Abstract: For much of the twentieth century the punishment of offenders in modern society came to be administered on a scientific, rational basis with policy driven largely by expert knowledge. The anonymity of the prison, as a place for reflection and rehabilitation, steadily replaced the pre-modern drama and spectacle of punishment to the human body. Recently, though, some modern societies (particularly those in the Anglophone world) have seen recourse to more expressive and severe penalties, driven more by public opinion than by expert knowledge. Other modern societies, however (particularly the Scandinavian countries) remain largely immune to these trends. This article outlines and explores these contrasting trends and developments and uses Norbert Elias’s work on the civilizing process to explain them.

Introduction

Modern Western societies like to think of themselves as ‘civilized.’ One of the criteria for meeting this standard relates to the way in which offenders are punished for their crimes in such societies. As the then Home Secretary Winston Churchill explained in 1910, ‘the mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country’ ([British] Hansard, HC Deb 20 July 1910 c1354). This commonsense use of the term ‘civilized’ provides those societies that claim this status with a feeling of superiority, of moral censoriousness over those thought to belong in the ‘uncivilized’ world; but at the same time, this status also puts restraints on the deployment of any punishment practices that have resonances with those in the uncivilized. As the then Home Secretary David Blunkett explained when it was suggested that his decision to release two juvenile murderers after eight years of detention might spark vigilante reprisals against them, ‘we are not in the Mid-West in the mid-nineteenth century, we are in Britain in the twenty-first century and we will deal with things effectively and we will deal with them in a civilized manner’ (The Weekly Telegraph, 27 June–3 July 2001: 1). Of course, though, in sociology, the concept of ‘civilization’ has
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more than a normative meaning. For Norbert Elias (2000 [1939]), it did not refer to some innate quality that Western societies possessed as of right, which is how it has now come to be understood in a commonsense way. Instead, it was the product of a long-term historical process – from the Middle Ages onwards – representing the contingent outcome of socio-cultural and psychic change. As such, it is to be regretted that he made so little reference to the punishment of offenders in his magnum opus, as a way of illustrating its historical development. As David Garland (1990: 216) has pointed out, he offers some brief remarks about the place of the gallows in the medieval world of the knight and he notes, on the very first page, that ‘the form of judicial punishment’ is one of the social facts to which ‘civilization’ typically refers. Along the way he charts changes in attitudes to nose blowing, table manners, bedroom activities and so on, to establish the course of the civilizing process. In a similar way, a study of penal change over the same time span has the potential to provide a very rich tapestry.

The potential of such a study is illustrated by Pieter Spierenburg’s (1984) analysis of changing attitudes towards the use of capital punishment and lesser punishments to the human body during the course of the seventeenth and eighteenth century in Amsterdam. In this period, many of the brutal excesses involved in the array of punishments at its start began to be toned down or disappeared altogether (it seems, for example, that tongue-piercing, blinding and the cutting off of ears and hands did not survive the seventeenth century); while execution, although it continued to be administered in public, began to take the form of a more solemn affair (for example, the execution dais was eventually draped in black; after execution, the corpses of the condemned were no longer put on display). Similar patterns are found in other European societies at this time. In England, the riotous march from Newgate Prison to Tyburn Gallows came to an end in 1783 and then took place outside the prison until the abolition of public executions in 1868. The ‘bloody code’ which had made the death penalty available for over 300 offences at that time was steadily reduced to the point where the death penalty, for all intents and purposes, was only available for murder after 1861. The last occasion when beheading the corpse of the condemned took place was in 1820. In 1832, gibbeting was abolished, as was the hanging of bodies in chains in 1834 (see Gatrell, 1994).

