

PANOPTICISM AND RECIDIVISM

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Introduction

In the year, 1786 Jeremy Bentham (1748-1832) the noted English philosopher and law reformer, found himself in Russia, visiting his brother Samuel, a naval officer in the service of the Russian government¹. Samuel Bentham had the mind of an inventor, his creative brain spawned all kinds of innovations. One of them was an idea for a model workshop devised to solve the problem of how to supervise the largest number of Russian peasant workers as cheaply as possible. The workshop was to be circular in design and with the supervisor placed in the centre. Samuel Bentham was working for Prince Potemkin, who was interested in model and experimental institutions².

The late 1780s were a time of crisis in the English penal system following the abrupt termination of transportation to America, which had by then become a staple punishment. So it is understandable that Jeremy Bentham, a jurist who had already written manuscript materials on the subject of punishment, should have been struck by the possibility of applying Samuel's Panopticon design for a workhouse to an entirely different end – a model penitentiary. From Russia Jeremy Bentham penned a series of letters to his father Jeremiah in London with proposals for the construction of a penitentiary based on Samuel's design (and with observations about the potential application of the idea to other institutions like schools and hospitals). The author had hoped that the letters would be published, but his father did nothing with them.

¹ Sir Samuel Bentham (1757-1831). A useful source for this visit is *The Correspondence of Jeremy Bentham*, vol. III, Jan 1781-Oct 1788, ed. Ian R. Christie, University of London, 1971; see also Ian R. Christie, *The Bentham's in Russia 1780-1791*, Berg, 1993. In 1783 Samuel had been sent to Krichev with the rank of lieutenant-colonel to establish a shipbuilding yard.

² Grigori Aleksandrovich Potemkin (1739-1791), favourite of Empress Catherine II, soldier, statesman and administrator.

Bentham's chief patron at the time was Lord Lansdowne, and in August 1790 he sent the Panopticon letters to Sir John Parnell, Chancellor of the Irish Exchequer, who became an enthusiast for the project and had them printed³. It was the start of a long campaign spanning more than twenty years to persuade the British government to sanction the erection of a Panopticon penitentiary⁴. The government at first made encouraging noises, to the extent that Bentham incurred substantial preparatory expenditures – for he himself expected to be the contractor entrusted with the running of the penitentiary – on plans and materials. It was not until 1813 that the Panopticon proposal was definitively and irrevocably rejected by government on the recommendation of the Holford Committee, though at least Bentham's considerable financial investment in the project led to an award of substantial pecuniary compensation⁵.

Panopticon: visionary design for a traditional prison

What is striking about Jeremy Bentham's Panopticon Prison project is its *aesthetic* impact. A circular or octagonal building with cells around the circumference, their grills allowing an observer to watch the inmates, a central inspection tower from which the gaoler could see into every cell. Blinds on the gaoler's windows meant that the occupants of the cell never knew for sure whether or not they were being watched, but had to assume that they were. The gaoler could therefore absent himself without diminishing the effectiveness of the system. One person able to supervise 1000 inmates. A magnificent labour-saving device. There is a symmetry and economy about this design that is deeply seductive. In fact it has all the symmetry and economy of one of the new steam engines that were driving the Industrial Revolution at the time, the shiny wheels turning to a regular beat and driving a machine that could enable one person to do the work of many. Indeed, Bentham himself described it as «a mill for grinding rogues honest». This analogy between his prison and a well-

³ Janet Semple, *Bentham's Prison. A study of the Panopticon Penitentiary*, Oxford, 1993, p. 102. See also Alexander Taylor Milne (ed.), *The Correspondence of Jeremy Bentham*, vol. IV, London, pp. 290-291, where Bentham announces to King George III that he is sending him printed copies of the Letters together with some further material in a two-part Postscript (Jeremy Bentham to King George III, 11 May 1791). The original *Letters* together with the two parts of the *Postscript* and other materials related to Panopticon are reprinted in John Bowring (ed.), *The Works of Jeremy Bentham*, 11 vols., Edinburgh, 1838-1843, vol. IV, pp. 1-284.

⁴ The only full account of this story is to be found in Janet Semple's *Bentham's Prison*, *op. cit.*, chaps 5-11.

⁵ *Ibid.*, p. 281.

oiled machine is highly appropriate, for Panopticon was essentially a labour-saving technique just like so many others that were driving the Industrial Revolution of the day.

Visually and conceptually, Panopticon looks like a futuristic vision, a radical break with the messy traditions and customs of old regime prison design. This impression is however more than a little misleading, and the truth is rather more complex. For the mature version of Bentham's Panoptical philosophy – as opposed to the early version, some of whose provisions he subsequently abandoned⁶ – proved to be more in line with the typical Eighteenth Century way of running prisons than with the novel theories of the new prison reform movement. It was for this reason that the Holford Committee, a government committee set up to establish a national penitentiary, rejected Bentham's Panopticon Prison design in 1812⁷. These were not reactionary fuddy-duddies who could not cope with thinking as advanced as Bentham's. Far from it: they were in fact supporters of the progressive prison reform movement inspired by John Howard.

