

Immobilisation, relocation and mobility monitoring: on the evolution of the Carceral

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Abstract

Traditionally, definitions of 'the carceral' are grounded in the idea of liberty deprivation, which is seen as consubstantial to immobilisation.

Since the mobility turn made it necessary to re-examine the definition of mobility, we suggested that it should be considered as any modification of time-space coordinates, in any space, be it physical or not. Mobility must therefore be considered in multiple spaces and the carceral can no longer be studied through the perspective of mere physical space. We have to take into account the multiplicity of spaces and their growing disjunction. We can be physically mobile without losing social contact with the people we left behind; we can be physically immobile while coming into contact with people all over the world, etc.

On the other hand, the rise of mobilitarian ideology has made mobility a central imperative, so that it is praised for itself, including in the carceral context. The contemporary question, therefore, is no longer to immobilise offenders (retribution), nor to relocate them to the place they belong to (rehabilitation), but to manage their trajectory through mobility monitoring. This new aim imposes a combination of requirements for both immobilisation and mobilisation.

In my presentation, I shall defend the idea that we must both end up with a definition of the carceral based on immobilisation so as to validate the option of (im)mobility monitoring, and also develop a vision of the carceral based on multiple (im)mobility-levels. Therefore, the idea of a carceral continuum must be abandoned if it implies the vision of a linear relationship between freedom and incarceration (through increase in mobility) and of an opposition between a free mobility and a carceral immobility.

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The term 'carceral' comes to us directly from *carcer* the Latin word for prison or gaol. It is now echoed in the English *incarceration*, the Spanish *carcel*, the French *carcan* and *carcéral* or the Italian *carcere*. Therefore it may seem natural to limit its connotation to the prison itself or to its direct sphere of influence.

Nonetheless, it is no secret that although the prison remains highly symbolic, its position and definition have evolved considerably over the past three decades. As if in a whirlwind, the law and penal procedures have become the object of intense legislative activity and innovative practices are being developed. Thus, through the arrival of electronic monitoring, community service sentences, more diverse forms of probation, and non-repressive liberty deprivation practices (primarily in the area of immigration), the environment in which this activity occurs and derives its meaning has considerably changed.

Another important factor must be mentioned: the evolution of the scientific view of 'carceral'. In the framework of a renewed interest for prison geography and a newfound interest in forms of mobility, a reflection on the prison developed that placed more emphasis on examining its relation to space. Seen from a new angle, new rationales emerged as well as, potentially, a redefinition of an object that suddenly appears in a new configuration.

In the aim to reconsider the forms taken by the carceral in the light of new incarceration geographies and, more precisely, in carceral mobilities, and after confronting the prison head-on (Mincke et Lemonne 2014; Mincke 2016b), we found it useful to take a sideways approach: electronic monitoring (EM).

Thus, in this paper we shall attempt to define the special relation that electronic monitoring has with mobility (1), and then to return to the carceral theme and propose new configurations (2).

Electronic monitoring seen through the lens of mobility

In Belgium, EM first emerged as a probation method, a way to implement a liberty deprivation sentence. Its application was then extended to serve not only as a back door at the end of a prison term, but also as a front door to avoid being locked up. More recently it has become an alternative to remand custody – in the form of home detention – as well as a sentence in its own right. On this subject it is interesting to note that the regime for home detention on remand is more stringent than an actual sentence because the person is only allowed to leave the home for purposes of the criminal case.

EM can be seen from two different angles, the first of which is the *dispositif* to be mobilised as an alternative to serving a prison term.

A contrasting interpretation, in view of electronic monitoring's net-widening effect, clearly sees this measure as a way restrict mobility – albeit less than imprisonment – for people who, without this measure, would enjoy free movement. EM is therefore an additional constraint on movement and a *dispositif* for immobilisation.

The common ground for these two points of view is their basis. Both assign meaning to EM only in relation to another measure: incarceration, once more given the pivotal role in thinking on punishment. Both positions are based on the question of EM's alternative effect and, consequently on the very nature of EM: an alternative for the prison or simply another

kind of prison? Discussions on other measures are similarly structured¹ and this limits the possibilities for a reflection on the unique characteristics of the dispositif under consideration. It also illustrates the close tie that persists between the prison and electronic monitoring, which is why it first appears that they can be grouped under the notion of 'carceral'.