The reasons for such changes, Spierenburg argues, are due to a growing repugnance at such ‘disturbing events’, including these sights of brutal pain and suffering inflicted on powerless human beings. These sensitivities were initially manifested in social elites. They looked with increasing disdain at the vulgarity of the lower classes who raucously celebrated such spectacles (Gatrell, 1994). To a degree, these sensitivities percolated through the rest of society, although perhaps more importantly for our purposes here, changes in state formation also concentrated power in the middle classes in whom these sensitivities seem to have been most concentrated. They were then able to put these sensitivities into legislation. The ‘spectacle of suffering’ that the punishment of crime had once represented had, by the late nineteenth century in most of the modern
world, been turned into a bureaucratic accomplishment, with the public excluded from any participation.

What I want to do in this article is examine the subsequent history of punishment in modern society through an Eliasian prism. In terms of periodization, this means that we leave behind the world of gallows and gibbets, stocks and whips and move instead to one where, by the mid nineteenth century, prison had become the central response to crime. What we shall then find is that, thereafter, prison development, design and administration followed much the same course as the array of punishments on the human body that were once available. Its use declined and it came to be seen as too excessive a sanction for all but the most serious offenders. Its decline in use was paralleled by the steady amelioration of its conditions of confinement: at least, this was the route that was followed by most Western societies up to the 1980s. From that point, however, and particularly in the Anglophone world, we find both a resurgence of prison use and more emphasis placed on ‘austere’ conditions in the prisons themselves, as well as, to a degree, the reappearance of penal values and practices from the pre-modern world. As we shall see, though, the Scandinavian countries provide exceptions to these more general trends. To understand these developments and contrasts, we need to be aware that the civilizing process is not formulaic. It does not proceed at a uniform pace across Western society. In addition, in periods of great social change or breakdown, it can be ‘put into reverse’ and decivilizing forces will then impact on individual and social development. Under these circumstances, ‘the armour of civilized conduct crumbles very rapidly’ with a concomitant weakening of central state authority and a decline in human capacity for rational action (Elias, 2000 [1939]: 532n). This makes possible the re-emergence of conduct and values more appropriate to previous eras. Mennell (1990) provides a very helpful contrast in the constituent elements of civilizing and decivilizing processes. These are reproduced as Table I and provide the structure for the rest of the article.

The civilizing process and modern penal development

Structural processes

After the phasing out of public punishments in the first half of the nineteenth-century, prison for the first time became a central feature of penal development. In England, prior to the establishment of a central prison administration in 1877, there had been competing accounts from prison governors about the preferred prison ‘model’: how much religious instruction there should be; to what extent should the prisoners be kept in solitary confinement and to what extent should they be allowed to work with others in silence (Pratt, 2002)? At the same time, prison chaplains enjoyed equal status with governors (see Griffiths, 1875: 46): there had been no regard, it would appear, for the potential for conflict between these two professional groups that their shared status in
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Table 1