They rejected Bentham's plan not because it was too visionary but because in essence his philosophy of prison management was too traditional. For example, he favoured contract management by an individual entrepreneur for profit over against management by a government-appointed board of trustees⁸.

It is true that Bentham's emphasis on constant inspection was part of the prison reformers' creed in his day. Frequent, regular inspection of inmates was a major element in their philosophy⁹.

⁶ For example, solitary confinement, which he abandoned in favour of holding inmates in small groups.

⁷ See Janet Semple, *Bentham's Prison*, *op. cit.*, pp. 265 ff.; see also Seán McConville, *A History of English Prison Administration*, vol. I, 1750-1877, London, Boston and Henley, 1981, pp. 111 ff.

⁸ «The committee were convinced that penitentiary imprisonment required administration of the [...] trustee-management type», Seán McConville, *A History of English Prison Administration*, *op. cit.*, p. 133. In other words, they wanted to encourage more government control over prison management rather than less – which was what Bentham believed in. The committee was in line with the thinking of John Howard: in the words of Janet Semple: «Howard argued that gaolers should cease to be dependent on the profits from fees and the selling of drink and should be paid an adequate salary... Gaols should be under the supervision of magistrates who would give their services voluntarily and be actuated by the desire to serve the public», Janet Semple, *Bentham's Prison*, *op. cit.*, p. 73.

⁹ For example, cf. the thinking of Onesimus Paul in Seán McConville, *A History of English Prison Administration*, *op. cit.*, p. 128 & n. 83.

But Bentham's foundation principle of central inspection was to be grafted onto what was in many respects a classic Eighteenth Century prison, and he retained in his plan of management several features which the prison reform movement regarded with horror and indeed blamed for the poor state of contemporary prisons. This point is noted in Seán McConville's *History of English Prison Administration*, but only in a footnote, where he writes: «Bentham's scheme, with its emphasis on design and gadgetry, does appear far-fetched, but if these aspects of his scheme are disregarded, and only the financial and administrative elements are considered, his contract can be seen to correspond much more closely with contemporary poor-law and penal practice than did the scheme finally recommended by the Holford Committee»¹⁰.

What were the features of Bentham's scheme of Panoptical administration which ran counter to the philosophy of the new prison reform movement?

Firstly, contract management. The progressive prison reformers regarded this all-too familiar practice as the fount of all abuses. The private prison manager could all too easily exploit his position to make all sorts of profit at the expense of helpless inmates who had no power to evade his depredations¹¹. In Bentham's view, however, contract management was not simply one possible way of running his model prison, it was indeed absolutely essential to the success of Panopticon¹².

Secondly, transparency of the prison to the public. The progressive prison reformers regarded the openness of the prison precincts to the general public – common in the Eighteenth Century – as abhorrent, exposing the prisoners to the mockery and contempt of the mob, and thereby imposing on them a further unmerited punishment. Bentham believed that transparency of his prison to the public was the absolutely crucial remedy for the vices of the contract management system¹³. A private contractor would not indulge in exploitative practices if he could not hide them from the public. The whole essence of Panopticon Prison was transparency – the public would be able to see the inside of the cells at

¹⁰ *Ibid.*, p. 134, n. 101.

¹¹ For an account of the different ways eighteenth-century prison governors could squeeze prisoners financially, see Michael Ignatieff, *A Just Measure of Pain. The Penitentiary in the Industrial Revolution 1750-1850*, London and Basingstoke, 1978, pp. 36-38.

¹² For Bentham's fullest discussion of his contract system of management, see John Bowring, *The Works of Jeremy Bentham, op. cit.*, vol. IV, «Panopticon Postscript Part II», pp. 121 ff.

¹³ *Ibid.*, p. 131.

a glance just as the gaoler could. Indeed Bentham always regarded the location of the Panopticon as a matter of the utmost importance – it required to be close enough to Westminster to be readily visited by MPs and to be accessible to London’s urban population. And this question of the acquisition of a suitable piece of land turned out to be one of the trickiest practical issues in the whole project¹⁴.

Thirdly, confinement in groups. The progressive reformers regarded the association of prisoners as the worst feature of contemporary gaols, arguing that it turned them into academies of vice. Solitary confinement was a fundamental plank in the structure of the new progressive penitentiary. Bentham, having initially favoured solitary confinement, went on to reject it and propose confinement in small groups¹⁵. He planned to obviate the danger of young offenders being corrupted by hardened criminals by careful selection of the groups with a view to putting the together inmates who would have a beneficial (or at least relatively harmless) influence on each other.

