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The penal system considered as a game

IAN STUART

A QUESTION OF PURPOSE

WHEN ONE ASKS what is the *purpose* of certain social practices, the answer is always ambiguous, and different people will not always agree. For limited purposeful acts, intention may be clear; a man hits a nail on the head *in order to* drive it into wood. In certain special cases, however, an observer might say that a man is hammering nails *in order to* create a racket and annoy his neighbour. In social, as in biological studies, purpose is generally doubtful. The layman might say that the giraffe has a long neck in order to reach up to eat leaves from high branches, but the biologist would demur at such a statement, for it implies that the giraffe was a purpose-built structure created by a designer who had worked things out in advance (a view held by biblical fundamentalists). The view of biologists is different; animals have the shape and habits they have as the result of a vast number of evolutionary factors interacting, and to postulate *purpose* is quite unnecessary. Purpose implies fore-sight, and indeed, conscious fore-sight.

In social studies, as in biological, the postulation of purpose is often misleading. Anthropologists have referred to the "manifest" as contrasted with the "latent" function of social practices. By this they mean that certain practices are believed by their participants to fulfil a (manifest) function, whereas outside observers, who are less involved and more objective, can see very well that they serve a quite different function, a latent function, of which the participants are largely unaware. Many social practices evolve in response to stresses, needs and rewards, much in the same way as the behavioural habits of animals, and what may popularly be supposed to be their "purpose" may have little rational justification.

THE "PURPOSES" OF PENAL TREATMENT

The penal treatment of prisoners is a subject about which people have feelings which are often strong and highly conflicting. Penal sanctions are supposed to serve three main purposes, deterrence, reform and retribution. Deterrence has a common-sense basis, for if certain acts are often followed by a great deal of unpleasantness for the perpetrators, there is a probability that people will try to refrain from

such acts. Unfortunately, this theory does not work so well in practise as one might suppose. Action is not so controlled by a rational, hedonistic calculation as the utilitarian thinkers imagined. We all tend to believe that although disastrous things happen to other people, somehow our own "luck" will preserve us. We know that there is a natural death penalty, at good odds, for driving cars at speed while drunk, yet such knowledge does not seem to have much deterrent effect. It is curious that the social ballyhoo around the breathalyser tests should have more practical effect than the fear of death.

The concept of reform in penology is intellectually respectable. Some people believe that this is, or should be, the real "purpose" of penal treatment, particularly for young offenders. Magistrates of juvenile courts will sentence children to three years in an approved school "in their own interests", hoping that they are doing the children a favour. It is often the idealistic magistrate who has least grasp of *what actually happens* to children in approved schools, youths in borstals and men in prison. To suggest that such treatments are not "reformatory" is a coarse joke, if we consider the facts. People who run foul of the criminal law are generally those who are underprivileged, unloved, foolish, unlucky, persecuted and generally maladjusted. Almost everybody commits crimes, but those who become designated as criminals in due process of law, are generally those whom life has treated most harshly and unfairly from their infancy onwards. To call a process of stigmatization, humiliation and direct brutality practised against them "reform" is, as I have said, a coarse joke.

That many "criminals" are most unlovable and frankly nasty people, is a stark fact; their experience has made them so. Penal treatment tends to make them very much nastier people.

THE LATENT FUNCTION OF PENAL TREATMENT

To understand the meaning of the third penal purpose, retribution, is difficult. It is a metaphysical concept. The criminal is presumed to be owed something by society—owed a great deal of suffering. Now if someone does me an injury, it is not unnatural that I should be angry with him, and feel that I want to pay him back for the injury, say with a punch on the nose. But if I deliver that punch it is merely to relieve my anger; it is to indulge myself—not to pay a debt I have contracted. The concept of society paying a criminal, or the criminal paying society, through the infliction of evil on the man, can find no justification outside magic. However, this envious concept of retribution does go some way towards explaining some of the particularly anti-rational aspects of the penal system. Thousands of adults and children are kept in custody at public expense, partly for the gratification of a morbid wish that people should suffer. Their suffering is pointless; society does not even exploit them economically, yet it is a source of widespread pleasure. Many people take pleasure in the knowledge that prisoners are the victims of degraded and brutalizing regimes, and protest that not enough is done to make their lives painful. Capital punishment caused the death of so tiny a fraction of our annual toll of deaths that it was truly of microscopic importance, yet to a substantial

portion of the populace it was a source of important and enduring pleasure. They relished every detail that the gutter press would supply about hangings, and were outraged when the practise was discontinued. And what of the anti-hangers? Well, perhaps their efforts for its suppression had something in common with the puritan opposition to bear-baiting—they opposed it not so much because the bear did not enjoy it, as because the spectators did.

What I am suggesting is that the third penal principle of "retribution" covers a facet of the function of the penal system in society which is so disreputable that it cannot be admitted to overtly. We need our prisoners. There is a great deal of public tut-tutting over the lamentably large size of the incarcerated population of both adults and children, but can it be that one of the "purposes" for which they are maintained is for the gratification of cruelty and perverted salaciousness? The organs of mass-communication help keep law-abiding citizens very continuously (though inaccurately) informed about the whole topic of crime and punishment. Can this salacious titillation be a partial reward for the fact that they are, at least, overtly, law-abiding?

I have tried to explain why the attribution of "purpose" in social studies is mistaken, and hence I will not put forward the thesis that the "purpose" of penal treatment is to pander to the cruelty and perverted salaciousness of the law-abiding. But neither is it true that the "purpose" of the penal system is the protection of society. It is better to examine the functions which the penal system serves, for society as a whole, and for limited groups of people.

Durkheim's theory of the positive function which criminals contribute to social cohesion has been discussed at some length in *ANARCHY* already. Briefly the thesis holds that by the martyrdom of a minority who are designated "criminals", society (which forced them to be what they are) is able clearly to define just what patterns of behaviour it has decided to endorse. This is a permanent process; it involves the continuous creation of criminals and the continuous process of their punishment. There is no hope, or "intention" that crime will be stamped out; the range of legal behaviour is defined in practical terms by punishing any behaviour that goes beyond certain limits, as a permanent process.

BERNE'S THEORY OF GAMES

I do not wish to discuss Durkheim's theories, and the riders I have added to them, further in this article. Instead, I intend to deal with some of the grosser anomalies of the penal system which hint very strongly at its latent as opposed to its manifest functions. Alex Comfort¹ has discussed the idea that many executive officers in the penal system are in fact delinquent individuals who are able to indulge in their power-wielding and pain-inflicting impulses with relative impunity because they are doing so on the right side of, and in the service of the law. One may go further and regard the whole penal system in the light of Eric Berne's² theory of "Games". The police, judiciary, prison officers, Home Office bureaucrats, academic criminologists, and of course the criminals, are all participating in a Game.

In Berne's theory, the participants in what he calls a Game (and its meaning is limited and technical) do not acknowledge either to themselves or to each other just what they are "playing" at. They are deriving the emotional and other rewards underlying behaviour patterns which they justify on quite other grounds. Thus police officers may belong to the Force overtly because they want good pay, security and to uphold decent standards—but covertly because they value a role concerned with the seamier side of life, ordering other people about, indulging in violent assault and coercion with a whiff of secret graft. They *need* criminals as participants in the Game, just as boys playing at Cowboys need Indians to have an enjoyable game. Those who take to a more or less permanently crooked way of life are also participants in the Game, perhaps to a degree greater than they are aware of. Although their overt purpose is to get money without work, they may get emotional satisfactions from their way of life, even from being the object of persecution by the police. People who live dishonestly (outside the law) with a realistic attention to business do not ordinarily get found out, and so do not become "criminals".

One of the functions of the penal system is to recruit haphazard law-breakers for the Game. Boys in their early teens ordinarily go in for a lot of illegal behaviour—manly theft. If they are so unlucky as to be caught and come from a poor social background, the process of recruitment for the Game begins. The standard pattern is remand home—probation—approved school—borstal—prison; although modern variants of attendance centre and detention centre are thrown in. These forms of treatment serve very well to get a boy to identify himself as a tearaway, villain, hard man or whatever label appeals to him. Police, magistrates, probation officers, approved school teachers and assorted screws play their roles, and he soon learns what his role is to be, with its pains and satisfactions.

It might be said that the anti-social nature of much that goes on in the penal system is so obvious that a massive ignorance is at work. Surely it is obvious that children are being turned into anti-social parasites and characters dangerous to the public safety by the warping process to which they are subjected? But when considering the dynamics of a Game, ignorance and conscious intent have little explanatory value.

In terms of Eric Berne's theory of Games, the whole business of "criminality" is what he calls a Third Degree Game: "a Third Degree Game is one which is played for keeps, and which ends in the surgery, the courtroom or the morgue". Strangely enough Berne has little to say on the subject of criminality. Although he describes the Game of "Cops and Robbers" he sees the affair largely from the Robbers' point of view and gives little attention to the play of the Cops. However, it is the Cops who are in it for keeps, and the Robbers may be only temporary players. There is a very marked tendency for people to grow out of most forms of violently illegal behaviour in their early twenties, as a simple maturational process. It is an essential function of the penal system, therefore, not only to recruit them for the game, but to keep them playing by retarding their maturation.

