

Prison: Legitimacy through mobility?

Although prison as punishment is as old as modern liberal and democratic states, from the beginning it has faced continual challenges over its legitimacy. Human rights and prison were conceived at the same epoch (during the eighteenth century), but have always been in tension. Accordingly, thinkers and policy makers have constantly had to re-examine and consolidate the legitimacy of the latter. This question of legitimacy was logically grounded: the prison was meant to deprive of what was considered as essential in society. The punitive purpose could not be served by the deprivation of second order interests such as social or religious status or reputation, even though deprivation of first grade rights was hard to legitimate. This presented a carceral paradox.

The fact that the prison in the nineteenth century proved to be inefficient and, worse, counter-productive, lent it even less legitimacy. Not only was its legitimacy dubious, its efficiency was also highly controversial. At the end of this century, the urge for a profound reform of reactions to deviance resulted in the development of “rehabilitative” theories, grounded on medical and scientific approaches and treatments of persons diagnosed as dangerous. But the dream of replacing the prison by a medico-social system never became reality. And now at the start of the twenty-first century the “moribund” prison of the late nineteenth century is still alive and well. The medico-social system was simply added to it, causing some evolution yet the core of the project has remained unchanged. And the question of legitimacy is as relevant as ever. Now, the prison must face its critics. Too expansive, inefficient, inhuman, deprived of any positive project for the detainees, it has to be reinvented once again or else disappear.

One of the characteristics of an institution such as the prison is its capacity to endorse very diverse projects and legitimising discourses. It remains that the core of the carceral

project is to detain and *immobilise* people behind walls as a form of retaliation for the crimes they committed. This can be considered as the base line of modern imprisonment and will be the starting point of this chapter. I shall ask how the painful immobilisation at the base of the prison could legitimate it today – or not – and show that a new legitimisation discourse is emerging, which introduces a new carceral project, based on mobility as a value in itself.

The Prison Act

To achieve this goal, I shall rely on the theory of mobilitarian ideology developed over recent years (Mincke, 2013, 2014a, 2016; Mincke and Lemonne, 2014) and on empirical material: the preparatory documents of the recent Belgian Prison Act (2005)¹. The Prison Act – the first in Belgian history – aims at regulating the inner functioning of the prison in light of the purpose of the punishment, control of its execution, communication with the outside, visits, complaints and disciplinary procedures, security regime, and so on. The parliamentary documents, mainly in the report of the “Dupont Commission”, which prepared the project, contain a lengthy consideration on prison, its purposes and its ideal functioning, providing a “serious discourse” (in Foucault’s sense) (Dreyfus et al., 1984: 76-77) on prison and its legitimisations. The parliamentary process was the occasion for a broad reflection about the prison of today and tomorrow.

In what follows, I shall first briefly review the Prison Act which I am about to analyse here. Then, in a second section, I shall develop the classical vision of imprisonment as a painful immobilisation. Thirdly, I shall present a new conception of the prison challenge: its effect on mobility and autonomy. Finally, I shall provide a new interpretation of prison, based on mobility tests, rather than painful immobilisation.

¹ Law on ‘principles governing the administration of prison establishments and the legal position of detainees’, the Act of 12 January 2005.

The painful immobilisation of classical prison

The classical (modern) conception of the prison is grounded in the idea of painful immobilisation. The aim is, first of all, to punish by inflicting a pain in retaliation for the offence. The fact that a prohibition has been violated is justification for the state's punitive reaction. In the context of modern democracies of the late eighteenth and the nineteenth century, in which freedom was a central value, it made sense to conceive of punishment as being deprived of it. The prison was thus an immobilisation *dispositif*, in many ways.

Immobilisation

First of all, deprivation of liberty is a particular punishment based on physical immobilisation. The liberty to circulate is suppressed. The aim of the institution is thus to literally prevent incarcerated individuals from moving. Yet the institution is not just a form of organisation. It is housed in a specific building, conceived as an immobilisation tool. The purpose was to cut the inmates off from the free society and vice versa (Demonchy, 2004: 282–285). On the inside, the prison is compartmentalised: the prisoners are not allowed to move freely. In the star-shaped prison, the inmates stay in cells for most of the day, while the guards move. The movement of the guards is at the base of their power (Bauman, 2000: 9–10), unless they in turn are under the surveillance of the central control centre, with the Benthamian Panopticon applied to them (Demonchy, 2004: 284–287).