Bentham’s strong belief in all these three principles – contract management, transparency and association of prisoners, meant that his plan for a model prison was far too close to the contemporary prison to be welcomed by the progressive reformers.

Bentham’s philosophy of inspection was unusual in that he proposed the principle of inspection, which was generally considered to be a necessary element in care for prisoner welfare and in preventing the prisoners from escaping, as the foundation for the reformation of the inmates. The progressive reformers were mainly religious men for whom the penitentiary offered the chance of moral reformation through solitary reflection, repentance inspired by preaching and hard labour¹⁶. Bentham had little time for religion, although he had to pay lip service to it in his prison plan. He favoured the Panoptical design because he believed that if an inmate thought he was constantly visible to an inspector, that inmate would abandon all dreams of escape and come to terms with his situation; he would begin to ponder how to use his time inside constructively. This would then mean that he would throw himself into the opportunities for work and self-advancement and learn the habits that would make him a productive citizen on his release. The principle of relentless

¹⁴ See Janet Semple, *Bentham’s Prison*, *passim*.

¹⁵ «Panopticon Postscript Part I», pp. 71-76.

¹⁶ For an account of the prison reform movement inspired by John Howard, see Michael Ignatieff, *A Just Measure of Pain*, *op. cit.*, chap. 3; Janet Semple, *Bentham’s Prison*, *op. cit.*, chap. 4.

visibility was for Bentham not just an essential basis for prison security¹⁷, it was actually the starting-point for the rehabilitation of offenders¹⁸.

The twin pillars of panopticon – central inspection & contract management

Bentham's Panopticon proposal was in fact a structure that was founded not simply on the single pillar of central inspection, but on the twin pillars of central inspection and contract management.

He considered the two principles inseparable because of his view of human motivation. It was fundamental to Bentham's utilitarian philosophy of human nature that persons were driven exclusively by attraction to pleasure and fear of pain¹⁹. The only way to prevent them from abandoning themselves to antisocial pleasures was to show them that the greater pleasures lay in socially acceptable behaviour and that the apparent pleasures of antisocial behaviour always eventually gave way to much greater pains. The carrot and the stick were the only things that humans understood. The nicest and most attractive carrot of all was always pecuniary profit.

A person offered the possibility of a profit would always find the most efficient way of making that profit. A salaried employee whose income came to him regardless of how well or ill he did his job would always be tempted to find the laziest and least productive way of doing it. The most efficient way to run a public institution would therefore be to offer an individual the chance to make a profit out of running it. The system of administration by salaried government appointees preferred by the progressive reformers was therefore in Bentham's view the worst. Contract management would be the best. Bentham would surely have been very happy in the era of Thatcherism and privatisation.

But Bentham had no illusions about human nature and he certainly had no illusions about private contractors or entrepreneurs. All men were prone to the delusion that they would gain more pleasure from the exclusive pursuit of private interests rather than the pursuit of the interests of the majority. But this was a short-sighted calculation and it failed to take

¹⁷ Bentham believed that the relentless visibility created by the Panopticon architectural technique would make huge and looming masonry defences redundant, and also legions and other torturing means of security. See John Bowring, *The Works of Jeremy Bentham*, *op. cit.*, vol. IV, «Panopticon, or the Inspection-House», pp. 46-47.

¹⁸ «Panopticon Postscript Part II», p. 140.

¹⁹ For an account of Bentham's utilitarian philosophy, see J. H. Burns, H. L. A. Hart (eds), *An Introduction to the Principles of Morals and Legislation*, London, 1970.

into account the longer-term balance of pleasures and pains. It sacrificed future enjoyments to immediate transient pleasures. This was where the stick had to be employed to supplement the carrot. The stick was the fear of detection, the fear of public opinion, the fear of punishment. Give a contractor free reign inside the prison as long as that prison is completely transparent. And if ever a prison was transparent, Panopticon was.

The panopticon as business enterprise

A writer in *the Morning Chronicle* remarked that «we extremely doubt whether the morals of the most notorious villains can be reclaimed by inspection»²⁰. But although in some ways the writer had hit the nail on the head, the remark is also rather unfair, since Bentham did not regard constant visibility as the only means of character reformation, but rather as the starting-point for character reformation. He believed that the inculcation of habits of honest toil and obedience would complete what visibility had begun. In this he shared common ground with the progressive prison reformers. In Panopticon the work of the prisoners would however be productive labour, producing profit for themselves and for the contractor running the prison.