THE NAKED APE AT PLAY

Recently there was some publicity concerning how the Game was played at an approved school, Court Lees School. This school was closed down, not because the boys were tortured there, but because they were tortured in an *excessive* manner. In the enquiry³ which was instigated, the medical witnesses, Professor Simpson and Dr. Teare, having seen coloured photographs of the results of the torture inflicted on the boys declared that, "... if such cases as boys Nos. 2 and 8 had been brought to them in their hospitals they would have felt bound to call for an investigation by the police or other authority. Professor Simpson would add the case of Boy No. 20." I quote verbatim from the Report. Presumably Dr. Teare adjudged the torture inflicted on boy No. 20 as not quite a matter for the police. Boy No. 2, whose injuries were so severe that both medical witnesses agreed that they would have called the police, was not tortured for selling political secrets, or heresy, or refusing to betray insurrectionary comrades; his crime was—smoking in the dormitory.

Mr. D. Haydon, headmaster of Court Lees approved school, appears to have been an enthusiastic player at the Game. Scorning the puny instruments of torture supplied officially by the Home Office, he acquired some much more pain-giving implements from a specialist in flagellation, Mr. Eric A. Wildman (the very same on whom Robert Copping's pupils used his own implements! *). On making his preliminary investigations, the Treasury Solicitor found that the headmaster had a hoard of no less than sixteen of these super-implements. This was foolish; the Home Office has its own rules as to how the Game must be played. The rules are curious: it is no longer permissible to subject adult prisoners to any form of torture, even when they are guilty of violent assault against their custodians. Children are fair game however, provided those running approved schools play according to the rules. As we have seen, the crime of smoking in a dormitory is a good enough excuse for a flagellation, and Mr. Haydon might be flogging today had he used the regulation Home Office implements and with suitable discretion.

Can we best class this ritual infliction of pain as deterrence, reform or retribution? Dr. Desmond Morris would apparently class it as something else.⁴ He writes:

"As regards re-motivation in a sexual direction, this occurs whenever a subordinate (male or female) adopts a generalized attitude of 'femininity' towards a dominant individual (male or female) in an aggressive rather than a truly sexual content. This is widespread, but the more specific case of the adoption of the female sexual rump-presentation posture as an appeasement gesture has virtually vanished, along with the disappearance of the original posture itself. It is largely confined now to a form of schoolboy punishment, with rhythmic whipping replacing the rhythmic pelvic thrusts of the dominant male.

*See ANARCHY 79.

It is doubtful whether schoolmasters would persist in this practice if they fully appreciated the fact that, in reality, they were performing an ancient primate form of ritual copulation with their pupils. They could just as well inflict pain on their victims without forcing them to adopt the bent-over submissive female posture. . . . It has been imaginatively suggested by one authority that the reason for sometimes forcing schoolboys to lower their trousers for the administration of the punishment is not related to increasing the pain, but rather to enabling the dominant male to witness the reddening of the buttocks as the beating proceeds, which so vividly recalls the flushing of the primate female hindquarters when in full sexual condition."

It is alleged that when Mr. Haydon was confronted with coloured photographs showing the highly coloured results of his handiwork he said, "I cannot believe that I ever caned a boy like that in the photographs, whatever the Inquiry says."

Dr. Morris's point is that rump-presentation among primates serves the function of appeasing the aggression of a dominant male by appealing to his kinder, sexual nature. He goes on to explain how, among humans who do not acknowledge the true nature of their sexual impulses, aggression is *not* appeased:

"... one thing is certain about this extraordinary ritual, namely, that as a remotivating appeasement device it is a dismal failure. The more the unfortunate schoolboy stimulates the dominant male cryptosexually, the more likely he is to perpetuate the ritual and, because the rhythmic pelvic thrusts have become symbolically modified into rhythmic blows of the cane, the victim is right back where he started. He has managed to switch a direct attack into a sexual one, but has then been double-crossed by the symbolic conversion of this sexual one back into another aggressive pattern."

It may be pointed out that the caning ritual is not confined to approved schools, but has flourished in expensive public schools where boys spend "the happiest days of their lives" flogging one another, and being flogged by their masters. This is true; the pet-me-flog-me Game flourishes in many all-male communities. At a public school, the tiniest fag carries, so to speak, a prefect's cane in his satchel, and looks forward to being at the giving rather than the receiving end of it one day. The unfortunate approved school boy has no such enjoyable prospect. The best he can hope for in his natural process of graduation (if he is successfully initiated into the Game) is a borstal and prison regime where beatings are officially illegal, and he can bash back effectively on his own account.

I have referred to one aspect of the treatment given to children in approved schools because it is symptomatic. Such gross brutality is not practised on the boys at all approved schools; indeed, men of great humanity do what they can in some schools. But the terrible thing is that the boys are so helpless, so unprotected, precisely because those who have charge of them are *in loco parentis*. If a drunken labourer knocks his children about too much, the neighbours are likely to call on the Cruelty Man (an Inspector from the N.S.P.C.C.) to

intervene. The Cruelty Man does not call in at approved schools, however, and a measure of deliberate and institutionalized cruelty is considered appropriate treatment for young offenders. It is one thing to arrest criminals and give them into the hands of gaolers who hold and punish them in the name of society; it is another thing to give these gaolers tremendous arbitrary power over their prisoners because of a fiction that they are *in loco parentis*—loving parents who will cherish the welfare of their charges. The Court Lees affair highlighted the personal peculiarities of one or two individuals, but back of the flagellators was a management committee who, according to Roy Jenkins, failed "to feel real concern at the brutality which they had allowed to go on under them". And back of the management committee, a dynamic network which has been characterised here as a Game.

It will be apparent to all who have followed the drift of this article, even those who are not familiar with Berne's theory of Games, that it is unnecessary to invoke the concept of "evil men" operating systems which may appear dishonest, wasteful and very cruel. Political movements tend to play up the concept of "evil men" in order to direct hatred and aggression, but such movements generally partake of the nature of dishonest Games. In referring to the penal system as a Game, I have gone considerably beyond Berne, who is more concerned with limited impersonal relationships, but his method of analysis is sufficiently robust to stand it. If the penal system is to be considered as a Game, then a great number of other institutions can be considered in this light, and all of us are caught up, more or less, in Game-playing. How can we dissociate from dynamic networks which make our flesh creep when we take a hard look at them, without opting out from society itself? Berne's advice, at the level of more personal tangles, directs one to the attainment of autonomy. "The attainment of autonomy is manifested by the release or recovery of three capacities: awareness, spontaneity and intimacy." I do not for one moment suggest that he should be captured for "the anarchists", but his outlook has much that can be developed with profit in the pages of this journal.

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- ¹Alex Comfort. *Authority and Delinquency in the Modern State* (Routledge, 1950).
- ²Eric Berne: *Games People Play* (Andre Deutsch, 1966).
- ³*Administration of Punishment at Court Lees Approved School—Report of Inquiry by Mr. Edward Brian Gibbens, QC*, (Cmd. 3367, Stationery Office, 1967).
- ⁴Desmond Morris: *The Naked Ape* (Jonathan Cape, 1967).

Prisons — a case for their abolition

PETER FORD

IN A TALK ON JUDICIAL PROCEDURE broadcast some time ago the speaker made a point which interested me: that we are very much influenced in reaching our final judgements and conclusions by the order in which we hear evidence. Apparently an experiment was carried out in America which demonstrated that a jury would quite probably reach a completely different verdict if the significant elements in a case were presented in a different order. I begin with this reflection because I cannot decide on the most "persuasive" order in which to present whatever sort of case I have to make against prisons—in fact I am not sure that what I have to say amounts to a "consecutive argument" at all, but I hope that the points made will be seen to have some connection and will be clearly enough stated to provoke discussion.

Briefly, my own position is that I do not accept that imprisonment as punishment is morally justified; and secondly I am not at all convinced that prisons are effective on the grounds of their alleged utility. In other words they do not do what their supporters believe that they do. But whilst I would generally support the idea of "the total abolition of imprisonment" I think that the use of the word "abolition" is unfortunate in its connotations as it suggests that prisons as such, might, given the will, be bulldozed and legislated out of existence in a fairly abrupt sort of way. This I do not believe to be possible. And even if it were possible to knock prisons down, to do so would not ultimately be any more effective in attacking the basis of the punitive social ideology which needs prisons and retribution than dismantling the machinery of nuclear weapons would be effective in dealing with the root causes of violence between nations. Prisons are not like icing on the top of the social cake (which could be removed without much upset to the general fabric) but are rather more like the sugar or currants that go into the original mix and in my view it will only be as a consequence of a radical remixing of social values and

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assumptions that the prison as an institution will disappear.

A consequence of this is that a case for "the abolition of prisons"—for want of a better phrase—cannot be presented without saying something about such issues as the meaning of crime and the function it plays in society—and also what is meant by the ubiquitous concept of "society" particularly when it is used as a means of invalidating certain types of behaviour?

A further distinction which might be made at this point is that to pursue the abolition of prisons is by no means the same thing in practice as to advocate their reform—in fact certain kinds of reformist activity can be seen to work directly against the aims of the abolitionist. If one wants ultimately to get rid of something it is not consistent with this aim to campaign at the same time to make the thing more pleasant. To take a ridiculous example, campaigners for the abolition of capital punishment would not have seen their cause advanced by the introduction of silken ropes in place of hemp or even by the introduction of death by injection during sleep or some other technique rather less barbaric than hanging. To a certain extent, the more streamlined and "therapeutic" prisons are thought to be, the less likely people are to sympathise with the abolitionist's case. Of course it is still necessary to support many reforms simply on the grounds of humanitarian concern for prison inmates—and it is fortunately true that certain kinds of reform are effective in modifying the essence of the prison as such and can well be seen as a step towards the point at which the prison will cease to be a punitive institution—which is another way of saying that it will cease to be a prison.