What we would like to propose here is to move beyond this tie-in with the prison so that we can more easily understand the relation between electronic monitoring and mobility.

The first point to remember is that mobility and immobility are not absolute concepts, but relative. An entity is immobile compared to another. For instance, the detainee in an open prison is physically more mobile than someone in a high security facility, who in turn is more mobile than the unfortunate fellow prisoner placed in solitary confinement. The first detainee will have freer movement when fitted with an EM device, and even in these circumstances there will be several levels of mobility depending on specific arrangements and the technical devices used. We can conclude that nothing and no one is ever either mobile OR immobile; they are always both at the same time.

Secondly, it is important to consider the nature of the spaces where various forms of mobility and immobility occur. As we have shown elsewhere (Mincke 2014b; Mincke et Kaufmann 2015), the question of mobility cannot be fully understood in all its ramifications if it is reduced solely to that of physical mobility. It must take into account non-physical mobilities, those that are found in spaces that are social, professional, legal, administrative, and so on. The spaces resulting from the structuration of nonphysical realities are just as 'spatial' as those that emerge when this process is applied to the material world. It is the use of spatialisation process that makes the space, not the realities they are applied to.

An apt example is the prison itself, which is not limited to physical immobilisation; it also immobilises socially when it keeps people from mingling. It also encloses each of its actors in distinct social and administrative roles, thus preventing encounters and cooperation (Mincke et Lemonne 2014, 530 & s.). In many ways it also leads to a downward social mobility, degrading the status of the individuals found there. It also causes family mobilities when it upsets structures in place before the person was locked up. By excluding the person from social security benefits, for example, it relegates the individual to substandard administrative spaces that are quite hard to escape.

Non-physical mobility is more clearly expressed in the rehabilitation project of forced relocation, which aims to extract individuals from a criminogenic social milieu and set them on a learning/educational path or a psychological/psychiatric trajectory to help them gain access to new places, more conducive to personal fulfilment and a harmonious functioning in society.

Electronic monitoring itself, as Nick Gill has pointed out, is a way to keep an individual active and submitted to the imperatives of social spaces in which the State wants the individual to remain (Gill 2013, 29-30). Rather than provoking a social mobility by removal from family or professional spaces, EM enables the person to maintain spatial belonging and the mobility intended to occur: finding and keeping a job, assuming family responsibilities and so on. Indeed, in the recital section of the Belgian Law on Prisons of 2005, the loss of autonomy

¹ This mechanism is particularly at work in the field of penal mediation (Mincke 2010, 241 & s.).

² The 1964 Belgian law on 'Social Defence' referred to 'habitual delinquents'.

³ The eternal and excruciating dilemma for proponents of democracy: how to justify the prison system in a democratic context (Mincke et Lemonne 2014, 529).

and the correlative ability to function effectively in society is cited as the very heart of the contemporary incarceration question (Decroly et Van Parys 2001, 66-67). We can thus see that maintaining physical mobility (not being incarcerated) makes it possible to achieve a non-physical spatial immobility (family, professional, social) which, in turn, enables a non-physical mobility that is intended to be beneficial.

We should also mention that most EM systems are designed to allow for adjusted mobilities. It is thus a question of prohibiting mobilities that are illegitimate or unnecessary in the pursuit of legitimate objectives and to authorise only those meeting these objectives.

What we are seeing therefore is not a simple interplay of mobility OR immobility, but a combination of both mobility AND immobility factors to be deployed in multiple spaces, whether physical or not.

Thirdly, the multiple spaces concerned by (im)mobility related to EM must be considered in their interrelations, where they are joined or disjoined. Can an (im)mobility in one space cause an (im)mobility in another... or else have no influence at all? For instance, maintaining a certain physical mobility is expected to help maintain a social and familial immobility. Likewise, prohibiting illegitimate mobilities aims to foster positive anchorages, in the home, work and family and to sever problematical social links that can be formed in the street or in bars.

Perceived through the prism of mobilities, EM is therefore a system neither for mobilisation or for immobilisation but rather one of interlocking mobility constraints. The question thus becomes one of knowing which (im)mobilities lead to alienation and which are conducive to an emancipation.

