I would suggest, not with the boundary trangressive acts and identifications of the individual prisoners, but with the hierarchisations and division that manifest themselves in understandings of desire, difference and identity.

1 S.B., Interview, 23.5.97.
2 For an earlier discussion of some of these issues see Chapter 3 on abjection and Chapter 4 on fluidity, particularly in relation to HIV/AIDS and drugs.
4 In this context Fuery discusses Jacques Derrida, Michel Foucault, Roland Barthes, Helene Cixous, Luce Irigaray and Julie Kristeva (Fuery 1995a).
5 It is important to note feminist critique of Foucault in this context. Lynn Hunt, for example, suggests that Foucault’s technologies of the self are both modern and masculine “in which individuals are figured as separate beings with separate selves who are able to act upon themselves and even transform themselves” (Hunt, 1992: 85). This self-transformation demands a notion of self-possession, that is, a self that owns itself and its own body. In sum, Hunt argues that Foucault’s “history of desiring man” is exactly that: “What changes in the history of sexuality, then, is what changes for men. This self that ‘forms oneself as a subject’ is a male subject intent on self-mastery” (Hunt, 1992: 81). For further critical feminist engagements with Foucault see Diamond and Quinby (1988), Nicholson (1990), Butler and Scott (1992), McNay (1992).
7 See Chapter 5 for a discussion of Foucault’s “heterotopia of deviation”.
8 M.L., Interview, 10.5.97.
9 Management technologies in relation to HIV/AIDS and drug use are explored in Chapter 4.
10 See Chapter 5 for a discussion of discipline, space and the regulatory gaze.
11 P.W., Interview, 27.5.97.
12 W.D., Personal correspondence from a prisoner, 20.7.98.
13 Lawrence Johnston, Director of Life, interviewed by Chris Beck, The Age, 26.10.96.
14 Further analysis of this issue is provided in Chapter 4.
15 See Chapter 5 for a discussion of the masculinity of prison architecture.
17 Bruce McDougall in Daily Telegraph-Mirror, 14.8.95, p5.
18 S.D., Interview, 28.1.98.
20 P.W., Interview, 27.5.97.
21 Personal correspondence from The Hon. Peter Patmore, Attorney General and Minister for Justice in Tasmania, 22.9.99.

22 Personal correspondence from The Hon. Peter Foss, Attorney General and Minister for Justice in Western Australia, 11.10.99.

23 Personal correspondence from The Hon. Tom Barton, Minister for Police and Corrective Services in Queensland, 27.9.99.

24 Such a case was pursued in Victoria under the Equal Opportunity Act (1995). The decision to refuse access to the material was made on the basis that it was pornographic. For a discussion of the case, see Melbourne Star Observer, 8.8.97, p3.

25 See Butler (1997b) for a discussion of the US Department of Defence policy in relation to gay men and lesbians, including its move to disallow the term “homosexual” as part of a self-ascription of self-definition on the part of military personnel.

26 Research on the number of transgenders in prison is very rare. According to research undertaken by Roberta Perkins on transgender inmates as part of the National Transgender HIV/AIDS Needs Assessment Project (1994), it was estimated that there are at times as many as 20 or more (that is, 1% of the transgender population) in New South Wales prisons. See also Perkins (1991) and Peterson et al (1996).


28 For a discussion of the medical construction of transgenders see Hausman (1995) and Bourke (1994).

29 It should be noted, however, that in order to qualify for an altered birth certificate, a transgender person must be surgically reassigned.

30 “Transsexuals to get women's jail option”, Sunday Telegraph, 22 December 1996.

31 Personal correspondence from David Payne, Superintendent, Northern Territory Correctional Services, 9.9.99.

32 Personal correspondence from the Hon. Tom Barton, Minister for Police and Corrective Services in Queensland, 27.9.99, italics added.

33 Personal correspondence from the Hon. Tom Barton, Minister for Police and Corrective Services in Queensland, 27.9.99, italics added.

34 Personal correspondence from the Hon. Peter Foss, Attorney General and Minister for Justice in Western Australia, 11.10.99, italics added.

35 Personal correspondence from the Hon. Peter Foss, Attorney General and Minister for Justice in Western Australia, 11.10.99.