That completes my introductory preamble. In the next page or so I have tried to concentrate on giving some statistics and figures relating to prisons and crime. (Most of these figures are taken from books and articles which have been published during the last four years.)

Contrary to what I take to be the general assumption, imprisonment as a punishment has a fairly brief history. I quote a paragraph from an essay "The Prison in Evolution" by Norval Morris:

"The prison as punishment first emerged as a formed social institution in Pennsylvania in the last quarter of the 18th century. Walnut Street Gaol, Philadelphia, had of course, its precursors; but here the complete specimen first stood and spawned Pentonville and similar prisons throughout the world. Until the 17th century, criminal sanctions were compensatory, financial, corporal or capital. In the seventeenth century transportation was added and was practised by England until the middle of the nineteenth century, and by a few other countries thereafter. The English prison of 1790 contained debtors, civil prisoners awaiting punishment, corporal or capital or a pleasant passage to the sunnier climes of Australia—men and women did not then go to prison as punishment."

It is presumably true that imprisonment as a punishment was in many cases a big improvement on whatever methods preceded it—although it is also true that the frequent use of corporal and capital

punishment continued to co-exist with the idea of imprisonment as punishment.

In Britain at the present moment there are over 53 prisons for men and one prison exclusively for women. At any one time these institutions house about 30,000 inmates of which 900 are women or girls. During a year about 50,000 men are sent to serve prison sentences. Supplementing the prisons—or one might say feeding them with suitable entrants, rather in the relationship of grammar schools to universities—are 25 Borstal institutions and 19 detention centres. Twenty-five of the prisons and Borstals are described as “open”, but despite this, seven out of eight prisoners are housed in buildings more than 80 years old, the majority of which were built between 1842 and 1846. One quarter of our male prison population live three in a cell. The prisoners are kept in custody by just under 5,000 male and some 200 female prison officers. An interesting if perhaps dated fact is that in 1960 the male prison officers received an addition of only 11 recruits whilst the women’s branch suffered a net loss of sixteen. It costs about £10 a week to keep one prisoner in prison and the maintenance of the whole system requires the expenditure of some £24,000,000 per year.

One common view of the criminal as a wicked person who deserves to be punished by the righteous relates interestingly to some statistics on the percentage of the population in prison in various countries. For every 100,000 in the population we have the following figures (as in 1960):

United States (1960)	...	...	200 in prison (out of 100,000)
Finland (1960)	...	...	153 in prison
Norway (1960)	...	...	44 in prison
England and Wales	...	...	59 in prison

The conclusion from this, for the “criminals are wicked” advocate, might well be that Americans are about five times as wicked as the Norwegians—a conclusion which I suppose Norwegian patriots and anti-Americans might well be prepared to accept!

With reference to crime itself—what a person does to get himself into a prison—the vast majority of all offences are committed against property and in this country crimes against the person are no more than 4 per cent of the total figure—in fact only 0.9 per cent of people found guilty in the courts are found guilty of violence against the person and this percentage has remained fairly constant during the last fifty years.¹ A rather astonishing estimate that I came across in a book called *Crime and the Social Structure* by John B. Mays is that about sixty per cent of all crimes in Britain are traffic offences—many of these very minor and others of course extremely serious. It is interesting that deaths as a result of road accidents in this country number something like 8,000 a year whilst the average number of murders is only 150. So in relation to its likelihood the degree of fear aroused by the thought of death as a result of a chance encounter with a homicidal maniac is extremely irrational—although this fear is a very useful latent emotion for the daily press, television and pulp-

fiction to play upon.

I take my concluding statistical point from an article by Terence Morris in the Winter 1962 edition of *Twentieth Century* which took the form of a symposium on crime. The article is headed by the sentence “Perhaps the biggest breeding-ground of British crime today is the British prison”. Later on he writes that “there is little evidence of the effectiveness of prisons” and to support this view he quotes some figures from the Report of the Central After Care Association for 1960:

“... of the men discharged from corrective training since 1954 over 60 per cent had been reconvicted by the end of 1960—nearly two-thirds of them while under supervisory after-care—of the men released from long-term sentences of preventive detention (5-14 years) over 60 per cent had been reconvicted by the end of 1960 (and again nearly two-thirds of them while under supervision). 59.7 per cent of young prisoners discharged in 1954 and 58.8 per cent of those discharged from Borstal in that year have been re-convicted.”

There may of course have been some improvement in these figures during the last six years or so but I have not come across any more recent statistics.

My plan now is to try to say something about the relationship between crime, delinquency and social values and then to consider the adequacy of the prison as a means of coping with, reforming, or in other ways dealing with the defined criminal.

The first point to be made is that crime is something which the law punishes and that is all it is.² A criminal therefore is merely a man who has broken a law and been found out and as there are laws regulating vast areas of possible behaviour it is difficult to see how there can be any particular common factor uniting criminals which would justify the use of such terms as “the criminal mind” or “the criminal personality”. The leading maxim of criminal law is that nothing is punishable unless the law expressly forbids it: crimes are those actions which are prohibited and punishable, and the term is a legal one. On the other hand delinquency can be defined rather more broadly as that kind of behaviour which expresses itself in injury to other people, or general mischief to society. This behaviour may or may not be forbidden by law and delinquent acts therefore may or may not be defined socially as criminal acts.

Bearing in mind that a crime is merely an act forbidden by law (and one should perhaps add, deduced to be socially damaging by the law-makers) it is dangerous to assume that all criminal acts which may incur imprisonment are anti-social. The reverse of this might also be argued—that socially acceptable behaviour may be more menacing than behaviour defined as criminal. The *Guardian* reported a case last year (admittedly an extreme one) of a woman, recently widowed and mother of 11 children, who received a six-month prison sentence for the theft of a 5s. 6d. packet of Christmas cards. No doubt we need to be protected from people like her. At the same time as she was serving her sentence other worthy citizens were occupied daily in research into the best way of harnessing the diseases of cholera and

bubonic plague so that they might be used as weapons against civilian populations. I will not elaborate on the polemics of this theme.³ If one puts aside the concept of the law and substitutes for it the concept of social norms—thus redefining the criminal as a violator of social norms—it is still necessary to decide exactly how social the norms of a given society are, before it can be assumed that violation of them is more anti-social than adherence to them. The extremely anti-social and “legal” separation of the races in South African society is a case in point—here anti-social relationships are legalised and might be given the status of norms—whereas social relationships (e.g. a black man loving a white woman, or white man a black woman) are norm-violations and criminal. As an argument that social values are much more seriously menaced by socially accepted delinquency than by legally defined criminality I would recommend Alex Comfort’s book *Authority and Delinquency in the Modern State* (subtitled “a criminological approach to the problem of power”).

I would like now to make one or two points about the concept of “society” as it is used in such phrases as “society must be protected from people like you”.

There is a sense in which society exists and can be studied and another sense in which it does not exist at all, other than as a shared concept unrelated to any tangible object “out there”. An acceptable definition of society as used in the first sense is this one by Randolph Bourne: “society is the sum total of all the relationships, combinations, associations, institutions, etc., of human beings in an indeterminate territory”. In her book *The Human Condition*, Hannah Arendt writes: “The collective of families economically organised into the facsimile of one super-human family is what we call ‘society’.” She continues “Society always demands that its members act as though they were members of one enormous family which has only one opinion and one interest.” It is in this sense of opinions and interests being raised to the status of values that the judge or the magistrate makes use of the term. When he says to the accused homosexual in the dock that “society cannot tolerate people like you”, is he speaking for himself, for me, for you, for us, or for “Them”? The point I am struggling to make is crystallised in a few sentences by Dr. David Cooper (associate of R. D. Laing).

“Good folk invent certain ethical values and then confirm themselves as possessors of these values by electing other members of the community as scape-goats embodying the anti-value. A great deal of criminality is certainly the product of this sort of insidious attribution of criminal badness to deprived people. The good/sane man, by invalidating the other as criminal/lunatic stealthily confirms himself as good and sane.”

Before turning to the alleged function of prisons I would like to make one further point relating to crime and the social structure. Our economic system rests upon competition and production-for-profit. Because within the logic of this system production must be maintained even when reasonable needs have been satisfied, it is necessary to

create needs where no real needs exist. J. K. Galbraith in *The Affluent Society* has written that “the modern corporation must manufacture not only the goods but the desire for the goods it manufactures”. The relevance of this to crime, which as we know is largely made up of offences against property and various forms of theft, is stated in a paragraph from a book called *Social Deviance* by Leslie Wilkins.

“If society wishes to see its members as conforming, consuming organisation men, it may be necessary to create pressures to consume throughout the social system, and the *whole system* is subjected to *similar*. If the means to obtain goals legitimately are not well distributed throughout the social system, and *whole system* is subjected to *similar pressures* (and this follows from the nature of mass media) it cannot be supposed that the pressures will operate differentially. Thus some members of the society may be influenced in the desired manner by the social pressures, but be unable to comply by approved means. They then have a choice; to try to achieve the goals by illegitimate means or to insulate themselves from the pressures to consume and conform. It is possible that some select one method and others the alternative.”