Secondly, the prison's social space bears the traces of the compartmentalisation of the physical space. Inmates are (theoretically) divided into categories (Maes, 2009: 229–276) in order to prevent contacts and contamination. In the same way, the institution's different functions are rigidly distinct: inmates, guards, administration, chaplain, families. To the physical multi-level segregation, corresponds a social segregation. The prison aims to

maintain the inmates in a space separated physically and socially and to prevent them from moving from the place they have been assigned to.

Thirdly, immobilisation also consists of preventing prisoners from acting as normal persons, citizens and legal subjects. They are deprived of the rights that make it possible to be part of the political and juridical community named the “state”. They cannot freely come into contact with others. Their physical immobilisation is coupled with a social and juridical one. Fourthly, immobility is not exclusively about spaces, but also about time. On the one hand painful immobilisation also becomes reality through the repetition of an ever-recurring routine during a well-defined stretch of time. On the other hand, time in prison was purely repetitive, each day the same with nothing expected to happen. Even time stood still. Accordingly, the classical prison is a total institution aiming at a multidimensional immobilisation, in physical and non-physical spaces.

The reign of boundaries

Immobilisation makes sense in the context of a society that prizes anchorages: family, nation, culture, class, country or even the company, with every individual asked to stabilise in different spaces. In the context of a sedentarist metaphysics, roots are part of human experience: ‘to be human is to have and to know your place’ (Cresswell, 2006: 31). Freedom was then thought as the ability to move from one anchorage to another (Bauman, 2000: 32), respecting the rules, the first of which is the rational decision to move only if it is needed (Cresswell, 2006: 29). Nomadism, cosmopolitanism, internationalism or migrants were seen as potential dangers, resulting in measures to control and anchor the concerned populations. Nomads, Jews, tramps, moving workers or traveling political opponents were given a special attention (Cresswell, 2006: 26). Discipline and social functioning were gained through the assignment of a geographical, social, professional and familial position. Anchorage was

conceived as necessary, and mobility, as important as it may be, was only a secondary phenomenon. In such a context it seems logical for ill-integrated persons and offenders to be disciplined through immobilisation, as was the case in Belgium where vagabonds could be incarcerated for being homeless², or where workers could only travel if they could prove they were moving from a factory to another, where they had an employment (Delwit and Gotovitch, 1996). Compulsory rooting was a way to prevent disorders inevitably arising from uncontrolled mobility. Thus, to understand the immobilising prison, one must question the value socially attributed to space, time and (im)mobility. The legitimacy of prison as punitive immobilisation depends on the social representation of space, time and mobility. Logically, this vision of prison comes about in a context that it can echo.

Indeed, the classical prison is intimately linked to a particular conception of space-time that we call "limit-form". In this spatiotemporal morphology, space is seen as unorganised until it has been circumscribed by a boundary. Nation-states, political authorities or private properties are conceived through the category of the boundary. This concerns both physical and social spaces. The scientific disciplines, social classes, genders, functions in an organisation, families and the competencies of authorities, all are structured through sets of boundaries. Each territory can itself be divided in sub-territories: the nation-state can be divided into provinces or departments, legal jurisdiction can be attributed to the central state or to administrative subdivisions, scientific disciplines can be divided in more specialised sub-disciplines (Montulet, 2005: 148). The closure of the *prison*, its inner compartmentalisation, classification of inmates or the clear distinction of functions inside the institution are some of the physical and non-physical boundaries that constitute the space of

² Loi du 27 novembre 1891 pour la répression du vagabondage et de la mendicité (Law for the repression of vagrancy and begging).

the classical prison. The whole carceral system is conceived and organised through such circumscriptions.