<table>
<thead>
<tr>
<th>EUROPEAN CIVILISING PROCESS</th>
<th>POSSIBLE SYMPTOMS OF DECIVILISING PROCESSES</th>
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<tbody>
<tr>
<td><strong>STRUCTURAL PROCESSES</strong></td>
<td></td>
</tr>
<tr>
<td>↑ State-formation: Monopolization of means of violence and taxation</td>
<td>Breaking links, shorter chains of interdependence</td>
</tr>
<tr>
<td>↑ Division of Labour/Social functions/ Heterogeneity</td>
<td>Homogeneity, cellular structure</td>
</tr>
<tr>
<td>↑ Trade, towns, money, markets, population</td>
<td>↑ Homogeneity, cellular structure</td>
</tr>
<tr>
<td><em>All interweaving to produce longer chains, denser webs of interdependence, with consequences:</em></td>
<td>↑ danger level, incalculability</td>
</tr>
<tr>
<td><strong>CHANGES IN MANNERS/CULTURE</strong></td>
<td></td>
</tr>
<tr>
<td>↑ Movement ‘behind the scenes’ (bodily functions etc., and violence)</td>
<td>↑ re-emergence of violence, etc., into public sphere</td>
</tr>
<tr>
<td>↑ Diminishing contrasts, increasing varieties</td>
<td>↑ mutual identification, ↑ cruelty</td>
</tr>
<tr>
<td>↑ Mutual identification (inc. ↓ cruelty to humans, animals)</td>
<td>↓ mutual identification, ↑ cruelty</td>
</tr>
<tr>
<td><strong>CHANGES IN SOCIAL HABITUS</strong></td>
<td></td>
</tr>
<tr>
<td>↑ Pressures towards foresight: – Psychologisation – Rationalisation – Advancing thresholds of shame and embarrassment</td>
<td>↓ Pressures restraining expression of impulses</td>
</tr>
<tr>
<td>↑ distance between child’s and adult standards</td>
<td>↓ gap child/adult standards</td>
</tr>
<tr>
<td>No zero-point in self-constraint, but becomes</td>
<td>↑ reliance on external constraints</td>
</tr>
<tr>
<td>↑ more automatic</td>
<td>↑ impulsive</td>
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<tr>
<td>↑ more even and continuous</td>
<td>↓ uniformity</td>
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<tr>
<td>↑ more all-round, all-embracing</td>
<td>↑ exceptions</td>
</tr>
<tr>
<td>Taming of aggressiveness</td>
<td>Freer expression of aggressiveness</td>
</tr>
<tr>
<td><strong>CHANGES IN MODES OF KNOWLEDGE</strong></td>
<td></td>
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<tr>
<td>↑ Detachment, ↓ Involvement ↓ fantasy content, ↑ ‘reality-congruence’</td>
<td>↑ Involvement, ↓ Detachment ↑ fantasy content, ↓ ‘reality congruence’</td>
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managing the prisons might bring. After centralization, however, the competing claims and counter claims, authority conflicts and discretionary powers came to an abrupt end. Thereafter, official commentaries on prison development were largely made in the annual report of the Prison Commission, which had Sir Edmund Du Cane as its first chairman. The individual reports of prison governors were now appended to the general summary of the Commissioners and became increasingly anodyne and routine. The autonomy of the other prison professionals was restricted and their status downgraded. Chaplains, for example, were often overseers of rudimentary teaching arrangements that were provided towards the end of the nineteenth century for some prisoners, or served a merely ornamental purpose: sitting with the governor on adjudications to provide dignity to what was taking place, but effectively powerless to intervene, as one cleric revealed to a prisoner after witnessing prison officers inflict a beating: ‘it’s no good . . . there’s nothing we can do’ (Balfour, 1901: 224).

The increasingly monopolistic power of the penal bureaucracy had two important consequences in relation to the development of the civilizing process. First, it ensured that there would be longer chains and denser interdependencies within the penal bureaucracy itself. This was because the possibilities of disagreement in the development of prison policy, or the quixotic activities of individual doctors and chaplains in the exercise of their discretion, had been removed by centralization. The Prison Commissioners now decided how all prisons should be administered down to the last 1/16th of a gramme of bread that prisoners should receive with their food – and the rest of the prison service had to fall in line with their dictats. If, at one level, this brought about greater consistency in training and regulations, it also meant, at another, that it would be increasingly difficult for those in the particular institutions to act as individuals, rather than bureaucratic representatives. Indeed, the way in which the British state made all its prison employees sign the Official Secrets Act cemented this reality and added to the increasing secrecy and regimentation associated with imprisonment. Second, the penal bureaucracy was able to shape and develop prison policy largely to suit its own interests, free from any public involvement. Du Cane, a former officer in the Royal Engineers, had ruthlessly implemented the ‘hard bed, hard fare, hard labour’ regime in British prisons, after complaints that these new institutions were too luxurious (Pratt, 2002). Following his forced retirement in 1895, however, the Prison Commission tended to take a more liberal approach, fending off periodic complaints about ‘pampered prisoners’. As Chair of the Prison Commission, Sir Lionel Fox (1952: 137) later elliptically explained, ‘one cannot be unaware that the body of assumptions underlying the common talk of common people and directing their praise and praise alone are not, in these matters, the assumptions on which contemporary prison administration is based’. In effect, the interests of the penal bureaucracies superseded those of the general public. The Report of the Director of Penal Services (1957: 8) condescendingly stated that ‘the public should accept something less than one hundred per cent security . . . if the public
wants to develop the positive and redemptive side of prison work, it must face the fact that the occasional prisoner may escape and do damage’.