And a fourth point: if we wish to understand the system of mobility constraints it is important to be aware of the spatial and temporal variations in the significations and values with which mobility is invested.

In a society that values mobility for itself, it is no surprise to see, as discussed above, that a painful immobilisation itself is identified as a problem, whereas preference is given to 'trying' immobilities, whether they occur in prison or not.

Inversely, in a context that would place the greatest value on finding a stable place in a social body (Cresswell 2006, 31; Bauman 2000, 32) conceived as a machine, apparently the most adequate solution would be to establish processes that are based on socio-medical expertise and impose teleological mobilities different from those the subject has hitherto adopted.

Does this mean that both systems place equal value on mobility? If this were the case it would mean considering mobility as an objective and immutable fact. Yet the mobility of electronic monitoring is constructed as the reflection of an ontological condition: human beings are by nature mobile, and granting someone movement amounts to preserving this nature in order to avoid destroying the humanity this person is endowed with. Movement is constantly encouraged, without any clearly defined objective. Remaining active and autonomous above all implies maintaining the capacity to act and adapt in a world in perpetual movement.

Inversely, mobility as rehabilitation is merely a second thought. It intervenes only to correct a problem in location and is not justified as an instrument for (re-)establishment. In this case

there is a teleological orthomobility pursuing a goal other than mobility itself; something planned ahead of time and based on objective criteria.

Undoubtedly, it is at the crossroads of these conceptions that individual relations to (im)mobility are constructed for those who are subject to these mobility constraint systems.

Although elsewhere we described an evolution from the predominance of an anchoring ideology that placed greater value on roots and settling, to a mobilitarian ideology that values mobility for itself (Mincke 2016a), there was never any question of announcing the total disappearance of the former ideology and its eclipse by the latter. Both are found together in variable configurations depending on the spaces under consideration. Thus, according to the issues involved, mobilities and immobilities may appear as desirable or not. In the family realm, one might seek to guarantee stability at the cost of a physical mobility regulated by EM as well as a professional mobility thanks to training and re-employment measures. Nonetheless, any failure of these attempts at tailor-made mobility configurations may lead to a return to strict immobilisation approaches: (re)incarceration. Thus we see both the development of a process that gives a large role to mobility alongside that of widespread incarceration policies, including particularly severe modalities.

Thus, it cannot be said that we are seeing a general mobilisation driven by a unique marching order “Get moving!”. Rather we have before us complex interlocking forms of mobility and immobility occurring in contexts that are constrained to a greater or lesser extent.

Back to the prison: painful immobility and ‘trying’ mobilities

Let us now tie this in with the prison, but starting from the other side, from what we have just said about electronic monitoring. We will base this discussion on the evolution of the discourse legitimising the prison and on what this says about the contemporary carceral project (Mincke et Lemonne 2014; Mincke et Lemonne 2015; Mincke 2016b).

The classical prison project is grounded in what we call painful immobility. The prison was originally organised as a system of immobilisations, obviously starting with the penitentiary’s security fence, but also based on a strict limitation of movement within its confines. Cut off from society, the prison was also grounded in an strict partitioning of the cells, of detainee categories, of functions, and even speech for it often imposed the rule of silence. This the prison’s closing was definitely not just physical, it was also social.

The objective of this system at the start was to make the convict suffer in retribution for the offense, thus the term *painful* immobilisation.

With the emergence of new sciences (and pseudosciences) in the human and social realm (psychology, sociology, phrenology, anthropometry) and the increasingly stronger calls to right the harmful effects of painful immobility, a new courant emerged at the turn of the last century. The aim was no longer to immobilise individuals to make them suffer but rather to take the opportunity to compel them along a new trajectory - social, professional, medical, educational, etc. The new sciences were mobilised, on the one hand, to diagnose the gravity of the situation (often independently from that of the offenses committed) and, on the other hand, to define and implement a relocation programme.

The issue at stake was to restore a person’s place in society: as good citizen, good child, good worker, etc. The individual considered as dysfunctional was taken in charge: the juvenile delinquent or unruly child sent to a reform school, the vagrant finding a roof

through incarceration, the mentally ill or persistent offender² treated in a closed medical facility, and so on. The immobilisation was no longer an end in itself, but a means, justified by a specific objective: to control the individual's social, geographical, behavioural or psychiatric mobility. The approach entailed a constrained and teleological mobility to relocate the individual and restore one's place in a whole set of physical and non-physical dimensions, that would enable a harmonious social functioning.