And of course those who possess the legitimate means to satisfy the wants created by advertising are encouraged to feel morally superior to those other persons, occupants of prison cells, who, lacking the legitimate means, have satisfied the same induced needs through “theft and robbery”. I would recommend the book *Crime and the Social Structure* by J. B. Mays, particularly chapter 3, “White collar crime and business offences”, as a good statement of the case that crime is an inevitable by-product of our social and economic system. The theme of this book is stated in two sentences from it: “Crime is intimately bound up with the social structure. If we seriously want to eliminate or greatly reduce its incidence, then we must alter the social system.”

The most recent and lengthy argument for the abolition of prisons is contained in the book *Crime, Punishment and Cure* by Derek Singleton and Giles Playfair published in 1965. Their argument basically is that imprisonment as punishment is morally wrong—and that despite pretensions to be reformative prison is always experienced as punishment by the imprisoned. Secondly that prison is fraudulent and ineffective. In the first chapter they write that “Nearly all advocates of penal reform have failed to see that the evils of imprisonment are inextricable from imprisonment itself”. They mention the principle first set out by Sir Alexander Paterson that a person should be imprisoned as punishment and not for punishment; in other words that imprisonment should never be a harsher punishment than loss of liberty itself. The authors claim that in practice this view is maintained by hardly anybody—let alone those most closely involved with the law and sentencing. They claim that prison is fraudulent on the grounds that the criminal is officially led to understand that the completion of his sentence will serve as an expiation of his crime—that he will emerge into “open” society again with his “slate wiped clean”. In actuality this is very far from being the case as imprisonment is regarded socially as being a disgrace and a

record of imprisonment will have adverse effects on employment and other areas of personal life. It is fraudulent on a second account—that really seriously disturbed or dangerous persons are likely to emerge from prison in as bad or in a worse state than when they went in. “The prisoner comes out no better than he went in therefore imprisonment does not protect society or help to prevent crime in the future.” An ex-prisoner on a TV programme a while ago described the idea of shutting criminals up together as about as sensible as locking alcoholics in a brewery. Of course, the senselessness of this relates to the concept of reform. If the advocate of prisons does not believe in the possibility of reform but sees the main function of the prison as the secure containment of persons who have proved so troublesome that nothing else can be done—then the criterion of success is merely whether or not the prisoners are contained for the duration of their sentences. Whether an average of 360 escapes per year is good or bad in this respect, I don’t know. This concept of the prison’s function might be said to relate to a popular defence of imprisonment, deriving I think, from the sociologist Durkheim. The essence of this argument is contained in a sentence of Lord Denning’s, “The ultimate justification of punishment is not that it is a deterrent but that it is the emphatic denunciation by the community of a crime”. It was Durkheim’s view that the punishment of criminals confers a special benefit on society as a whole as it helps to clarify what the acceptable social norms are and defines the limits of acceptable behaviour. He held that “crime is a factor in public health, an integral part of all healthy societies”. “We must not say that an action shocks the common conscience because it is criminal but rather that it is criminal because it shocks the common conscience.” If one works on this axiom that whatever shocks the common conscience is criminal then Freud surely should have been locked up for his revelations about infantile sexuality—and perhaps would have been in certain societies and historical periods. I hope that what has already been said about the dubious principle of accepting social norms as a standard and using them as a means of invalidating individual conduct will serve to place in question Durkheim’s views. However, one must agree with him that all societies will have deviant elements; but disagree that imprisonment is an adequate way of dealing with deviants who offend against social norms.

To return to the argument of Sington and Playfair’s book—they point out that 75% of all prison sentences are for periods of six months or less and that no more than a tenth of the men in any prison are of the vicious trouble-making type, needing to be held under conditions of maximum security. They suggest that the vast majority of persons now held in custody could be dealt with in “freedom” and they advocate a system of fines in place of imprisonment. In addition to this they suggest that all crimes which cause others no harm should cease to be crimes. They say that such crimes exist because it is assumed that the law has a right and duty to enforce the morality (and in particular the sexual morality) of the majority. A factor revealed by Dr. Kinsey’s researches in America was that if all the persons “guilty” of sexual

acts which are punishable offences according to American law were imprisoned, there would not be enough people left outside the prisons to staff them! (Adultery is a crime punishable with 5 years’ imprisonment in all but 5 American states and masturbation is still a crime in some!) The authors also write at length on the impossibility of combining reform with imprisonment and quote a couple of powerful and effective paragraphs which Bernard Shaw wrote on this theme:

“To punish and reform people by the same operation is exactly as if you were to take a man suffering from pneumonia and attempt to combine punitive and curative treatment. Arguing that a man with pneumonia is a danger to the community and that he need not catch the disease if he takes proper care of his health, you resolve that he shall have a severe lesson, both to punish him for his negligence and pulmonary weakness and to deter others from following his example. You therefore strip him naked, and in that condition stand him all night in the snow. But as you admit the duty of restoring him to health if possible, and discharging him with sound lungs, you engage a doctor to superintend the punishment and administer cough lozenges made as unpleasant to the taste as possible so as not to pamper the culprit. A board of Commissioners ordering such punishment would prove thereby that they were imbeciles or else that they were hotly in earnest about punishing the patient and not the least in earnest about curing him. . . . When our Prison Commissioners pretend to combine punishment with moral reformation they are in the same dilemma. We are told that the reformation of the criminal is kept constantly in view; yet the destruction of the prisoners’ self respect by systematic humiliation is deliberately ordered and practised. . . .”

(If the reader feels that Shaw’s final sentence and his general irony, are not longer merited, I recommend the pamphlet “Inside Story” published in 1962 by the Prison Reform Council. This consists of a report submitted by a group of ex-prisoners to the Prison Commission, “drawing attention to discrepancies between policy and practice in prison administration”).

The authors argue early in the book that custodial treatment need not be seen as punishment and they argue that there is a need for a limited number of institutions in which seriously disturbed persons (such as the Moors murderers) can be treated until cured. Towards the end of the book they describe various encouraging reforms that have taken place in prisons in West Germany, Belgium and other places and also mention with approval the work of Homer Lane at “The Little Commonwealth” and David Wills’ “Hawkspur Experiment” with delinquents of Borstal age.

The remaining point I wish to make concerns the question of ends and means. I would quote a sentence of Aldous Huxley’s as containing a truth: “that the end cannot justify the means for the simple reason that the means employed determine the nature of the end produced”. In her review in *The Observer of Crime, Punishment and Cure*, Dame Barbara Wootton describes prison procedure as being based on the supposition that irresponsible people will be made

responsible by being subjected to a regime which deprives them of all responsibility. And an ex-prisoner writing to *The Observer* wrote that "The first step towards prison reform is to abandon the pretence that one can train people to make decisions in accordance with their long-term interests and those of society in an environment where the taking of decisions is always discouraged and usually forbidden". The "ends" of imprisonment as officially set out are contained in the first of the prison rules, "The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life". I would suggest that the means used, or the means as experienced by the prisoners, are incompatible with the end required. Either the prison commissioners should be more honest about the ends of imprisonment or they should seriously question the adequacy of prison as an encouragement to lead a good and useful life.

I would like to make a resume of the main points I have tried to make.

I suggested first that the abandonment of imprisonment will only occur concurrently with other large changes in the social structure; and whilst I feel that such changes are morally and practically necessary, I do not think there is much cause to be optimistic about social pressures moving in the required direction.

Secondly—there is a need to be wary of reforms as such, some of which may serve to entrench further the institution which one hopes to eliminate.

Thirdly—I quoted statistics of reconvictions which suggest that imprisonment fails to act as a deterrent and so is not an adequate method of protecting society from socially harmful deviants.

Fourthly—I argued that crime is quite simply a legal category and that it is a mistake to assume that all crime is anti-social. All of us need to evaluate frequently socially accepted and tolerated behaviour. Eysenck in his book *Crime and Personality* quotes evidence which suggests that predisposition to criminality is inherited. What does this mean? Does it mean that one is genetically predisposed to drink alcohol after hours, to exceed thirty miles an hour in built up areas, to poach salmon from private rivers—or what? And what is there in the genes of the new born child which predisposes him in later life to burn babies with napalm? But perhaps there are no psychologists doing research into this problem. Killing babies and women and children in Vietnam does not come into the category of crime—but at least to some people it does raise the question of socially tolerated or approved delinquent action and leads them to think about the extent to which the stability of our social system depends on it.

Fifthly—the concept of "society" can be put to devious uses as is the case when it is used to uphold moral values which are alleged to be those of the majority and yet which few people will admit to possessing as their own. Society, as a social collective embodying essential values, is something of a myth and phantom (but perhaps a necessary myth for magistrates).

Sixthly—I suggested that our economic system itself acts as a

cause of crimes—particularly crimes of theft. One way of reacting to this is to punish the thief, who is himself a victim of the system. Another way is to try to modify an arguably unjust economic system.