The dissipation of the initial excitement and curiosity at the new prison buildings had contributed to this decline in public interest in these institutions. The more remote and exclusionary these institutions became, the more the general public became indifferent to what happened in them. This had already been noted by Du Cane (1875: 303) when he told a social science congress that ‘I gladly accept the inference that the public interest has decreased [in prison matters]’. Indeed, other than public interest being provoked by scandals that emerged from time to time (whether this was in relation to prisoners being treated too leniently or too brutally), public knowledge and understanding of prison life had largely come to an end. Thus, while the bureaucratic structure of prison management had created longer and denser interdependencies within it, the chains between it and the general public had actually become much shorter.

Changes in manners and culture

In addition to the administrative veil that had been drawn across the punishment process, prison design and location increased the physical distance between punishment and the general public. Prison architecture quickly jettisoned the gothic designs characteristic of the first half of the nineteenth century in favour of an outward appearance that denoted ‘functional austerity’ rather than extravagance (Pratt, 2002). At the same time, the new prisons were more likely to be built away from city centres: up to this time, there had been no need to separate prisons from community life, as prints and paintings prior to the mid nineteenth century indicate (Evans, 1982; Brodie et al., 1999). Growing public distaste at the sight of prisons and what they represented was extended to prisoners themselves. This led to them, first, being removed from public works beyond the walls of the prison. Thereafter the prison authorities steadily ‘anonymized’ the transport of prisoners, bringing to an end the parading of them as they moved from court to prison, or from prison to prison, in chains and uniform. By the early twentieth century in England they were transported in reserved railway carriages with blinds drawn. They were also allowed to wear civilian clothing to ease their shame during these increasingly fleeting public appearances. These sensibilities were later incorporated within the 1948 prison rules: ‘[prisoners] shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult and injury’ (Fox, 1952: 164–5).

This general ‘disappearance’ of both prisons and prisoners from much of public life occurred in conjunction with diminishing contrasts (Elias, 2000 [1939]: 382–97) within the punishment spectrum. The contrasts were now between custodial and community sanctions, with increasing variations between them, rather than the more stark options of life or death, as in the pre-modern world. At the beginning of the twentieth century, special institutions began to be
opened for ‘inebriates’, ‘habitual offenders’ and the mentally defi cient, with borstals for young offenders. By the 1950s this differentiation had come to include open and closed prisons and psychiatric prisons. Outside the prison, there were variations in the conditions that could be imposed in probation orders; thereafter, from the 1960s, further varieties were added to this sector, such as suspended sentences, community service and deferred sentences. Within the prison fi guration we fi nd growing mutual identifi cation between the prison authorities and the prisoners themselves (or at least on behalf of the management elites – prison offi cer culture seems to have been much more resistant to such sensibilities; see, for example, Thomas 1972). By the early twentieth century in England, prisoners were being addressed by their name rather than their number. The language of punishment refl ected these changes in prison culture from the late nineteenth century. The term ‘convict’ was falling into disuse, to be replaced by ‘prisoner’, which in turn by the 1960s had been replaced by the less stigmatic ‘inmate’ or even ‘trainee.’

In conjunction with this growing mutual identifi cation and reduced social distance, prisoners came to be understood as more to be pitied than feared. As the prominent British psychiatrist Edwin Glover (1956: 267) explained, ‘they have certainly injured their fellows but perhaps society has unwittingly injured them.’ Indeed, for the prison authorities, it was as if there was little innate difference between those in prison and the public beyond it: ‘between a hundred prisoners and a hundred persons chosen at random from the street outside, the resemblances are more noticeable than the differences’ (Fox, 1952: 111).