If the initial ambition was to replace painful immobilisation (retribution) by a forced relocation (rehabilitation), the only apparent conclusion is that the second formula was added to the first without removing hardly anything from its field of application.

The third phase, in our view, is presently underway. It is a question of having the detainee become mobile in order to test (try out) the person's capacity to demonstrate qualities of mobility and autonomy, today considered as essential for life in society.

It is no long a question of reassigning to a fixed place as it is to reintroduce the person into the incessant ballet of collective life, this life of constant mobility under the sign of the four imperatives of mobilitarian ideology: activity, activation, participation and adaptation (Mincke 2013; Mincke 2014a; Mincke 2015). A spatial opening along with measures that are not determined temporally installs – in discourses at any rate – a system of progressive liberation and constant evaluation of the convict's progress in preserving and increasing the capacities for physical mobility, perceived today as a *sine que non* for social integration. The evolution of the prison is obviously seen in relation with measures such as electronic monitoring, which are full partners in this will to set up 'trying' mobilities.

The prison is now just one point among others where personal trajectories intersect. It is no longer an aim in itself, but merely one opportunity among others to pursue objects that can be described as attempts to re-direct trajectories. With no pre-established aim, and articulated around personal projects drawn up with the detainee, and with multiple actors proposing a range of services, it is no long regarded as a teleological mobility but rather as a continual and irrepressible mobility which needs to be re-directed whenever it becomes a problem.

We have studied the emergence of the mobilitarian ideology in the carceral context by analysing the preparatory work for the Belgian Prison Law of 2005 (Mincke et Lemonne 2014; Mincke 2016b). It was far-reaching discourse that aimed to propose a carceral project worthy of the 21st century. As such it sheds light on contemporary negotiations of carceral legitimacy (Decroly et Van Parys 2001, 42 & s.). Unfortunately we do not have time for a detailed discussion of this work.

The prison foreseen in this law can be described and understood through a reflection in terms of relative mobility, taking place in various spaces, physical and non-physical, and diversely (dis)jointed, a mobility with a meaning that has deeply evolved. Thus the physical immobility consubstantial with the prison is presented as necessarily relative and as one leading to forms of mobility that are social, professional, personal, etc. and able to allow a desistance from crime. It is thus no longer possible to understand the prison through the sole bias of physical immobility, but we must take into account the multi-dimensionality of the (im)mobilities that take place there.

² The 1964 Belgian law on 'Social Defence' referred to 'habitual delinquents'.

Taking the carceral out of prison

The approach through the optic of mobility reveals a new form of continuity between the prison and electronic monitoring. One could also apply the same reflection to other reactions to deviance, such as victim-offender mediation (Mincke 2014a). It is this continuity, especially in the facets that no longer appear to focus specifically on the prison, that draws us to take a new look at the configurations of carceral.

Mobility = liberty?

The first step is to shed a few unconscious associations, such as the intrinsic tie between mobility and liberty. It is not so much that we see as liberty the ability to choose a possible mobility freely. Rather we have come to consider that any movement reflects liberty unless it is directly and forcibly constrained (deportation, ethnic cleansing, forced exile, etc.).

This association is quite old. As Tim Cresswell (2006, 14) has discussed, Thomas Hobbes already mentioned it, quite likely in contrast to the *Ancien Regime* when movement was largely restricted either to the elite or to pariahs such as minstrels, merchants and other misfits (Cresswell 2006, 12). On this subject it is worth noting that constrained mobilities – banishment, deportation or expiatory pilgrimages – were tools for repression under the *Ancien Regime*.

The proclamation of public liberties – especially that of traveling beyond one's native soil – along with the concomitant establishment of the prison as an emblematic form of punishment, served to reinforce the representation of moving around as the expression of liberty.

From a penal point of view, this image was perfectly coherent with a system that both imprisoned and released from prison, one that knew only states: prisoner or free. In such a context, constraint was immobilising and liberty was expressed in the ability to move once the constraint had been removed. Obviously, aside from the prison the Nation-State had an increasingly heavy hand over the mobility of its populations as the 19th century advanced: the State guarded borders, imposed passports, required residency, created nationalities and even drafted a worker's booklet (to control the movement of the labour force who were authorised to move only if they could prove they had been hired) (Delwit et Gotovitch 1996) or they forced nomads to settle down.