36 Personal correspondence from the Hon. Peter Patmore, Attorney-General and Minister for Justice in Tasmania, 22.9.99.

37 Personal correspondence from David Payne, Superintendent, Northern Territory Correctional Services, 9.9.99.

38 Personal correspondence from the Hon. Tom Barton, Minister for Police and Corrective Services in Queensland, 27.09.99.

39 Personal correspondence from Penny Armytage, Correctional Services Commissioner, Victoria, 8.8.99.

40 See Hamer (1992) for a discussion of the law in relation to women who pass as men. Hamer demonstrates that the law is particularly harsh when women have appropriated the penis/phallicus. See also Wheelwright (1989) and Feinberg (1996).


42 S.B., Interview, 23.5.97.

43 See, for example Richmond (1978), Price (1984).

44 S.B., Interview, 23.5.97.

45 S.B., Interview, 23.5.97.

46 “Transsexuals to get women's jail option”, Sunday Telegraph, 22 December 1996.

47 W.D., Personal correspondence from a prisoner, 20.7.98.

48 M.L., Interview, 10.5.97.

B.A., Interview, 5.6.97.

S.B., Interview, 23.5.97.


J.B., Interview, 20.5.97.

J.B., Interview, 20.5.97.

A.H., Interview, 19.2.98.

S.D., Interview, 28.1.98.

J.T., Interview, 19.2.98.

M.L., Interview, 10.5.97.

W.D., Personal correspondence from a prisoner, 20.7.98.

S.D., Interview, 28.1.98.

J.B., Interview, 20.5.97.

M.L., Interview, 10.5.97.

B.A., Interview, 5.6.97.

J.T., Interview, 19.2.98.

S.B., Interview, 23.5.97.

B.A., Interview, 5.6.97.

For a discussion of this threat in relation to anal sex see Chapter 4.


M.M., Interview, 21.11.97.

J.B., Interview, 20.5.97.

W.D., Personal correspondence from a prisoner, 20.7.98.

J.T., Interview, 19.2.98.


R.W., Interview, 19.2.98.

S.W., Interview, 21.11.97.

J.B., Interview, 20.5.97.


J.B., Interview, 20.5.97.

S.B., Interview, 23.5.97.

A.H., Interview, 19.2.98.


S.D., Interview, 28.1.98.

This slippage has received significant coverage in gay scholarship (Dowsett, 1996). He says: “The confusion between the sexual possibilities of the human body and the sexual orientation of desire - namely, the notion that sodomy equals homosexuality - has underlined almost all accounts of homosexuality for at least a century” (Dowsett, 1996: 33).


S.B., Interview, 23.5.97.

S.B., Interview, 23.5.97.

S.D., Interview, 28.1.98.
9 B.A., Interview, 5.6.97.
9 A.H., Interview, 19.2.98.
9 K.M., Interview, 29.11.97.
Conclusion

When we think of corporal punishment, we think of punishment inflicted on the body, especially by beatings. It is punishment required by law, no longer deemed appropriate in a civilised society such as Australia. We tend not to think of the everyday bodily limitations of the prison, the moment-by-moment disciplining of the body in ways that also inflict pain. Such pain, an integral part of prisons today, is what I call corporeal punishment.

While prisons no longer officially conduct beatings or hangings, it is clear that such occurrences remain a regular part of prison life. It is also apparent that other practices which impact with great force on the body on the prisoner, the disempowering and dehumanising rites of daily routine, have a critical role to play in ensuring that the harsh corporeal contact of prison punishment is maintained.

In order to challenge the very possibility of such forms of punishment, it has been argued in this thesis that we must begin to reconceptualise the materiality of the prisoner. In approaching such a task, it is useful to recall the hanging of Ned Kelly and the expectation of authorities that his remains, and the remains of other executed prisoners, would disappear without trace in the space of a few days. While it may seem like such a long time ago that the materiality of Ned Kelly was seen to be so easily dispensed with, the assumptions upon which attitudes to his body were formed are still evident in current day prison practices which reinforce the prisoner as immaterial.
Throughout this research, I have drawn from an analysis of sexual difference in relation to the categorisation and hierarchisation of social bodies in order to explore the signification of corporeal punishment in the prison. As one of the fundamental organising principles of social order, our understandings of sexual difference influence the ways in which humanness is defined through discourses of abjection, fluidity, space, time and desire. While it is not useful to overly simplify or elide the differences in such positionings (amongst and between women and prisoners), it is clear that the processes by which the phallogocentric economy produces the feminine as its constitutive outside resonates in the positioning of prisoners in the social imagination. Punishment, by acting on and through the skin, is implicated fully in the corporeality of social exclusion and containment, making possible a process in which prisoners come to count as structurally analogous to the feminine as other, a figure of devalued difference.