Changes in social habitus

Du Cane (1875: 302–3) had written that prisoners had characteristics that were ‘entirely those of the inferior races of mankind – wandering habits, utter laziness, absence of thought or provision [and] want of moral sense’. However, this moralizing that was characteristic of the late Victorian era steadily gave way to more objective, scientifi c understandings. Du Cane’s successor, Sir Evelyn Ruggles-Brise (1985 [1921]: 194), argued for the need for ‘criminal laboratories’ as in the United States ‘where science and humanity march hand in hand exploring prisons as places of punishment’. In addition, rather than simply leaving prisoners to their fate, he also recognized that it was the duty of the state at least to try to effect a ‘cure’ (1985 [1921]: 87) for their criminality. At the same time, the sight of cowed and broken prisoners had become repugnant as thresholds of shame and embarrassment advanced. On a visit to Dartmoor Prison, Prison Commissioner Sir Alexander Paterson noted with distaste that

as [the prisoners] saw us coming, each man ran to the nearest wall and put his face against it, remaining in this servile position, till we had passed behind him . . . the men looked hard in body and in spirit, healthy enough in physique and colour, but cowed and listless in demeanour and response (quoted in Ruck 1951: 11).

Thereafter, it was recognized that ‘the deterrent effect of imprisonment must fi nally be in the loss of personal liberty and all that this involves . . . that effect
is not reinforced if the period of loss of liberty is used in a mere repressive or punitive way’ (Home Office 1959: 13, my italics). Instead, ‘we have found that the study of art, music and drama has for those in prison a particular appeal, and that these arts may bring for the first time to the lives of depressed and distorted men and women perceptions of beauty, goodness and truth’ (Report of the Commissioners of Prisons for the year 1951, 1952: 52). Now the prison authorities expected that prison officers would share in these new ways of understanding prisoners. The Director of Penal Services, Victoria, Australia, thus claimed that ‘group counselling [enables] closer relationships with inmates and allows guards to have an even greater impact in terms of changing inmate behaviour’ (Report of the Director of Penal Services, 1961, 1963–4: 2).

Changes in modes of knowledge

Expert knowledge and research became increasingly influential on penal development, particularly in the post-1945 era. In England, the Advisory Council on the Treatment of Offenders was established in 1944. As Home Secretary R. A. Butler later explained, ‘research may sound academic, but I am quite certain that in this field of crime it is the absolutely vital basis without which we cannot work’ ([British] Hansard, HC Deb 31 October 1958 c505). For the elite groups undertaking research or developing policy, prisoners had become detached from the previous irredeemable moral culpability and incorrigibility that had been associated with them in the development of nineteenth century prison policy. Instead, they were understood as inadequates, living unfulfilled lives. They no longer constituted a menace to the rest of the community. Taylor (1960: 35), in his study of preventive detention prisoners, found that ‘they were lonely men who had become inept in handling personal contacts and from their experiences had developed paranoid attitudes towards other people. In their view, the world was a threatening and frightening place.’ The punishment that they had received was not only out of proportion to their wrongdoing but also magnified their sense of isolation from the rest of society. In these respects, to avoid such destructive excesses, prison was increasingly relegated to a ‘last resort’ penal option. From the 1960s to the 1980s increasing resources were used in the development of what were thought to be more humane community based alternative sanctions.

In such ways, and using England as our main example, we can demonstrate how the development of penal policy in much of Western society followed the course of the civilizing process. There are important points to note, however, from this brief historical overview. First, while we can illustrate sociologically the effects of the civilizing process at work, this does not then mean that the penal arrangements it produced were normatively ‘civilized.’ The accounts of the prison had certainly become more sanitized in official discourse, but, as prisoner biographies over about a century testified (Pratt, 2002), it was certainly not civilized in commonsense usage of the term. However, the civilizing process itself helped to ensure that these alternative accounts of prison life were usually
ignored or discredited. Its structural processes had allowed the prison bureaucracy to grow stronger and become more deeply entrenched, with control over knowledge and information that was accessible to the public. At the same time, the physical and administrative distance between public and prisoners that the disappearance of prison had brought about meant that the latter came to be thought of as essentially ‘different.’ Their very status as prisoners *ipso facto* disqualified their own accounts. As Elias and Scotson (2008 [1965]) suggested in developing their ‘established–outsiders’ concept, the greater the social distance between these groups, in any particular figuration, the more predominant would be the world view of the established, and the more power, within the specifics of the figuration they would have, in relation to the outsider group.