In this world dominated by a sedentarist metaphysics (Cresswell 2006, 26), mobility was seen as a threat to social order. Accordingly, movement – as least by the dominated populations – required specific legitimation and, in any case, could only be envisaged if based on solid anchoring, the guarantee of social normality, or even of humanity (Cresswell 2006, 31). Therefore the quite logical solution for a good number of social disorders was either immobilisation or forced relocation.

Between the immobilising constraint of a thanato-power that aimed to 'allow to live and cause to die' (Blanchette 2006) and mobility as an individual dynamism and the sign of escape and freedom, the opposition made sense: people were free until caught in the grips of a power that caused various forms of 'death' be it physical, social, professional, etc. This opposition still leads to consider that by default all movement is the expression of a type of freedom and all immobility the result of an obstacle.

Yet, in such an ideological framework how do we study trying mobilities, which we see as a recent evolution of the carceral? This concerns measures such as electronic monitoring, but also other recent prison evolutions in the prison (or at least in the discourses legitimising it). In allowing a greater degree of physical mobility compared to detention, EM is systematically and consensually presented as an increase in liberty, and thus as 'softer' (Gill 2013, 28). It nonetheless renders certain mobilities mandatory or inevitable, such as the physical and social mobilities required to find a job and housing, assume family responsibilities or follow a therapeutic or educational programme (Gill 2013, 30). Furthermore, other parallel immobilisations render some mobilities impossible or difficult. As a result, some detainees (we are not yet able to assess how many) who have renounced EM, preferring an incarceration that is nevertheless reputed to be much more restrictive than liberty (Gill 2013, 29). Thus are we able to conclude that as liberty appears to be increased, then EM poses no problem? Or must we restrict the discussion to immobilities that persist in the framework of EM? Obviously this is not the way we see it.

Unless we abandon this link between mobility and liberty, we will not be able to understand the new constraints that the prison intends to propose. Nor can we study EM in the full complexity of its relation to mobility.

In other words, the image of the carceral that assimilates mobility with liberty is inadequate for a correct analysis of today's situation. In fact, this view also coincides with the thinking where mobility is a value in itself, what we denote as 'mobilitarian ideology'. It is the duty of research in the social sciences to identify ideological evolutions and their consequences; and we must not be taken in by any attraction they may have.

We thus propose to move from an interest for immobilisation to an interest in constraints on mobility.

Punishment and constraint

Before we continue, however, we should take a short look at the notion of constraint.

As we have already seen, the classical view of penalty was grounded in painful immobilisation. This implies assuming not only the imposition of an immobility, but also a punitive objective. Punitive constraint is thus assumed and does not require any agreement by the individual who undergoes this punishment. A binary vision with constraint on one side and its absence on the other thus sufficed to describe the situation played out in classic carcerality.

Regarding ambitions for rehabilitation, we have seen that the objective was a relocation constraint in the aim of normalization (in the Foucauldian sense of the term) (Mincke et Lemonne 2014, 543). In other words, bringing the individual closer to a statistical normality, the guarantee of one's ability to function in society. While the constraint is assumed, the same cannot be said for the punitive goal. This is because the objective is at the most to reduce danger or even to simply cure or educate. From the viewpoint of the individual incarcerated for vagrancy or a juvenile delinquent in a reform school, the difference is not really perceptible, but it is clearly affirmed by systems that base themselves on the logic of rehabilitation. The constraint is assumed in so far as it serves an objective of rehabilitation and the individual's agreement, although not a requirement, is desirable at least in the long run. For example a mentally ill person or a juvenile delinquent will be more efficiently integrated in the place assigned them if they recognise that their relocation is needed and decide to cooperate (Goedseels 2016). This agreement can also be one of the first objectives

of the constraining measures imposed on them.

In the present context, new methods being developed to control deviance call for the individuals to mobilise their own personal resources. Therefore a community service sentence, electronic monitoring and victim-offender mediation all require the offender's personal involvement (Mincke 2014a). The community service job is not a chain gang, the door will not be locked, and an agreement with the victim cannot be imposed by force. If the offender does not cooperate from the start the measure will fail. This is why agreement with these measures is verified before they are set and it remains a requirement throughout the sentence.