But a boundary cannot exist without permanency (Montulet, 2005: 145). Its ability to structure the space over the long term makes it a 'proper' boundary, rather than a purely arbitrary and versatile subdivision. What would be the point of a limit between states, families or sexes if at any moment one could chose to freely cross the border or modify its outline? Thus, these boundaries are necessarily linked to a specific conception of time as a succession of stasis and ruptures. The national border remains unchanged until, brutally, a treaty or a war modifies it. One is situated in the organisation chart of his company until, suddenly (and maybe expectedly), his position changes due to a promotion. A man is an inmate until the day he is released. Social organisation, morals, management, legal rules and so on command the definition of fixed borders that will be strictly kept until the pressure for a change is high enough. Then a brutal adaptation occurs that leads to a new stable position.

In this system, the relation to the carceral system is not made of constant evolution (variations of the control level, scalable regimes, semi-detention, release on parole, and so on). It is a question of entering the prison space until the precise day of liberation. Transitions are pure ruptures: loss of liberty and recovery of it. Thus the space-time morphology we call "limit-form" is this combination of a space structured through boundaries and a time of stasis and ruptures. In this context, entities are assigned to specific and well-defined spaces. Anchorage is thus prior to mobility: social class, social statute, gender, function in a company, scientific discipline, nationality, language or religion define the territories anyone belongs to. Mobility is possible, but it takes the form of a *crossing* mobility. Boundaries can be crossed under certain conditions in order to move from one anchorage to another.

Relocating the prisoner

This framework reflects the way the prison articulates with the free society, with walls and decisive moments (sentencing, arrest, release, strictly limited visits) and a mobility (between the inner and the outer, between the category of free citizens and the one of condemned) through boundary crossings. Thus, the prisoner is removed from society, anchored in jail and then, at his release, expected to (re)anchor in the society and in the (appropriate) social groups. In prison, the inmate is required either to stay inactive in his cell or to develop a useful stereotyped activity in the case of forced labour or else therapeutic interventions. The good prisoner, like the good citizen or worker, is a well-*functioning* entity in a mechanically-conceived institution. Therefore, the inmate is expected to comply with normative and curative injunctions that the prison imposes to discipline him. *Application* of orders is imperative, regardless of any personal initiative or creativity. Nothing is asked of the prisoner other than discipline (Mincke and Lemonne, 2014: 4□6).

On the other hand, the inmate is part of a population, managed as such by the institution in a Foucauldian bio-political approach. *Incorporation* into categories (convicts, subcategories of inmates, mentally ill offenders and so on) is the key for the system to manage the prison population. The 'good' inmate is also the one who complies with the requirements and rules of the group he belongs to, and whose destiny follows the statistical previsions.

Stabilisation then, is the aim, whether it is in prison (for a stretch of time), as part of a certain category or, back in the free society, in a socially useful function, group, or job role. Again, the question involves where the individual belongs and how to make him stay in the right place. To (re)embed (Bauman, 2000: 32□33) individuals who, through delinquency and socially disordered behaviours, have demonstrated disrespect of social and legal borders, is thus one of the key aims of prison. The classical prison is an anchorage-based prison, based

on clear boundaries and a scansion-based time. *Functioning, application, incorporation* and *stabilisation* are its key principles. This is what underlies the prison of painful immobilisation.

Sketches of a new prison

According to what has been written above, the prison was not a strange exception but a radical application of the common representational categories of space-time and mobility: the limit-form and crossing mobility. But is this view of prison still up to date? Examining the parliamentary documents of the Prison Act, in search of traces of a new conception of prison, this chapter questions this basis for the legitimacy of the prison.

Dependence and openness

First of all, the documents contain vast considerations about the reason why prison is problematic (and requires a Prison Act). This helps to define the core of the legitimization problem of prison. Is the 'issue' with prison linked to the fact that it deprives people of a fundamental right, freedom of movement, necessitating a special attention and effort to limit the possible excesses? Not really. Rather, as Decroly and Van Parys note,

Regulation and supervision by the penitentiary places the inmate in a situation of heavy dependence on others. This stunts all his (sic) moral resistance at the social level and the flexibility that enables him to function in a normal context, conditions that are necessary in the future if he is to continue living in respect of the law in free society.³ (Decroly and Van Parys, 2001: 66□67)

³ All the quotes are translated for the purpose of this text. Official versions are in French and Dutch.