Bentham spoke in caustic terms of prison theorists who favoured imposing useless burdens on inmates as a further punishment²¹. Work should be enjoyable, not burdensome and certainly not pointlessly punitive. Tasks known to have been imposed by some governors included moving huge piles of stones from one side of a courtyard to another. Such pointless and sadistic punishments had no place in Bentham's prison. He liked the idea of work on the treadmill used as a drive for productive machinery, because it combined useful labour with exercise. The Panopticon Prison was in fact to be a very special kind of factory or workshop. (It is worth remembering that among the various possible uses for the Panoptical design listed in the *Panopticon* Letters were «manufactories»²²). And the inmates would be allowed a certain proportion of the profits they made by their labour.

The whole Panopticon system as envisaged by Bentham was interlocking. The inmates would only work productively in Bentham's view if their state of mind was right. Their state of mind would be right only

²⁰ Quoted in Janet Semple, *Bentham's Prison*, *op. cit.*, p. 259.

²¹ «Panopticon Postscript Part II», Section V «Employment», pp. 141 ff.

²² John Bowring, *The Works of Jeremy Bentham*, *op. cit.*, vol. IV, «Panopticon, or the Inspection-House», pp. 60 ff.

in a prison where security was total and they were not dreaming dreams of escape and concentrating on things other than work. So the profits of the contractor depended on the Panoptical design – the only design that could guarantee total security at an affordable price. The security of Panopticon was achieved not by massively costly thick masonry walls and battlements etc but by glass and grills. The Panopticon Penitentiary was the only kind that was economical enough in design to be run for profit and the private profit-based administration was the only one that could guarantee efficiency.

Panopticism and recidivism

But would the Panoptical technique for grinding rogues honest be 100 percent effective? Bentham was too much of a realist to think so. He therefore proposed measures to counter the pressures that would inevitably drive some ex-inmates towards recidivism²³. According to Bentham's plan, nobody was to be released unless one of two conditions could be met.

Firstly, a job opportunity with the armed services. Bentham considered that the ex-prisoners long experience of obedience would make him an ideal candidate for the armed services.

Secondly, a person willing to offer bail. What Bentham had in mind here was that the ex-offender could be offered a contract by a prospective employer who would stand guarantor for him. Compensation would be available should such a worker be poached by another employer. Bentham considered that the terms of such contracts could be made so attractive to prospective employers that they would be queuing up to employ ex-offenders. He even suggested that the Panopticon contractor be obliged to put up part of the bail, on the grounds that this would be an incentive to him to know his prisoners and to work hard at preparing them to be productive and responsible workers in the outside world.

However, there would still be cases where neither one of the above conditions applied. People refused entry to the armed services and unable to find anyone to offer bail. What was the solution for them? Amazingly, Bentham's proposed solution was – another Panopticon, a *subsidiary* Panopticon was what he called it, especially designed to house this category of ex-offender²⁴. Effectively, this category of offenders would remain in a prison setting for life. The conditions would be

²³ «Panopticon Postscript, Part II», «Provisions for liberated prisoners», pp. 165 ff.

²⁴ *Ibid.*

eased, they would be able to have their wives in with them, some element of privacy would be allowed. But the bottom line was that there was no way out for them. To be fair, what he was proposing was probably better than the workhouse.

But it draws attention to the fact that Bentham's philosophy was to make offending as impossible as he could by means of techniques. Any concept of human rights was totally alien to his utilitarian system of thought.

Bentham as prophet

For 150 years the idea of the Panopticon Penitentiary remained familiar chiefly to penal specialists and students of Bentham. The main Panopticon-related texts were published in John Bowring's edition of Bentham's Works between 1838 and 1843; after this there was little reference to the Project in the Anglophone world outside of specialist writings until after the Second World War. It was to be Michel Foucault who reintroduced the English to the Panopticon idea in his epochal work *Surveiller et Punir* translated as *Discipline and Punish*²⁵, in which the Panopticon takes pride of place as the very embodiment of modern «carceral» society, a society in which the disciplining of persons' minds has replaced the old regime disciplining of their bodies.

Michael Ignatieff should have classified Bentham as one the radical prison reformers inspired by John Howard. Bentham's prison – airy, full of light, well-heated, with encouragement of prisoners to socialise, with opportunities to engage in productive and satisfying work – bore no relation to the gloomy Pentonville hell-hole or to the typical modern prison fortress. In many respects the institution it most resembles today is the open prison, where the physical barriers to escape are removed and reliance is placed on psychological factors inside the heads of the inmates.

And, curiously, in many ways Bentham's proposals make more sense today than at any time in the past. This is the era of the private contract prison. It is also the era of the security camera.

²⁵ Michel Foucault, *Surveiller et Punir. Naissance de la prison*, Paris, 1975; translated as *Discipline and Punish; the birth of the prison*, translated by Alan Sheridan, Allen Lane, Harmondsworth, 1977.