Seventhly—I gave an account of the main argument of the book *Crime, Punishment and Cure* in which it is argued that it is necessary to abolish prisons because they encourage crime. And also that imprisonment which is invariably experienced, if not intended, as punishment is not compatible with reform. From this I have derived an axiom of my own, that the reformatory potential of an institution increases as its punitive function decreases. I think that the example of the Henderson Hospital might be used to substantiate this.

My final point was that there is a need for a compatibility between ends and means. If an institution hopes to have the effect of increasing the responsibility of its inmates then they must experience responsibility whilst in the institution. And I do not think that responsibility can really be separated from a kind of freedom—although this is perhaps a philosophical point which there is not time to elaborate.

In conclusion, the case for abolition of prisons and imprisonment is merely a point of view and very much a minority one among many points of view. There is no cause for idle speculation on what will happen tomorrow if we no longer have prisons. The point is to challenge the generally accepted idea that the prison is a socially valuable institution and to suggest that if we could dispense with it we would perhaps have less crime rather than more. Of course the reduction in crime would not be a direct consequence of the absence of prisons but would follow from the basic changes in social and economic attitudes, the nature of which I have not specified, but which in my view would precede or accompany the abandonment of punitive institutions.

I quote in conclusion two passages—the first from Mervyn Turner's book *A Pretty Sort of Prison*: "It is not penal policy or parliamentary action that will finally pull down the prison walls, but an understanding of the men who are imprisoned behind them."

I would like to end with the Judge's speech from Samuel Butler's satirical book *Erewhon*—which is a description of a sort of utopia-in-reverse where people with physical diseases are imprisoned. The Judge addresses the convicted man in these terms: "You were convicted of aggravated bronchitis last year: and I find that although you are now only twenty-three years old, you have been imprisoned for no less than fourteen occasions for illness of a more or less hateful character; in fact, it is not too much to say that you have spent the greater part of your life in jail. . . ." "You may say that it is not your fault. The answer is readily enough to hand and it amounts to this—that if you had been born of healthy and well-to-do parents, and had been well taken care of when you were a child, you would never have offended against the laws of your country, nor found yourself in your present disgraceful position. If you tell me that you had no hand in your parentage and education, and that it is therefore unjust to lay these things to your charge, I answer that whether your being in a consump-

tion is your fault or not, it is a fault *in* you, and it is my duty to see that against such faults as this the commonwealth shall be protected. You may say that it is your misfortune to be criminal; I answer that it is your crime to be unfortunate."

NOTES

¹It was suggested in discussion that all crimes are in fact "crimes against the person" as an offence against property is in a sense an unconsciously redirected or "tangential" offence against the owner. Whilst this may be a meaningful concept, it would seem to me to be challengeable. Behind it lies an implicit acceptance of the "justice" of our particular property values and assumptions of ownership—values and assumptions which, although almost universally accepted in modern industrial societies "east or west", are not the only possible ones either from the point of view of their justice or social workability. A man stealing from a bank may subjectively or "unconsciously" wish to damage the bankers or depositors—but to see his action as actually damaging to the "persons" of these persons is, in my view, fanciful. In fact large scale corporations (and it is in itself a dangerous step to personify an organisation) are not clearly damaged by theft as a result of insurance coverage—whereas theft of property from the underprivileged is manifestly damaging to their persons—"taking the crutch from under the cripple's arm" archetypically. It is arguable, although I have not so argued, that this sort of theft is not only committed by socially defined criminals. Also, to stand the principle "offences against property are offences against the persons of the owners" on its head—in a society in which property for one reason or another is unequally distributed, those with least could be said to be the victims of a general social crime—that is if possession of property is seen as a legitimate and real extension of the person. Why should not all our "persons" be more equally "extended"? Finally, the distinction of crime against property and crime against the person would seem to be generally accepted as necessary and meaningful by most criminologists and writers on crime. Perhaps one could re-adapt the words of Orwell's pig in *Animal Farm*: Whilst all crimes are against the person, some crimes are much more against the person than others.

²"Crime is defined when a society with recognised norms of behaviour, or a part of society which has power and authority to do so, categorises certain types of extreme or damaging behaviour as liable to punishment. The concept of crime seems inseparably linked to punishment. . . ." (page 5 *Cultural Factors in Delinquency*, Eds T. C. N. Gibbens and R. H. Ahrenfeldt, Tavistock Publications, 1966).

³See Chapter 3 "The Mystification of Experience" in R. D. Laing's *The Politics of Experience and The Bird of Paradise*, Penguin Books, 1967.

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The gamesmanship of Jean Genet

EDMUND P. CLARK

WHEN IS A MAN PLAYING, and when isn't he? What do we mean by seriousness if we take it to be the opposite of play? Is Ken Barrington serious when he bats for England in a Test Match? Are the hallucinations of a drug addict playful or serious? Is Genet serious about morals, theology, saintliness? Does it make any sense to say that a game might be seriously played without it ceasing, in essence, to be a game?

I suppose the central idea of play is derived from the activity of children. It is seen as a recreation of "real" activity (as when the child plays schools) or as a rehearsal of future tasks (as when the child builds camps) or possibly as independent fantasy (when he impersonates wild animals and frightens others or himself). Of course, these kinds of play are not really distinct, and what makes them so similar is that the criteria of normal adult purposes does not seem to apply to them. This adult purpose is customarily thought of as the motive for all activity which is intended to improve the wealth or well-being of oneself or others. In previous centuries children's play was usually regarded as gratuitous because it was uneconomic and unrealistic. (This is probably why it was regarded as innocent, too.) Nowadays the question is considered in different terms. Adult purpose is less likely to be seen as predominantly economic, and children's play, although still unrealistic, is seen as a kind of paraphrase of realistic adult activity. When Freud traced the descendancy of adult motivation from child motivation, the distinction between childish gratuitousness and adult seriousness became thoroughly blurred—just as the distinction between childish innocence and adult guiltiness became blurred.

But although adult purpose may not now be considered exclusively economic in character, the converse idea that economic activity is inherently rational, realistic and adult, retains its hold: not everything that adults do is rational and realistic, but gainful economic activity is. Making a living or owning possessions is the essence of adulthood. Of course men are never entirely adult. Other parts of their nature crave what are really somewhat childlike satisfactions. The preoccupation with making a living does not entirely quell the impulse and the ability to play games, to imagine, to pretend. No society has a one hundred per cent economic culture. Those who find that their living comes easily have time and energy for the game-like activities of cultural life. The privileged are more likely to continue their lives

partly in the mode of children, just as they are more likely to exercise power; the poor are exposed to more reality, become more adult, and lack power. Only the unrealistic, the childlike, the playful, have the experience of power.

This partly suggests why Jean Genet, who was born "illegitimate" and has lived a disastrous and humiliating "real" life as a thief, pervert and convict, chooses to identify himself with privilege, fantasy and power. It is the artist in him that makes this desperate and perhaps slightly pathetic identification. The kind of reality that Genet suffered allows the sufferer little freedom. It defines itself with banal and demoralising obviousness as itself, and thereby defines Genet as an unwarranted (illegitimate?) perceiving cypher. But, if it can be subjugated to his fantasy, Genet (although a bastard) can inherit the world and even rule it like God. It becomes the object and pretext of his will. Brute reality unsubdued is a prison cell. The only escape, or (as a Marxist would rather put it) the only consolation for not being able to escape, is verbal paraphrase—the function of imagination. Magicians, saints, children, the fortunate, have always tended to give the word or image priority and power over reality. Genet, discovering that he can use words, decides to align himself with them. He writes to subdue the real world—not to tell the truth about it, but to recreate it according to his own will.

A resolute liar like Guy in *The Thief's Journal* demonstrates how the word can be made to stand against reality.

"You're the one who did the job on the Rue de Flandre?"

"No, it wasn't me."

"It was you. The concierge recognises you."

"It's someone who looks like me."

"She says his name is Guy."

"It's someone who looks like me and has the same name."

"She recognises your clothes."

"He looks like me, has the same name and the same clothes."

"He's got the same hair."

"He looks like me, has the same name, the same clothes and the same hair."

"They found your finger-prints."

"He looks like me, has the same name, the same clothes, the same hair and the same finger-prints."

"That can keep on."

"To the very end."

"It was you who did the job?"

"No, it wasn't me."

Guy doesn't seriously try to deny the facts but he resists the implication of the facts—his guilt. For Genet this purely verbal, perhaps jocular, denial is more important than the fact of his guilt and the fact that in spite of the denial he will be convicted and punished. Genet's book can be seen as a resolute lie devised to stem and circumscribe reality. Shame is admitted and conveyed but it is admitted and conveyed within a more comprehensive act of denial. The obvious moral implication of his degradation is negated and replaced: where we expect

moral condemnation or repentance we get a rather effete aesthetic enthusiasm.

Betrayal may be a handsome, elegant gesture, compounded of nervous force and grace. I definitely reject the notion of a nobility which favours a harmonious form and ignores a more hidden, almost invisible beauty, a beauty which would have to be revealed elsewhere than in objectionable acts and things. No one will misunderstand me if I write: "Betrayal is beautiful," or will be so cowardly as to think—to pretend to think—that I am talking about cases in which it is necessary and noble, when it makes for the realisation of Good. I was talking of low betrayal. The kind that cannot be justified by any heroic excuse. The sneaky cringing kind, elicited by the least noble of sentiments: envy, hatred (though a certain ethic dares class hatred among the noble sentiments), greed. It is enough that the betrayer be aware of his betrayal, that he will it, that he be able to break the bonds of love uniting him with mankind. Indispensable for achieving beauty: love. And cruelty shattering that love.