It is thus a prison-induced *dependency* that justifies a special concern about imprisonment and, in the end, the adoption of the Prison Act.

The Prison Act therefore pursues a main goal of:

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 and Van Parys, 2001: 69)

If normalisation is the goal, the prison cannot be conceived as hermetically closed (physical and non-physical) spaces. On the contrary, it is meant to be as open as can be, both from the perspective of limiting the detrimental effects and in granting the detainee the possibility to take up responsibilities (eg. as a parent or spouse), and in the context of reintegration, the existing provisions in terms of visits have been significantly expanded. (Decroly and Van Parys, 2001: 137)

As such, '[t]he principle of equivalence is strongly linked to the continuity principle [...] according to which the inmate is entitled during his prison term to a continuation of health care similar to that prior to his imprisonment' (Decroly and Van Parys, 2001: 167). The prison becomes more than just the space between the walls, but a widespread phenomenon. It must be an open space, where passers-by come and go.

Autonomy

Inside the prison, the standard regime has become community living. The aim is to help creating a real social space inside the prison, instead of trying to cut inmates from their relationships.

The ordinary Community regime allows inmates to spend their detention time in community living and working areas and to participate jointly in organized activities in the prison (art. 49). [...] the stay in the individual living space is not considered as a form of exclusion from the community of prisoners, but as an opportunity to exercise the right to privacy. (Decroly and Van Parys, 2001: 128)

Furthermore, the prison can no longer be an institution that seizes the individuals and forces them to comply with pre-established statutes and roles. It becomes a participatory project.

It is possible to avoid to a very large extent the harmful effects of detention if the problem of the form to give to the execution of the prison sentence is not addressed primarily from the penitentiary institution and its interests, but also from the world of convicts themselves, values and interests they consider worthy of being taken into consideration, as well as from the representation they have of their necessities and their needs. [...] It is therefore appropriate [...] to consider the convicts as valid interlocutors and full partners when it comes to dialogue. (Decroly and Van Parys, 2001: 70)

In this perspective, when it comes to participation, the rules are the same for everyone.

Different principles contained in the draft law, namely the principles of respect, normalization and participation, shall apply by analogy to staff. (Decroly and Van Parys, 2001: 125)

In this context, there can be no more pure and simple support from the administration and socio-medical experts. Help can only be a proposal made to the inmate, whose duty it is to identify, select and participate in activities that can be useful to him.

All effort must be expended during the time in prison time in order to [...] make available to the inmate an offer – with no imperative nature – of activities and services as varied as possible, corresponding as closely as possible to his necessities and needs, particularly in view of his future reintegration into free society. (Decroly and Van Parys, 2001: 74)

The participatory logic implies that there is no obligation for a consensus on the meaning of an action as long as participants agree with the action itself.⁴ In this sense, prison is said to have no goal in itself, but to rely on the prisoner himself: ‘the convicted person is responsible for the meaning to be given to the detention because, after all, this is “his” sentence. (Erdman et al., 2003: 49).

But, if prison has no aim in itself, particular aims can be pursued during the incarceration.

⁴ This situation is parallel with management theories, which exclude the question of the aims. The problem is not that right things are done, but that things are rightly done (Kaminski, 2002: 89). Management theories induced many changes in criminal policies (Mincke, 2013; Kaminski, 2002, 2003, 2004, 2008).

Formulating such objectives must therefore necessarily be preceded by or be inextricably linked to the priority objective, which is to limit the adverse effects of detention and that, as a necessary condition for the implementation of constructive goals and in order that convicts collaborate to their achievement. (Decroly and Van Parys, 2001: 65)

Therefore, people are put in prison without predetermined objective, but objectives are pursued, the first of which is the limitation of the detrimental effects of the treatment inflicted to the detainees. This should logically lead to the suppression of prison, as it is the only way to truly achieve this goal. Everything that makes prison a special place should be abolished: geographical closure, exclusivity to serve prison penalty, unusual life conditions, limitation of movements, restriction to social contacts and so on. In any case, prison-time should no longer be a lost stretch of time. The Prison Act does not rely on the idea that prison punishment is perfect through pure immobilisation, without anything to do or to hope for. Incarceration opens a time of projects and activities.