In this context, neither the constraint nor the punitive goal are assumed. This logic also contaminates the carceral sector itself, as we can see by the preparatory work for the Belgian Law on Prisons. It sets out both the will to abolish the prison as a total institution that constrains detainees in all aspects of their life.

The prevention or limitation of the adverse effects of confinement, especially by consolidating the legal status of the inmates, implies the suppression as far as possible of the prison as a 'total institution', the maximal normalisation of daily life in the prison, an opening as broad as possible to the outside world and the definition of a carceral trajectory placed in the perspective of early release. (Decroly et Van Parys 2001, 69)

and also a rejection of the punitive objective of incarceration:

'the punitive and dissuasive nature of incarceration is erroneous and outdated.'
(Erdman et al. 2003, 5)

Constraint and a punitive goal can no longer be considered as the indisputable foundation for the carceral project of the 21st century.

Accordingly, it is even easier to assimilate certain deviant control methods to situations of freedom. Not only are they based on mobility (which necessarily proceeds from liberty), but they also entail the offender's free choice. Thus we have before us two facets of the justification for measures such as EM that enable the 'carceral question'³ to be avoided.

Escaping this impasse and being able to examine the contemporary models to control the mobilities of offenders implies, on the one hand, renouncing the criteria of punitivity by affirming that the decision-maker's proclaimed intention is not enough to classify a type of measures. And on the other hand it implies retaining the notion of constraint, although not purely as an alternative. Between absolute constraint and the complete lack of constraint a whole series of limited choice situations are available, and they are systematically used more frequently by deviance control bodies.

In other works we studied the possibility of having people adopt a behaviour they would not assume spontaneously, either by violence or by wielding power (threat), or by authority (by justifying why the individual has to conform to expectations) (Mincke 2010, 13 & s.). Authority provides a way to conceptualise the interactions limiting an individual's range of

³ The eternal and excruciating dilemma for proponents of democracy: how to justify the prison system in a democratic context (Mincke et Lemonne 2014, 529).

action, with the person's agreement. The field of authority, however, is so broad that it is of little use here.

On the other hand, Harmut Rosa's proposal to reconsider the notion of alienation seems to be particularly promising. This is defined as 'a state in which the subjects pursue goals or adopt practices that, on the one hand, respond to no obligation by an outside actor or factor – alternatives do exist – and which, on the other hand, they do not "truly" desire or approve'⁴ (Rosa 2012, 113). We should also note that defining 'not obligatory' as a situation in which alternatives exist suggests that there can be alienation when there is pressure, as long as it is possible to resist. This type of situation, we feel, could refer to situations such as asking a convict to agree to be fitted with an EM device.⁵ Alienation thus leads to a distortion of our relation to the world (Rosa 2012, 115).

Mobilitarian imperatives

The notion of alienation shapes a type of relation to the world that regards the mode of the distortion rather than its nature. Although we are familiar with distortions in the relation to mobility that arise from immobilisation, it is harder for us to describe the processes of mobilisation. Yet, as we have seen, the carceral today seems to be leaning towards mobilisation.

We propose to define the distortions arising from mobility pressures by basing ourselves on the notion of the mobilitarian ideology and on the imperatives it entails. We have defined these elements in other works (Mincke 2016a) and have used them to analyse objects such as justice management (Mincke 2013), incarceration (Mincke et Lemonne 2014; Mincke 2016b) or victim-offender mediation (Mincke 2014a).

The *activity* imperative underlies the obligation to refuse all rest, all respite. We are now expected, not to merely develop a cyclical activity during suitable time frames, but rather to maintain a frenetic rhythm in all realms, any time of the day, any day of the year or throughout our lives. As a result, the periods of sanction must be put to use and not spent vegetating in a prison cell. This imperative makes it easy to justify that a sentence served in the community is preferable to an incarceration, since this enables one to maintain a distinctly higher rate of activity.