Indissociably caught up in the power dynamics of the prison, discourses of sexual difference serve as forms of discipline and subjection, creating compliance and resistance in the body of the prisoner. It is from within this tension, as moves to fully capture the prisoner finally fail, we can begin to imagine new frameworks for punishment. Indeed, the capacity of the prisoner for connection and identity, in spite of the disciplinary regime, demonstrates the possibility of movement and change. This shift enables not only a new way of conceptualising the prison, but also impacts on the ways in which we think materiality and subjectivity, drawn from the specificities of corporeal punishment.

Ample evidence has been presented throughout this thesis of the need to dramatically re-orient prison policy. Far too many people are in prison in Australia, and this number is continuing to rise as still more prisons are being built. Longstanding problems in relation to violence, deaths in custody, hygiene, healthcare, childcare, work, education and training, building and cell design, technological surveillance and overcrowding are clear indications of the need for change. However, in pointing again to these issues (which are not new) it becomes critical to ask why it is that improvements to prison practices are so hard to achieve. Why must the calls for prison reform be constantly repeated? How is that, even within such reiteration, the prison successfully resists change?
The inertia of the prison recalls the intractability of systems of categorisation and exclusion. Indeed, resistance to movement makes sense in a space that claims to make unambiguous the differentiation between inside and outside. Inertia therefore becomes a critical tactic of the prison in its ongoing attempt to shore up social order through intimate touch and control. Prisoners become key indicators of where and when the lines of social differentiation are drawn, same and other being intricately inscribed through the disciplinary marking of their bodies. As such, to change prison practices threatens not only the order within prison walls, but also the order of social systems of division and differentiation per se.

Questions of prison inertia and prison reform are addressed thematically in this research through the exploration of bodies, boundaries, motion and desire. Related in complex ways across all aspects of prison life, such notions are central to questions of social order, difference and processes of human qualification. And, underpinning each of these themes, is a call to new imaginations of research, engaged and creative, and to a politics that is open to transformation and the hope of surprise. It asks, how can we imagine prisons and prisoners differently? What can prison practices teach us of sexual difference and social order?

In seeking to show how specific understandings of materiality have impacted on prison conditions, I have focussed on notions of abjection and fluidity as they work to delineate the limits of the prisoner. Driven and shaped by these bodily limits, the punishment of the prison is enacted specifically through the stimulation, postponement or denial of bodily needs and desires. This intimate control, directed at the regulation of eating, socialising, personal hygiene, recreation and sexual exchange (for example), makes prisoners aware at all times of their fragility and violability. By being seen as already flowing and orificial, prisoners become available for intervention at multiple levels. Penetrative surveillance, that intense gaze directed into body cavities and at the flow of sexual fluids, blood, drugs and disease, reinforces their vulnerable and outcast position.
In challenging the intrusiveness of the disciplinary gaze and its ability to observe the prisoner from all sides (including from the inside) it is possible to both reconfigure body boundaries and to revalue body orifices and flows. For, within the economy of solids, it is clear that the high valuation of impenetrable skin/subjects refuses more easily the entry of the law and discipline into the body. For prisoners, recognition of their bodily integrity has the potential to render impossible practices such as cavity searches, blood and urine testing. There is hope too that it may render less possible the endemic physical and sexual violence directed at prisoners, slowing the flow of injury and blood. However, while such a recognition of bodily integrity is essential for better prison practices, it may also be possible to draw from the experience of prisoners a re-valuation of the orificial and the fluid per se. For, within the very intensity of the penetrative disciplinary gaze, the threat and the power of body flows become even more apparent. Rather than seeking only to shut down the prisoner’s body for protection, we could think also of the pleasures of entry and exchange, the potential for identity and the importance of loving touch as recognition of the humanness of the prisoner.