[...] rehabilitation must allow the prisoner and free society to consider the detention time in terms of repaying a debt, a significant contribution to reinstating the person concerned in his honour and rights. (Decroly and Van Parys, 2001: 82)

Regarding convicts, whether as completion of an unfinished education, retraining, refresher courses, vocational training or continuing education, this right is then correlated with an individual detention plan, based on which the needs of the prisoner will be established, in consultation with him. (Decroly and Van Parys, 2001: 147)

in the semi-detention regime [...] the convicted person is given the opportunity [...] to systematically leave the jail during the time required to: 1° engage in activities whose continuation is likely to prevent his retrogression, such as fulfilling household tasks, continuing vocational training, internships or study; or 2° provide restorative services towards the victims of the offenses for which he was convicted. (Decroly and Van Parys, 2001: 383)

What is demanded of the inmate, first of all, is to preserve or restore his autonomy and capacity for action and adaptation. In return, imprisonment can no longer be a standard punishment, foregrounded on processes of immobilisation, but has to be adapted to the trajectory of each individual:

the individual detention plan [...] can be considered as an instrument to individualize the punishment of deprivation of liberty, as a necessary condition to humanize it, there must be opportunities for differentiation in the planning and in the form of the prison stay, where a staggered detention should be in the context of a gradual increase in the freedom to come and go. (Decroly and Van Parys, 2001: 418)

Though there remain evident traces of classical imprisonment in the preparatory documents of the Prison Act, it is clear that it largely promotes a very different vision of the prison.

Imprisonment takes place in a (socially and physically) open and decompartmentalised space, to the point that the prison building loses its monopoly on the implementation of prison sentence. Deprivation of liberty may thus happen in a spatial continuum going from confinement in a cell to the free society. The distinctions between prison and free society and

between prison-time and freedom-time are now blurred. As such, it may no longer be possible to speak about imprisonment, but about “liberty regulation trajectories”.

In this new carceral space-time, prisoners are facing new demands. First, they must be active, constantly. This *activity* is not about mere functioning, but about every sort of activity, by every actor inside the prison, without distinction of function or status. This constant activity must be grounded in the *activation* of everyone, which means that every participant in the prison-project is expected to take initiatives, to develop original and personal forms of activities. The system is ruled from the ground level and not through a top-down approach. It is predicated on the social, professional and psychological mobility of the subject. The relation to the collective level does not happen through incorporation in populations managed from above (bio-power), but through *participation* in projects. Victim restoration, training, therapies, and the prison itself are nothing more than temporary projects proposed to the participatory good will of partners by the inmate, the victims, the administration, and so on.

In order to efficiently participate, *adaptation* is a key-value. While prison is identified as a threat for one's autonomy through a total support (in the sense of a total institution) causing dependency, adaptation is valued as the condition to participate in as many projects as possible and to fully reintegrate into the (more) free society. The latter is therefore seen as a field where adaptability and initiative are key-skills.

A legitimate prison in a mobilitarian world

What can be seen then, in the Belgium Prison Act, is a discourse about prison adapted to the contemporary ever-dominant ideological system. In other texts (Mincke, 2013, 2014a, 2016; Mincke and Lemonne, 2014), it was proposed that the idea of a shift in the social construction of space-time can be linked to a modification of the social relation to mobility and to the growing praise of mobility for itself under the form of a mobilitarian ideology.

From limit-form to flow-form

The classical prison was based upon the representation that space can be given a sense through borders and that borders depended on temporal stability. The so-called “limit-form” spatiotemporal morphology is no help in understanding the new conception of prison. But we can link it with another model: the flow-form. This morphology is based on an ever-flowing time. Change is constant – even if it may be slow – and it prevents borders from gaining stability. From one day or year to another, situations change in such a way that the very idea of a stable organisation of space through well-defined boundaries cannot be conceived. It is useless trying to define borders, because time flows and constantly changes the reality, so that a border has to be constantly revised to reflect reality. The question is not that reality suddenly becomes unstable, but rather that the social construction of time has changed, resulting in a different way to deal with change.