Second, the civilizing process as it related to prison and penal development in Western society should be understood as a continuum rather than some uniform standard. There were variations within the Anglophone societies. The civilizing process had come much later to the Southern United States, for example, as was reflected, up to the 1950s, in their high rates of imprisonment, chain gang and vigilante traditions, fondness for the death penalty and slowness in instituting prison reform (Pratt, 2002);^4^ features which are indicative of a weak central state authority and low thresholds of shame, embarrassment and self-restraint. In contrast, the Scandinavian countries stood at the opposite end of the civilizing continuum. Here, the death penalty in peacetime had effectively ceased (if not *de jure* then at least *de facto*) in the mid nineteenth century, as opposed to the mid twentieth century in most of the Anglophone world. These countries not only had some of the lowest levels of imprisonment in the West,^5^ but (Sweden particularly) had also become renowned for humane, ‘civilized’ prison conditions. In an article titled ‘Almost the best of everything’, Tom Wicker (1975: 201) wrote that ‘Sweden’s prisons are models of decency and humanity . . . Although debate continues among socially aware Swedes as to whether prisons here are not still too harsh, most American inmates would regard . . . Sweden’s maximum security penitentiary – as a country club.’ At this time, Scandinavian countries were regarded by the liberal elites in control of policy development in the Anglophone world as ‘the leaders’ of the civilized world, setting the example for the rest to follow.

Why had the civilizing process become more advanced and intensified in this region? There was a long tradition of egalitarianism that reduced social distance and made interdependencies much longer throughout society (the extreme homogeneity of the region also contributed to this). Norway abolished its nobility in 1817, for example. Property was divided between descendants on the death of the owner rather than inherited by the first-born, thus preventing the build up of a landed gentry. By the early twentieth century, its egalitarianism had become one of its identifying characteristics: ‘among civilised states, there is scarcely any that is so fortunate with regard to the equality of its social conditions as Norway. There is no nobility with political or economic privileges, no large estates, no capitalist class . . . The highest and lowest strata of society are on the whole no farther removed from one another than that there is
constant reciprocal action between them, and transition from one to the other’ (Berner, 1900: 202). In these respects, there were not the concerns about the ‘dangerous classes’ characteristic of the Anglophone societies in this period. Rather than being shut out of society, prisoners were to be re-educated, remoralized, later ‘treated’ in such ways that they could be reintegrated. In contrast, in the Anglophone world, prisoners were members of the dangerous classes, feared and shut out of society. They were right at the bottom of a long series of divisions that extended throughout British society: divisions which separated the social classes and then further divided them – the respectable poor, workhouse paupers, the mentally ill and finally prisoners.

Furthermore, penal institutions were small, often housing less than fifty prisoners, and remained in the centre of local community development. There seems to have been little public pressure to have them removed from view. They were not turned into threatening monstrosities, visible only in public fantasies and imaginings of them. The way in which ‘prison’ was imagined in Scandinavia was likely to have far less fantasy content, leading to much higher levels of tolerance. In the post-1945 period, prisoners themselves were more likely to be working outside the prison, or at least able to move more easily between prison and community. As a result there was a relatively short social distance between prisoners and the public. In Sweden, the literal translation of the term for prison officer is ‘prison carer’ (fångvårdare). Equally, the term ‘client’ is used for all prisoners in official correctional discourse.