The activity, however, must not consist in simply obeying orders or repeating standardised behaviours mechanically. We have moved beyond the era of assembly lines and social integration as a functional and predictable cog in the social machinery. People are now expected to be able to *activate* themselves: to become the authors of their own movement. More than obeying a boss or respecting social and legal norms, the individual is asked to demonstrate originality, inventivity and innovation. The obedience that was once appreciated is now increasingly seen as a sterile retreat behind laws and norms. In a repressive framework, assistance is no longer considered as an occasion for experts to collar individuals and apply – willingly or forcefully – the adequate treatments. It is now a service offered which the individual must implement freely. It is no longer a question of either prohibiting action or rendering it mandatory, but of making it possible and expecting people, on their own initiative, to develop this action in their own way, all the while conforming to

⁴ Unofficial translation.

⁵ This is what Kaminski describes as the passage from an obedience system – where the individual is obliged to submit to orders – to an allegiance system founded on voluntary self-constraint (Kaminski 2005).

the expectations of those around them. Here is where we find back the question of constraint and alienation described above. Electronic monitoring is thus viewed as a framework making a large range of activities possible, not as a programmed set of predefined steps intended to lead to reinsertion.

The third imperative concerns the modalities of the action, in other words the integration of collective projects, under the byword of *participation*. In the context under discussion, we no longer imagine the traditional process in criminal procedures – a succession of interventions, with each institution completing its task before passing the case on to the next institution. Rather we have measures conceived as co-productions that bring various actors into play, whether institutional or not: the detainee, the family, private counselling structures, sentencing court, prison administration, public assistance structures and so on. The combination of mobilities and immobilities are thus put in place through a network of actors that evolves throughout the intervention depending on the needs at hand. In the context of electronic monitoring, the measure is the occasion to set up an extended collaboration involving the sentencing court, the prison administration, paralegal services (justice centre, the entity that controls execution of the measure), private aid services, etc. Even the offender's family participates in executing the sentence when the convict returns home to live. EM is thus, inevitably, grounded in the idea of forming a large coalition of diverse actors in order to bring a project to fruition.

Lastly, the whole set of these imperatives renders an additional faculty indispensable: *adaptation*. The individual is thus required, not to fit into a pre-established mould, but to be able to adapt one's attitude depending on the instant, the type of interaction developed, specific characteristics of the case, and so on. This holds for the person convicted who is expected to formulate projects corresponding to the offers and expectations at hand (a detention plan, a reclassification plan). The person must be open to measures aiming to test autonomy and ability to readapt to the conditions of normal life, etc. The institutional actors, however, are also subject to the required adaptation; their work must be 'tailor-made', absent of any standardisation and controlled by monitoring mechanisms that call for them to continually adapt their measures. Rather than managing cases with pre-determined characteristics reflecting a uniform grid, their job is to influence individual trajectories, each working individually, even if they occasionally cross paths in prison, before the sentencing court or in a social welfare office. The adaptations are thus reciprocal, multiple and constant. It is this adaptation imperative that most clearly illustrates what is specific about the notion of constraint on mobilities compared to the simple idea of painful immobilisation or forced relocation.

A carceral continuum?

We thus propose to integrate the dimension of physical and non-physical mobility in the notion of carceral, in the framework of a reflection on mobilitarian alienation and based on a deep-seated reflection on all that the mobility imperative encompasses.

This inevitably leads to a reflection on the ways mobilities and immobilities combine in multiple spaces. We are therefore confronted with a spatial complexity, so complex that we can no longer think in terms of two dimensions, seeing mobility as developing along a single plane. A superposition of diversely (dis)jointed spaces forms a spatial lasagne that obliges us to delve deeper into our reflection.

Such a context makes it harder to think in terms of a carceral continuum, of a gradual

passage from 'absolute' incarceration on to 'complete' liberty, and measured by the degree of mobility. As mobility increased the individual would be more free (Vanhaelemesch 2014, 150). This construction, at the start merely theoretical, has infused thinking to the extent that it has become an integral part of the political justification for prison policies. It is also quite convenient for justifying the net widening measures of the past decades. In the preparatory work on the Belgian Law on Prisons, it was thus clearly affirmed that the prison was no longer the sole place to serve a liberty depriving sentence (Decroly et Van Parys 2001, 121) and that incarceration, from the first day on, had to be seen as a step towards regaining liberty.