This particular conception of time means that space cannot be structured based on borders. Does this mean that it remains unstructured? Certainly not. It is organised by attraction poles. The spatial localisation of an object is not linked to its position inside or outside certain boundaries, but to its relations with other objects. This is because every object, be it important or not, is an attraction pole. Localisation is thus a relationship, rather than a situation in a space structured by itself. This implies that the relation to space, instead of being exclusive – e.g. you are inside or outside the prison – is cumulative. You are both in the free world and serving a prison penalty, or you are inside prison, but able to circulate in a certain and variable way. There is no longer a clear distinction between pure incarceration and total freedom, but a varying relation to a carceral continuum. Certainly immobilisation was never absolute, but it was viewed through binary categories (inside/outside). It is now more

complex, since the relation with a pole is not conceived as exclusive from relations with (many) other poles.

Mobility test

The flow-form space is a networked space, rather than a bordered one. In this context, the question of mobility gains a new sense in the contemporary prison. In the limit-form, mobility was purely a crossing mobility, based on traversing the border between two spaces. The movement implied a pre-existent embedding in a location, a planning, a determined meaning and a fixed goal. But in a space without borders, there can arguably be no crossings. And if one's position is determined by its reciprocal relations with other entities, and if time constantly flows and modifies the context, there can be nothing other than movement.

Mobility becomes irrepressible and constant. It makes no sense to describe imprisonment as a stay in a cell for a defined stretch of time if prison's space-time is conceived under the flow-form. Each relation to this space-time can be nothing more than a trajectory. The prison building is just one pole among many others that constitute the carceral continuum. The doors must remain as open as possible, as everyone – inmates, social workers, lawyers, visitors, workers, etc. – are just passers-by. Mobility is the rule, the prime experience; immobility can only be the result of a constraint, of an effort that cannot be maintained for a long period.

More than that, in a world of movement, immobility is a danger: the danger of a desynchronisation with the society. Or it can be a symptom, the symptom of the loss of flexibility. Immobility is the sign or the cause of a problematic relation with a moving world. In this context, mobility has to become compulsory. The mobility we are talking about is not only a physical one, but also social, moral, professional or family mobility, since mobility is nothing but a displacement in space over a stretch of time. For a sociologist, space is the result of a process of spatialisation, applied to physical and non-physical realities (Mincke,

2014b; Kaufmann and Mincke, 2016). When the inmate is encouraged to come into contact with his victim and to propose a restorative process, the aim is to change their mutual positions and to help both of them to modify their trajectory, which was strongly disrupted by the offence.

As we can see, in this space-time morphology, immobility is problematic and mobility is praised for itself. This system of thought is what we call “mobilitarian ideology”. It can be summarised as imposing four imperatives.

Activity demands a constant action, be it professional, personal, recreational, or lucrative. It implies constantly tracking the activity of people and systems and looking forward to a maximum efficiency. Not a second can be lost and there is no room for downtime. In this respect, prison-time cannot be a lost period anymore, but must be used at its maximum. The same is demanded, for instance, from retired persons who must be active senior citizens, from the unemployed who must search for a job, whether it exists or not, or from organisations, which are supposed to be constantly overworked.

Activation imposes that persons and organisations be at the principle of their own movements. They are not supposed to wait for commands or to strictly apply pre-existent norms, but to take initiatives, to imagine new activities, to have their own goals. Accordingly, inmates are asked to write a detention plan, explaining how they intend to use their time in prison. No one else but them knows what to make of themselves, there is no expert to say what the “treatment” should be and each person is required to make his own projects. In the same way, social beneficiaries are intended to take an active part in their social and professional reintegration, litigants are proposed to personally take their conflict in charge through mediation or workers are demanded by the management to show initiative in work organisation.