Closely aligned with the position of the prisoner as already open, the abject status of prisoners draws us into analysis of the ways in which the relative valuation of social bodies takes place, including the need to remove from sight those that offend both laws and social sensibilities. Abject bodies, in their formlessness and ambiguity, operate as a sign of social dis-order. They are limited in their containability, constantly threatening to slide from human to animal/monster/waste. As the container of the abject, the prison becomes an inliveable and contradictory place, inhabited by unintelligible bodies. Prisoners are both inside and outside, human and not-human, dangerous and vulnerable. As abject, they fascinate and repel, powerful in their very ambiguity. To recognise the transformative potential of the abject, it is essential to focus on the crossing of the prisoner from inside to outside, human to animal. In their capacity to act as threshold (our sons and daughters and our worst enemies) prisoners make very clear the tenuosity of the division between same and other. Boundary shifts become possible, processes of differentiation less stable. Recognised and valued differently, the very idea that less people should be sent to prison becomes possible. With prisoners no longer seen as vile or shameful, practices of banishment lose their cultural logic. And, for those who are still sent to prison, in their crossing from the
outside to the inside, and in the expression of their humanness through connection, belonging, exchange
and desire, it becomes less possible to see and treat them as absolutely other. In contrast to an assumption
of disorder and filth (deemed to be appropriate for the abject) new conception of prison propriety emerge
with access to adequate, clean and safe facilities. The (always failed) containment of the inhuman
becomes the containment of the very human, sexed, desiring and hopeful.

If reform is counter-positioned to the inertia of the prison, it is clear that the motion of space/time
relations is a critical force for creating change in prison practices and power relations. New ways of
doing time and space can open up the possibility of new forms of movement – different directions and
different paces – that have not to this point been imagined or rendered possible in the prison. As spatial
and temporal staticity is challenged, the opportunity for reformulating notions of materiality and
subjectivity is opened up. The prisoner’s corporeal identity is empowered with the potential of
redefinition, based on the ability of the prisoner think and move through the specificity of prison space
and time, to work within the enabling and dis-enabling conditions of their incarceration.

Disciplinary time is an open-ended force, altering the position, direction and duration of the body in
prison. Time marks both the overarching sentence and the routine of the everyday, as the prisoner must
adjust to specific momentary and momentous forms of corporeal punishment. Temporal rebellion
therefore not only threatens the order of the prison day, but also the temporal structuring of contemporary
punishment and it is at the level of the sentence that the decision on the duration of social expulsion for
the prisoner is made. At this point, time functions as a marker of disorderliness and disgust, a juncture at
which the social unacceptability of the crime is measured against time as punishment. The social
devaluation of certain bodies becomes clear at this point, as, questions of race, sex, sexuality and drug use
impact upon the length of time a person will spend in prison. As such, reconceptualisation of sentencing
practices and the assumptions upon which people are sent to prison has the potential to alter the relation
of time to punishment, with alternatives to imprisonment being given much greater consideration. At the
level of the daily routine, new ways of doing time which refuse the of linearity of rehabilitation, provide
the capacity for the prisoner to move in many different directions. The repetitions of prison boredom and violence are replaced with greater opportunities for work, education, recreation, transformation.

While there is no doubt that the stillness of the prison makes movement through and within its walls very difficult, I have sought to position the prison as a place in which resistance does occur. The closeness and the immobility of the cell are overwhelmingly oppressive, the razor wire a constant reminder of the stability of containment and exclusion. And yet, through the everyday motion of prisoner resistance, a rejection of staticity, including the stability of identity, becomes possible. The body of the prisoner cannot be still. It is ever growing, changing and re-forming as prisoners fit dynamically into their surroundings, their relationships to the structures and objects around them in constant motion. As a point of both exchange and differentiation, the voids and solids of the prison challenge the fixity of form by emphasising the potential of moving objects to shape space, even within or against the containment of the cell or the yard. Prisoners move in, create and are created by space, transforming both their selves and space as materially lived. In this way, while prison management may seek to control the flow and connection of objects in space, there are gaps through which the prisoner slips, creating a disturbance of spatial barriers. While architecture seeks to materialise penal theory in built form, the subversion by prisoners of prison space opens up for reconsideration the power of building form and function to impose specific notions of rehabilitation, salvation, neutralisation and elimination. By opening the prison to desire, prisoners work towards a refusal of the punitive logic of containment, making evident their claims of subjectivity and identity in the cells and across the yard.