This represents a very characteristic pattern of Genet's mind. Consider his description of his lover Java:

Java's cowardice, slackness, vulgarity of manner and feeling, and his stupidity, do not prevent me from loving him. I add his pleasant disposition. Either the confrontation, or the mixture of these elements, or their interpenetration, makes for a new quality—a kind of ally—which has no name.

Another lover, Stilitano, is mean and treacherous, as Genet clearly shows, but that again is the prelude to praise. All Genet's emotional energy goes into the recognition of Stilitano's loveliness and magnificence, and of course Stilitano is lovable and magnificent not in spite of his other vices but because of them. Over and over again unworthiness wins praise and the language swoops into an O Altitude of celebration. The detestable is perversely and passionately loved. It is a kind of redemption-ritual with Genet overtly doing the redeeming, and covertly being redeemed.

It is, I suppose, possible to find something perverse in any game that one doesn't wish or need to play. Genet manages to make his game seem worth playing (by him anyway) because he plays it for all he is worth and as if he were finally serious about the values that he expresses. The morality that is conjured by this obviously self-consolatory language is extreme and consistent. But although the extremism and consistency are a vital part of the therapeutic game, they destroy its plausibility for others. You cannot take Genet seriously in the last resort, and have to recognise that, to the (limited) extent he seems to take himself seriously, he is mad. And yet it is misleading to suggest that there is *an extent* to which Genet is serious, that there is a more or less definite point where he can be seen to stop being playful. The serious and the playful interpenetrate each other thoroughly. It is possible to want to play a game you don't take seriously believe in precisely *because* you can't believe in it. You may use the game to achieve an illusory sensation of seriousness. The most absorbing games are those which combine the utmost artificiality and unrealism with the utmost simulation of seriousness. A dogged Test Match innings by Barrington might be an example of this. How blatantly insane to any rational judgment, how extraordinary to bat *seriously*!

Yet Barrington's concentration and earnestness (which would make him a bore if it had any rational or economic purpose) serves paradoxically to enhance the game as a game. The greater the incongruity between the game-convention and the emotional commitment, the greater the magic that unites them. Genet, who is a word-magician in the literal even more than the flattering sense, operates a very formal and old-fashioned—Sartre says mediaeval—kind of pseudo-theology which is nevertheless an entirely supple instrument of his will. This pseudo-theology is one of Genet's games, but the mind elaborating it, like the mind of a poet elaborating a metaphor, is incalculably close to and distant from seriousness. For Genet, writing is an act, if not of open revenge for his fate, then certainly of furtive redress for it. As a man, he remains pure victim: as a writer, he seizes powers which are surrogate and extreme.

Most importantly, there is erotic power. "For him," says Sartre, "as for primitives, the Word has metaphysical virtues." True, and it has quasi-physical virtues too. The fantasies of Genet the masturbator are lent excitement and objectivity by his use of obscenities. Obscenities above all words except possibly religious ones are effective in conjuring. How characteristic it is that Genet's eroticism should depend on the devices of verbal obscenity! His is the indulgence of the deprived. Sexuality is in fact Genet's basic existential model. It is a ready-made symbol of the unity of degradation and exultation. It is simultaneously Genet's sentence and his reprieve. It is the all-embracing shame within which lurks an overweening potential pride, a gross fact embodying a magnificent secret. That it should be homosexuality that Genet has in mind makes it all the more satisfactory as a symbol. Many of Genet's descriptions of perverted love-making are startlingly obscene, and he leaves his reader in no doubt about the excruciating shame involved, and yet the lovers that haunt his imagination are full of physical pride. Ruthless, amoral and blatantly masculine, they are nevertheless objects for the deceptively passive Genet to identify himself with. He inherits and enjoys his masculinity in them, all the while envisaging himself in a feminine lover-role.

There is also the question of power over others. Genet, brought up in an orphanage and a reformatory, fell early into the power of others. Whether his account is factually reliable or not, it is fairly clear how he felt about it and the sort of effect it had on him.

I suffered there. I felt the cruel shame of having my head shaved, of being dressed in unspeakable clothes, of being confined in that vile place; I knew the contempt of the other colonists who were stronger or more malicious than I. In order to weather my desolation when I withdrew more deeply into myself, I worked out, without meaning to, a rigorous discipline. The mechanism was somewhat as follows (I have used it since): to every charge brought against me, unjust though it be, from the bottom of my heart I shall answer yes. Hardly had I uttered the word—or the phrase signifying it—than I felt within me the need to become what I had been accused of being. I was sixteen years old. The reader has understood: I kept no place in my heart where the feeling of my innocence might take shelter. I owned to being the coward, traitor, thief

and fairy they saw in me. An accusation can be made without proof, but it will seem that in order to be found guilty I must have committed the acts which make traitors, thieves or cowards; but this was not at all the case: within myself, with a little patience, I discovered, through reflection, adequate reasons for being named by these names. And it staggered me to know that I was composed of impurities. I became abject. Little by little I grew used to this state. I openly admit it. The contempt in which I was held changed to hate: I had succeeded. But what torments I suffered!

Two years later I was strong. Training of this kind—similar to spiritual exercises—was to help me set poverty up as a virtue. As for the triumph, I won it over myself alone. Even when I faced the scorn of children or men, it was I alone who had to conquer since it was a matter of modifying not others but myself. My power over myself became great, but by thus exercising it over my inner being I became very clumsy in doing so over the world.

An odd argument. His vanquishment by others, which he must be at least as clearly aware of as we are, is described with a kind of ludicrously suave perversity as "a triumph over myself". And consider again the perfect perversity of the last sentence. Does Genet regard this power over himself as the cause of his inability to cope with the world? Can he not tell a cart from a horse? It is difficult to say, but it is difficult to credit that not even a part of his mind recognises his "great power over himself" as an ingenious but playful verbalisation based on his defeat by others. It is easy to believe that he is emotionally serious about it but not that he is intellectually serious. "Within myself, with a little patience, I discovered, through reflection, adequate reasons for being named by these names." Here we see Genet as a victim, learning the magical power of naming. And what in a context of compulsion, could be a more convincing lesson? To a child whose personality had already been largely eroded by guilt, the compulsion could easily seem to inhabit the words rather than merely to accompany them in the situation in which they were used. But if Genet learned the power of words in his childhood role as their victim, the day was bound to come when, without changing the reality of his condition, he began to use them for his own purposes, to procure consolation, justification and freedom. As a writer he plays God with the characters he creates, and, not surprisingly, he is a cruel God with a taste for ritual sacrifice. In *Our Lady of the Flowers* his characters are more than ever versions or projections of himself, so the incidents and episodes have two aspects: they are his own sufferings, and they are also the cruelties he wishes to impose on others. His tone is startlingly personal:

Marchetti will remain between four white walls to the end of ends. . . . It will be the death of Hope. . . . I am very glad of it. Let this arrogant and handsome pimp in turn know the torments reserved for the weakly.

As a lying autobiographer Genet becomes his own legend: like Christ he represents the unity of the victim with the God who demands it. We are again dealing with the miraculous unity that is produced by poetry, games and magic, the unity of what is rationally and realistically preposterous with what is emotionally necessary.

Eric Berne and Ian Stuart discuss games which the protagonists are hardly aware of playing. Genet is a self-conscious game-player.

One of the striking things about him, as Sartre points out, is his habit of summoning reflective intelligence to witness the delivery of his fantasies. But his self-consciousness in his writing is a frequent and fleeting visit—or rather than as a permanent resident. Genet's characteristic stylistic game is to release his fantasies as if he weren't watching, and then to swoop down on them. In other words, he plays at catching himself. He seems to play the game seriously to the point of madness, like Barrington, just as if it weren't a game at all, yet the evidence is everywhere that he is fully aware of the game he is playing.

Although theft is a game for Genet, it is not the kind of game that Ian Stuart has in mind. This is how Genet describes his feelings as he does a burglary:

I know the extraordinary calmness one feels at the moment of performing the theft, and the fear that accompanies it. My body is afraid. In front of a jeweller's window: as long as I am not inside, I don't think I am going to steal. No sooner do I get inside than I'm sure I'll come out with a jewel: a ring or handcuffs. This certainty is expressed by a long shudder which leaves me motionless but which goes from the back of my neck down to my heels. It peters out at my eyes and dries their lids. My cells seem to be transmitting to one another a wave, an undulating movement, which is the very substance of calm. I am alive with the thought from my heels to the back of my neck. I accompany the wave. It is born of fear. Without it there would not be this calm in which my body bathes—which my body attains. I have to be very careful not to flee. When I leave the store, it is very difficult for me to run, or even to walk fast. A kind of elastic holds me back. My muscles are heavy and tight. But a sharp vigilance directs them in the street. I cannot see Lucien in that kind of situation. Would he falter? And what happens during a burglary? When I have broken the lock, as soon as I push the door it thrusts back *within me* a heap of darkness, or, to be more exact, a very thick vapour which my body is summoned to enter. I enter. For a half-hour I shall be operating, if I am alone, in a world which is the reverse of the customary world. My heart beats loudly. My hand never trembles. Fear does not leave me for a single second. I do not think specifically of the proprietor of the place, but all my gestures evoke him in so far as they see him. I am steeped in an idea of property while I loot property. I recreate the absent proprietor. He lives, not facing me, but about me. He is a fluid element which I breathe, which enters me, which inflates my lungs. The beginning of the operation goes off without too much fear, which starts mounting the moment I have finally decided to leave. The decision is born when the apartment contains no more secret spots, when I have taken the proprietor's place. And this is not necessarily when I have discovered the treasure. Guy almost sits down and eats in the kitchen or the looted drawing-room. Some burglars go to the can after ransacking a place. I won't have Lucien undergoing such rites. His is not a religious nature. When the treasure has been discovered, I have to leave. Fear then invades my body. I would like to hasten everything. Not hasten myself, not to go more quickly, but act in such a way that everything is magically sped up. To be out of here and far away. But what gestures shall I make in order to go more quickly? The heaviest, the slowest. Slowness brings fear. Not only my heart but my whole body is now beating. I am one enormous temple, the throbbing temple of the looted room. I have sometimes preferred to sleep there for an hour behind a door so as to calm down rather than go out into the street and be off, for though I know that I am not being followed, I shall zigzag in and out, I shall take certain streets, I shall retrace my steps, as if trying to cover up my tracks.