Preventing or limiting the adverse effects of confinement [...] implies the suppression as far as possible of the prison as a 'total institution', the maximal normalization of daily life in the prison, an opening as broad as possible to the outside world and the definition of a carceral trajectory placed in the perspective of early release. (Decroly et Van Parys 2001, 69)

This said, how can a measure such as EM be integrated in a continuum? For although it lightens the constraints in physical space, it creates others in other spaces, generating problems arising from the detainee's obligation not only to adapt to the specific constraints of each space, but also to manage the interfaces among them all. Once, on the one hand, we renounce the unicity of the space under consideration and, on the other, the intrinsic relation between mobility and liberty, one cannot easily consider that a continuity can be observed and that it can be valid for each and every person subject to a measure. Continuity is not possible if mobility and liberty are no longer placed on the same level: we can no longer fathom indexing the level of freedom along that of mobility. Furthermore once mobilities are seen as multiple and at least partially disjointed, an absolute progression of mobilities becomes virtually impossible to demonstrate. The question of variation in liberty will thus depend on the space under question as well as each person's personal situation and experience. It will also depend on the individual strategies or the concrete action of entities and institutions participating in drafting and implementing the measure.

In such a context we may ask whether the notion of carceral continuum clarifies matters or if, instead, it hampers understanding of the carceral. We would tend to dismiss the continuum notion since it seems that the very idea of progress underlying it is both hard to establish scientifically and it is susceptible to detours that attempt to give certain measures the veneer of legitimacy.

The fourth dimension

Even if we can picture the carceral as this spatial lasagne, we should not forget that the question of mobility is spatial-temporal. To the three dimensions of space the fourth must be added, that of time.

This is because thoughts on the issue of carceral mobilities introduce the question, not only of the spaces concerned, but also of how the circulations that occur are managed in time, and the nature of temporal space concerned by what is defined as 'carceral'.

Thus, increasingly the relation with the carceral does not come about in stable, clearly distinct, periods. It is no longer a question of alternating stases and ruptures: investigation and court order, waiting and the hearing, sentencing and setting appeal deadlines,

incarceration and prison term, release and return to life as a free person. Increasingly, the carceral relation is managed along a temporal mode that is almost a constant flow.⁶

The carceral relation is thus managed by constant monitoring of the follow-up. This makes it possible to re-evaluate a person's situation almost continually: in prison thanks to management via the prisoner's projects and possibilities of early release on parole; after release via devices, electronic or not, to monitor the individuals along with procedures to revise the conditions for parole. To summarise, as we explained earlier, it is more a question of managing a trajectory than submitting someone to a scheme that is rigorously predefined. All this, moreover, is managed in a temporality that no longer consists of high points that are essential practically and symbolically, but instead is shaped by constant adjustments.

This temporality of permanent evaluation is obviously founded in the idea that both the person subject to a measure and the context in which it is applied are in constant change and that it is thus important to make regular adaptations, ideally in real time. Herein lies the adaptation logic described above.

Conclusion

We can see that approaching the carceral from the angle of mobilities implies a significant re-evaluation of its configuration, its structures and the way it functions. At the same time, however, the vision seen through the lens of the prison – and even more so, a prison conceived as pure immobilisation – does not adequately address many phenomena that are presently deployed.

Developing an approach via mobilities raises many new questions that should help reconfigure the carceral, but it also leads to further questioning. In which spaces can immobility be emancipating and in which spaces is it mobility that has this effect? What are the individual or collective factors that influence the differentials of liberty? How can we describe a situation in terms of its spatial-temporal inscription? How can the category of mobility serve as a base, not only for understanding personal experiences with the carceral system, but also to curb an ideological endeavour to lay the groundwork for the carceral of tomorrow by evacuating questions such as suffering, constraint or maintaining outmoded carceral logics. How can a diversity of carceral-related practices interact?

On this last point, we refer to our short discussion on justifying the prison by evoking mobility and the prison's conformity with the mobilitarian ideology. One working hypothesis may be that in our days, electronic monitoring is a more important nexus for the carceral than the prison itself, which can only attempt to assume for itself the virtues long attributed to electronic monitoring and which seem to be working miracles in a mobilitarian context.

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Video of the presentation on www.mincke.be

⁶ These forms of temporality arise from the distinction between spatial-temporal morphologies: the flow-form and the limit-form, taken from Bertrand Montulet (Montulet 1998; Mincke 2016a).