In making such connections across prison space and time, the possibility of new positionings becomes possible. It has been argued that subjectivity in the prison needs to be understood within a framework of discipline and subjection, of power arrangements that work on the inside and the outside of the body simultaneously, blurring and refusing their separation. Within the power regime of the prison, the motion of desire, that frightening and exhilarating potential for fluid exchange, is a form of both regulation and resistance. Desire emanates from the unintelligible body of the prisoner. Same-sex desire, yet another form of incoherence, is ambiguous, being both denied and anticipated. In living their desire, the firmness
of sex and sexuality categorisation is challenged, borders once again thrown into disarray. Indeed, the very existence of desire in prison, and the circulation of that desire through forms of connection is a claim for intelligible materiality which does not, after all, always conform to hetero- and sex-normativity. Through openness, touch, friendship, protection, sex and love prisoners come to show their humanness, challenging the disciplinary practices that seek to render them invisible or unknowable. Through desire, that most human of precipitations, prisoners challenge what it means to be a culturally valued human being.

In order to re-value the prisoner and to re-imagine alternative forms of social order and punishment, it is therefore to the matter and the motion of the prisoner’s body that we return. The body, in all its pains and pleasures, is the locus of the correctional gaze and the site of self-positioned resistance. Never still, at once disciplinary objects and desiring subjects, the prisoner refuses neat description. Tense, suspended and contained, the prisoner occupies a different place, outside of normal time. While discourses of abjection and fluidity attempt to reinforce immateriality, motion and desire capture the seepage and enable new forms of subjectivity to emerge. In prison space and time, the prisoner becomes finally and fully human.
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## Interviews

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## Correspondence

- W.D., Male, Victoria, 20 July 1998
- Ms Penny Armitage, Correctional Services Commissioner, Victoria, 8 August 1999.
- Mr David Payne, Superintendent, Northern Territory Correctional Services, 9 September 1999.
- The Hon Robert Brokenshire, Minister for Police, Correctional Services and Emergency Services, South Australia, 10 September 1999.
- The Hon. Tom Barton, Minister for Police and Corrective Services in Queensland, 27 September 1999.
- Mr Leo Keliher, Commissioner, Department of Corrective Services, New South Wales, 1 October 1999.
- The Hon. Peter Foss, Attorney General and Minister for Justice in Western Australia, 11 October 1999.
Appendix I

Interview Questions

1. Would you like to describe for me what happened when you first arrived in prison?

2. Would you be able to tell me what an average day was like for you? (waking, mornings, afternoons, evenings, lockup, sleeping) (worst bits/best bits)

3. Can you describe for me the room you had in prison? (privacy, contents, safety)

4. Can you tell me about any of the other places where you spent time? (toilet/bathroom) (yard) (gym) (transport)

5. Can you describe to me what your food was like?

6. Did you have access to any services? (medical, legal)

7. Did you do any work or study?

8. How would you describe the relationships between inmates? (examples, stories)

9. How would you describe the relationships between inmates and prison officers? (examples, stories)

10. Can you tell me about any outside contact you had? (visits, phone calls, mail)

11. Is there anything else you'd like to tell me?
Appendix II

Statement of Consent

The University of Melbourne
Departments of Criminology and Women's Studies

Consent form for persons participating in research projects

Project Title: Disciplining Sexual Difference: Prisons and Bodily Regulation

Name of Participant: ____________________________________________

Name of Investigator: ____________________________________________

(1) I agree to participate in this project.

(2) I agree that:

(i) The details of the project have been explained to me properly.

(ii) I know that I am free to pull out of the project at any time and to take back any information I have already given.

(iii) The interview can be tape recorded, as long as the tapes are destroyed immediately after they are written down.

(iv) I have been told that all the information I give will be kept confidential.

(v) I understand that any information I give will not be passed on to the prison authorities or the Department of Corrective Services in any way which could identify or link me with that information.

Signature ____________________________________________ Date: ________

Name of Witness: ____________________________________________

Signature ____________________________________________ Date: ________
Author/s: FRERE, MARION
Title: Corporeal punishment: prisons and sexual difference
Date: 2000
Publication Status: Unpublished
Persistent Link: http://hdl.handle.net/11343/36401
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