In spite of his immoralistic protestations at various points in the book it is hard to believe, any more than in the case of his prostitution,

that he was primarily interested in the money rather than the experience. Realism of an economic kind is quite absent. Genet refuses to see his theft as a social or economic act. It is a psychological gesture. Genet is truly unworldly because his idea of property is nothing more than his idea of the forbidden. There is no question of the symbolic re-distribution of wealth. He is a thief, not a socialist. Even the remark: "I am steeped in an idea of property while I loot property" has the effect of underlining the symbolic rather than the economic quality of his act. The word property is used, but we don't know what he is after or what he gets. Coming from a man who actually was a professional thief this is a very unrealistic, very generalised account. We aren't sure whether it is one burglary or a number of burglaries that Genet has in mind. We don't even get a clear picture of the room. Initially it is a jeweller's shop that Genet is robbing, but later on it is an apartment. Even as he presents himself as standing in that terrifying but indeterminate place where the burglar intrudes Genet replaces himself imaginatively with Lucien and Guy. Or perhaps it is a metamorphosis as much as a replacement. Lucien is an extension of the cautious non-ritualistic self that he can imagine himself assuming. "His is not a religious nature." Guy represents the opposite: reckless, cool, playful. . . . "He almost always sits down and eats in the kitchen or the looted drawing-room." This imaginative placing of others in his fearful place suggests an unconscious attempt to reconcile contradictory impulses: on the one hand the desire to be there to rob, and on the other the desire not to be there in danger of detection. By contrast, Genet's evocation of the vague but enveloping presence-in-absence of the proprietor is surely a very conscious, even self-conscious, attempt to catch himself being caught, and to forestall it by suggesting that it has already happened, either in his childhood or in his imagination, or both.

Genet has the minimum of revolutionary potential. The point for him is not to change the world but to interpret it, and all his art and effort is dedicated to the spinning of the subtle and ambiguous verbalizations entailed in passive interpretation. Like all guilty men, he is compelled to admire what contradicts and oppresses him. "Excluded by my birth and testes from the social order, I was not aware of its diversity. I wondered at its perfect coherence, which rejected me."

Genet loves the idea of the police, not of course because they present to him an opportunity for atonement, but because they are, in his eyes at least, tough, manly and remorseless. Society and the police are largely admired because they are *not* lenient with the guilty. They taught him to love Evil, and now he loves them. Significantly, he regards Hitler as a saint, and Nazi thugs as "beautiful".

He does not aspire to win the respect of the tough, but he does hope that somehow he may succeed in charming them. Respect has to be earned, and he can't earn anything: but lust or gratuitous affection may somehow be excited. With characteristic calculation he puts his hopes in what can be got undeservedly through the trickery and magic

of charm. He is effeminate, criminal and humble.

Genet describes how he fell in love with a particular policeman, Bernardini, who represented to him all the callous grandeur of the social order (only an outsider could entertain such an illusion). For some reason of his own Bernardini allowed himself to be tolerant of, even attracted by, Genet. "I would walk beside him in the street," writes Genet, "keeping in step with him. If it was broad daylight, I would place myself so that he projected his shadow on my body. This simple game filled me with joy."

No doubt hardship and guilt can whet a man's appetite for power-identification games. How serious a game is it? How serious were the German soldiers at the Nuremberg rallies? It is a difficult problem. What should our attitude be towards those whose lives evince at once a dangerous madness and a pitiable truth?

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The demand for workers' control

NICOLAS WALTER

INDUSTRIAL DEMOCRACY IN GREAT BRITAIN. A Book of Readings and Witnesses for Workers' Control. Edited by Ken Coates and Anthony Topham. (MacGibbon and Kee. 3 guineas.)

KEN COATES AND TONY TOPHAM are two of the leaders of the current campaign by the New Left for workers' control, busily writing articles, running conferences, making speeches, and now producing a book. It isn't really about "industrial democracy" as the phrase is generally understood, but about "workers' control" itself—a more radical thing altogether. It is in fact an anthology of 132 passages written for and against the extreme left-wing demand for workers' control of industry during this century.

The editors' purpose is not academic but openly political, as they

make clear in their preface:

We hope to stimulate further research and publication on the subject, to discover the historical roots and essential continuity of the present debate on, and movement for, workers' control of industry, and to send our readers back to those roots—not in an antiquarian spirit but as part of the present-day search for viable socialist policies. A further aim has been to provide a practical text-book for active students of trade unionism, industrial relations and working-class politics.

After a long introduction, the book is divided into four sections. Section 1, "Schools for Democrats", covers the syndicalists and Guild Socialists who were active from 1910 to 1920. Section 2, "Shop Stewards and Workers' Control", covers the various shop stewards, rank and file, and workers' control movements from 1910 to 1964. Section 3, "Industrial Democracy and Nationalization", covers the struggle for workers' control in nationalized industries from 1910 to 1964. Section 4, "The New Movement", covers the New Left campaign for workers' control since 1964. Each section contains a separate introduction and between two and four chapters, and each chapter also contains a separate introduction and between three and twenty-two passages.

The result is a very valuable book, though its value is limited in several ways, some acknowledged by the editors and some not recognized by them. In particular they have excluded several categories of material altogether. The most obvious omission is material written before 1900, partly because they consider this to be more familiar (and point out that much is already included in other anthologies of socialist writings), and partly because they consider early English socialist writings to be rather naive about the problems of workers' control. Similarly they omit material about utopian communities or co-operative enterprises, as being marginal to the central issue, and material about "employers' placebos and surrogate forms of industrial democracy" (joint consultation, profit-sharing, and so on) as being contradictory to it.

They have also "had to agree to largely ignore the influence of foreign examples", and this is a serious omission—more serious than they realize. They mention the enormous influence of the Russian experience after 1917, and the more recent experiments in Yugoslavia and Algeria, but there is more to the problem than these examples. The momentum behind the syndicalist movement in this country before the First World War, which provides the opening passages in the book, came from abroad, partly from Australia and the United States, but above all from France—as is shown by the very word *syndicalism* (which is the French for "trade unionism"). The editors mention that Tom Mann imported syndicalism from France in 1910, but do not mention what syndicalism was in France for twenty years before that. They mention the English edition of *Syndicalism and the Co-operative Commonwealth*, by Emile Pataud and Emile Pouget, because it shows the influence of Robert Owen's ideas, but they don't mention that Pataud and Pouget were two of the leaders of the French syndicalist movement and that their tract was in the mainstream of anarchist communism (hence the introduction by Kropotkin, which is mentioned).

Some account of the foreign background to British syndicalism really should have been given at the beginning of the book. In the same way, the growth of interest in workers' control during the late 1930s was partly stimulated by the Spanish syndicalist movement, which became known during the Civil War of 1936-1939, but this is not mentioned at all.

This leads me to a less obvious omission which is also perhaps less important, though it is of particular interest to readers of ANARCHY. This is the exclusion of almost all anarchist material and of almost all mention of anarchism. There is a reference to anarchists among the small groups which refused to follow the line of parliamentary socialism after the formation of the Labour Party at the beginning of the century, and another to anarchists among the small groups who refused to follow the Communist Party line in favour of the war effort in industry after 1941. There is a passage from a Glasgow anarchist pamphlet exposing the CP betrayal of militant workers in the Dalmeir Royal Ordnance Factory during the war. There is a reference to a report of the 1964 conference on workers' control in ANARCHY 40 (June, 1964). That is all. There is no reference to the crucial point that producers' control of production is a central demand in the anarchist programme throughout the history of the anarchist movement. There is no reference to the work done by the British anarchist movement to introduce syndicalist ideas to this country before 1910—thus FREEDOM printed articles by Kropotkin and Malatesta, and also translations of articles by Fernand Pelloutier and Emile Pouget (the two main anarchists among the French syndicalist leaders). There is no reference to the anarchosyndicalist movement in this country—thus the Freedom Press published two syndicalist papers called *Voice of Labour* (in 1907 and from 1914 to 1916), the Jewish anarchists published the syndicalist *Arbaiter Fraind* (until 1916), and there has of course been a separate anarchosyndicalist organization in Britain since 1945 (the Syndicalist Workers Federation, which publishes *Direct Action*). Nor is there any reference to the anarchist participation in general campaigns for workers' control, especially since the War, in such organizations as the London League for Workers' Control, then the National Rank and File Movement, and now the New Left campaign which provides the closing passages in this book and of which this book is a part. One doesn't want to sound sectarian, but it is difficult not to remark that just because some libertarian Marxists have come on to the scene of the workers' control movement so late in the day, there is no need for them to ignore the people who have been in on it from the beginning.