The projects they have to conceive are collective ones. There is no question of meditation or spiritual ambitions. What is demanded is to develop participatory processes, which temporarily assemble partners in pursuit of a common goal. *Participation* is therefore a central imperative. Prison itself, is no longer seen as an institution that seizes individuals, but as a common project within which everyone has to be involved. In the same way, participatory pedagogy, democracy, management or dispute resolution are seen as positive ways to renew the answer to old questions. Almost everything that used to be considered as structured institutions ruled by a hierarchical principle, from work to politics, and from education to family, is now seen as a succession of projects, associating free-willing partners.

In order to link up projects and be part of as many of them as possible, one has to be flexible. *Adaptation* is therefore a key-imperative. The inmate has to adapt to the needs of the victim, to the offer of reintegrative support in his prison, to the professional perspectives after serving his time, etc. More generally, the inmate is asked to demonstrate flexibility, which, according to the preparatory documents, shows an ability to reintegrate society. Flexibility has become a motto: administration, companies, workers, litigants, parents or politicians are expected to be able to change their views and actions in real time, in pursuit of a constantly changing context.

Through these four imperatives, mobilitarian ideology imposes mobility for people and organisations in every space they are committed to. This imperative can be traced in family life, management, political organisation, productive systems, and so on. In such an ideological context, the inmate is seen as someone who must not lose, and must even reinforce, an ability to freely move in the society, and painful immobility is seen as part of the problem of incarceration, rather than as a solution.

This is why the prison is no longer meant to cause suffering through immobility (painful immobilisation), but rather to test inmates about their mobility potential (mobility

tests). This means that the prison is not presented as a closed (physical, social, legal, etc.) space within which one endures a special condition, but as an open space where people's trajectories cross each other. The aim is not to confine, but to reorient one's trajectory. The question is not if detainees have served their penalty, but if they can be afforded more freedom regarding the direction of their trajectory. Whether they prove to be able to respect mobilitarian imperatives will help to determine the liberty level they will enjoy. In this sense, the aim does not lie in prison itself, the prison is just a means to pursue other aims that will be pursued further on the outside.

Conclusion

In short, a new discourse about prison has emerged, which presents it as a place where the mobility-skills of inmates can be tested. If they show abilities, they can be authorised to continue their trajectory towards complete freedom. Incarceration is, from the beginning, seen in the context of release, but strict conditions are set to benefit from a lighter regime. In light of the Belgium Prison Act, planning, restorative procedures, personal initiatives are, on one hand, means to reintegrate the inmate back into society, but also, on the other hand, provide challenges for them to prove their mobilitarian skills. One who does not prove an ability to comply with the mobilitarian imperatives may well be maintained in strict detention until the end of their term. The opening of prison space and its shift from immobilisation to mobilisation is thus a relative and conditional one. As we can see, we now face a very new vision of prison.

In an ideological context of compulsory mobility, of flowing time and open space, it is no wonder that the legitimisation of prison through immobilisation is not quite as efficient as it once was. But, as already happened in the past, the radical devaluation of the legitimising supports of prison do not imply that it is weakening. The prison has already shown its ability

to change its justifications. This is what is now at work, in the preparatory documents of the Prison Act. We do not claim that these visions are applied or even applicable, merely that they propose a particular conception of what a *legitimate* prison could be and of the project the carceral administration should have. The next question will be the way these discourses will change the prison in itself and the way prison will be able to remain unchanged, even though this would be incompatible with its new guidelines. This will depend on its ability to produce a discourse of conformity, and on whether people wish to see the cracks in the painting or to believe in mobilitarian fables.

From painful immobilisation to mobility tests is a major shift. It also seems to be a paradoxical one, since prison is the symbol of immobilisation. Accordingly mobility and the mobilitarian ideology is incredibly powerful. It can only be used to justify the prison system if it is a strong and versatile discourse, if its attractiveness seems strong enough to convince us of its efficacy to legitimate anything, including an immobility-based institution. But, have we not heard time and time again that locking people behind bars would help to reintegrate them? As such, is the notion of mobility less absurd?

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