But the book is very valuable, all the same. There are James Connolly and Tom Mann writing in the early days of the syndicalist movement; Hilaire Belloc and J. N. Figgis attacking the capitalist state; *The Miners Next Step*; A. J. Penty at the foundation of the Guild Socialist movement; Hobson and Orage, Cole and Mellor at its peak; the Webbs and Ramsay MacDonald attacking the Guilds; Thomas Bell, J. T. Murphy, G. D. H. Cole, Wal Hannington and many others on the Shop Stewards' and Workers' Committee Movement; Cole again,

Herbert Morrison, Harry Pollitt, Emanuel Shinwell, Clive Jenkins and the TUC and Labour Party National Executive for and against workers' control in the nationalized industries; two articles by Brian Jeffereys on the troubles at Fords, from *Solidarity* (typically, these descriptive articles are included but none of the equally good theoretical articles on "workers' power" published in *Solidarity* during the last few years; moreover, the index confuses the current *Solidarity* with the *Solidarity* which was the organ of the Shop Stewards' and Workers' Committee Movement half a century ago); and there are many of the New Left arguments for workers' control since 1948.

There is much more than this. Altogether the book is an extremely useful source for material on an important subject, and it is only a pity that it is rather one-sided. This shouldn't put anyone off reading it, but it should be read with care. A useful corrective for its bias may be found in several back issues of ANARCHY.

"Although the general public is deeply concerned about increasing crime rates, and properly so, by and large most people feel that the legal, juridical and penal machinery that society has organised for dealing with crime and criminals is as adequate as the present state of knowledge permits. It is precisely those persons who have devoted the greater portion of their lives as practitioners and scholars to the field of criminology, who have the strongest reservations about imprisonment as a method for dealing constructively with criminals. . . ."

"The four greatest minds representing American criminology in the first half of the twentieth century—Sellin, Tannenbaum, Sutherland and Barnes—are unanimous in their judgement on imprisonment as a method for dealing with crime and criminals. Imprisonment does not protect society from its criminals; it does not deter them; it does not reform them; and it does not rehabilitate them. The question may well be asked: if imprisonment does not serve any of these functions, what does it do? It creates an illusion that a serious social problem, the rehabilitation of the convicted criminal, can be accomplished through the method of imprisonment. This illusion is converted into a mass delusion, born of a desperate desire on the part of the general public, public officials and the organs of public opinion that something be done about the crime problem. But wishing will not make it so. In dealing with crime and criminals, as in all fields of human endeavour, if our means are not appropriate to our ends we will accomplish nothing. . . ."

(From *The Future of Imprisonment in a Free Society* by Hans W. Mattick, Assistant Director, Center for Studies in Criminal Justice, University of Chicago. Reprinted in *British Journal of Criminology*, Vol. 7, No. 4, October, 1967.)

The line I walk

CHARLIE GILLET

THE PARABLE ON THE SLEEVE of Bob Dylan's new LP should have dissuaded me and all the others who've presumed to discuss the songs on the record. Three kings (critics) make their way, without invitation, into Frank's (Bob's) presence, and ask him to explain what "Mr. Dylan's" new record is all about. "And just how far would you like to go in?" asks Frank. "Not too far but just far enough so's we can say we've been there," says the first chief. . . .

It's easy enough to justify an article; each writer feels impelled to go to print to contradict the naive analysis of some other article he's read. And if it's better for each listener to take what he wants from the record, it's still up to the critic to recommend or discourage purchase of the record.

For me, no record by Bob Dylan has ever been easy to listen to the first time I heard it. It seemed that each time I got used to the stridency on one record, he would attack me even more forcefully on the next. With *Blonde on Blonde*, the attack was no longer directed through his style, but through a peculiar tone. The conventions of middle-sixties rock were the same as he had used on his earlier records, with an emphatic dance rhythm achieved through electrified guitars and regular drum and bass rhythms. But his voice had lost the edge which first drew our attention to him. He seemed to have stepped backwards from his material, unconcerned whether we were affected by his sometimes caustic, sometimes sympathetic observations.

This tone is still with him on most of the tracks on *John Wesley Harding*, but it is not meant to place a distance between him (or us) and his material. What it achieves above all is to keep us constantly aware that this is Bob Dylan we are listening to, that these are his concerns; we should not confuse him with some other singer of folk ballads, rock songs, or philosophical comments. And although we were never likely to confuse him with anyone else, on this album he has chosen to experiment with more conventional popular song genres than before.

The range of genres is huge. "I'll Be Your Baby Tonight" starts off with a harmonica introduction based on Delbert McLinton's accompaniment for Bruce Channel's "Hey Baby!" and then turns into a country and western song. Except, of course, that Dylan doesn't stay with the simple romanticism which is almost the only emotion dealt with in country and western songs. Despite rhyming "moon" with "spoon" (what pleasure he must have had when that line was

fitted in), Dylan imposes the harshness of the blues on the lyric—

*"Kick your shoes off, do not fear,
Bring that bottle over here."*

That song ends the second side, as if to warn us of what might follow later. The previous track is "Down Along The Cove", whose shuffle-rhythm is based on Charlie Rich's "Lonely Weekends", a 1957 rock hit. Rich is one of several singers who were mentioned recently by Dylan as influences on his present style. Another Arkansas singer, Johnny Cash, was also listed, and although there is no trace of his deep "cowboy" style in Dylan's style, Cash's predilection for epic ballads may have encouraged Dylan to return to the kind of material he first sang.

The title song, "John Wesley Harding", is similar in content and construction to "The Ballad of Jesse James", and is among the least interesting tracks on the album—perhaps Dylan was being perverse when he named the album after the mediocre performance. "I Dreamed I saw St. Augustine" begins like Paul Robeson's version of "Joe Hill", but shifts into an effectively fantastic vision of the Saint gliding through the streets "searching for the very souls who already have been sold". But least like the song it is roughly based on is "The Ballad of Frankie Lee and Judas Priest", which bears slight resemblance to "Frankie and Johnnie".

Dylan's song, about two men who "were the best of friends", is one of the best he has ever written and sung. The relationship between the two men is brilliantly evoked when Frankie Lee borrows some money from Judas Priest; then the scene shifts quickly (the abruptness is noted in a joke within the song) to a brothel where, so far as one can tell, Frankie Lee tries to make it with all twenty-four women. The intensity with which the scene is described draws attention to this section of the record long before one has pieced together the narrative of the song.

*"For sixteen nights and days he raved,
But on the seventeenth he burst
Into the arms of Judas Priest
Which is where he died of thirst."*

The obscure verse is great Dylan, and as such is the best in the popular music of our time. Dylan is, and has always been, a popular singer, although for a time he seemed to be something else. Of his early songs, the love songs are enduring best, because they expressed emotion which was unequivocally his, and did not seem to be seeking perhaps to speak for his audience. On this album, only the last two tracks on side two already mentioned are love songs but two others, "Dear Landlord" and "I Pity The Poor Immigrant", speak from his own experience in a similar way to his earlier love songs like "You Belong to Me" and "Positively Fourth Street".

"Dear Landlord" must be the most impassioned plea against eviction ever heard. The first two verses state the possibly conflicting philosophies which the singer suggests he and the landlord might have. In the third he warns that if the differences cannot be reconciled, the

consequences of the landlord's insistence on following his own path may be worse than he expects. This is not, like earlier social statements by Dylan, singalong protest, or surrealist imagery, but finely worked-out observation and analysis.

"I Pity The Poor Immigrant" is similarly not what we might expect—not a survey of American intolerance of newcomers, but an attack on the materialist motives of the immigrants themselves. Again, the development of ideas is precise and acute. If Dylan had not already created such high standards for himself, standards which we bring to each track and judge him with, we would be astounded to find sociological/philosophical insight of this kind on a pop record.

But there it is. Like the Beatles, Bob Dylan seems to have come round to a point where he is mocking himself, producing pastiches of his own earlier performances. But whereas I am beginning to suspect an emptiness in some of the Beatles' songs, I'm still learning from Dylan. I apologise to him for taking so much space saying what he's said himself much more succinctly on his record; I only hope that nothing I've said causes him to push his other fist through the nearest plate glass window.*

*For explanation, see the sleeve note to *John Wesley Harding*, CBS 63252.

The man who wouldn't play the game

Mr. Ivor Cook, the teacher who first made allegations of excessive caning at Court Lees Approved School in South Godstone, Surrey, said yesterday he had been told by the head of the children's department at the Home Office that it was impossible for him to be offered employment in any residential approved school or allied institution.

He added: "I think this is because I have been blacklisted by the Association of Headmasters of Approved Schools. This is in spite of a guarantee by the Home Office that I would be protected against victimisation."

The Guardian, February 5, 1968.

Kenneth Patchen

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