The post 1945 development of the Scandinavian welfare state strengthened the powers of its bureaucratic organs of government. At the same time, because virtually the whole population materially benefited from its generous, universal benefits, there was comparatively little stigma attached to being a welfare beneficiary. Prisoners were usually regarded as just another group of welfare beneficiaries, no different from any others and of no particular interest. In addition, the Scandinavians placed a high value on education. In Norway and Finland, for example, the study of language and literature became a means of solidifying their nineteenth-century struggles for independence from Sweden and Russia respectively. The importance of education to the well-being and identity of the nation became another feature of the culture of these societies, and perhaps is another reason for the high levels of trust and status accorded to experts in these societies. This, then, allowed them to develop their aspirations for penal reform further than it was possible for their Anglophone counterparts to do. At the same time, the functional democratization of penal governance, whereby debate was conducted much more in public, between representatives of all ‘stakeholders’, ensured that the public at large had a better and more realistic understanding of penal affairs. In this region, these matters were not allowed to become the exclusive property of bureaucratic elites.

Again, though, we need to recognize that, even where, as in the Scandinavian countries, the civilizing process reached a very advanced stage, it can provide no guarantees against uncivilized outcomes. The high levels of trust in the Scandinavian ‘protective state’ allowed abuses of state power to develop: for
example, an emphasis on indeterminate prison sentences (in Sweden especially), in the belief that crime was a form of mental illness (the time for release would be when each individual prisoner was cured), and the maintenance of a eugenics programme for deviants of various kinds from the 1930s to the 1970s (in the belief that the state could ‘humanely’ control those who could not control themselves) (Hagelund, 2003).

Decivilizing symptoms

The contours of the civilizing process across Western society had led to penal arrangements with three key characteristics at this point: a strong central state authority with monopolistic control of the power to punish; high levels of shame and embarrassment; and high levels of trust in the penal authorities that then allowed them to develop research driven policy. From the 1970s, economic and social reconstruction across much of the Anglophone world has meant that it has been impossible to sustain the unity of these characteristics of ‘civilized’ penal development. The ascendancy of neo-liberal polities has meant that the authority of the central state has fragmented. It now assumes a more residual role in everyday governance that is no longer privileged around the idea of a strong central state working as one with its bureaucracies. Recourse has been made to alternative modes of governance in the private and voluntary sectors. Indeed, with the shortcomings of state sector provision regularly highlighted in public discourse and political debate, the purchase of private security has become much more commonplace. But this has also meant that security has become commodified, rather than a state guarantee (Garland, 2001). At the same time, interdependencies have become much shorter. As Beck (1992), Fukuyama (1995) and Putnam (2000) have noted, many of the longstanding institutions and cultural expectations that had become deeply embedded in these societies in the twentieth century have declined: job security, the stability of family life, and membership of trade unions, churches and other organizations.

Furthermore, the deregulation of the news media and the introduction of new print technology since the 1980s is itself conducive to modes of knowledge that have high levels of fantasy content rather than detached, objective analysis. Newsmaking and reporting become more sensationalized as each paper or television channel competes with its rivals. It also becomes more simplified to attract the largest audience and secure advertising revenue. This has meant that crime and punishment issues are likely to receive greater coverage than used to be the case because of their interest to audiences: such matters became the most obvious symbols and representations of what Giddens (1991) has referred to as ‘ontological insecurity’. In this way, crime and punishment have become regular features of public and political debate, rather than being determined ‘behind the scenes’ by elite experts.
As a result of these changes, we can discern decivilizing symptoms in each level of the civilizing process.

**Structural processes**

Since the 1980s, private prisons have been reintroduced to most of the Anglophone world, having previously disappeared during the course of the nineteenth century. These have a vested interest in high levels of imprisonment since their profits are dependent on fully occupied beds. Civil service restructuring along with political appointments at senior levels within it have considerably undermined its capacity to dilute more punitive political agendas and impose its own liberal imprint on policy (Loader, 2006). As this has happened, so single-issue law and order lobby groups, variously claiming to represent crime victims in particular and ‘ordinary people’ in general, have campaigned for more punitive sentences and more direct victim input to the punishment process (in the mistaken belief that all victims are vengeful). In some jurisdictions, these groups have taken advantage of the provision for plebiscites and referenda in the electoral process to provide the momentum for the introduction of particularly punitive legislation.⁶ Governments have also indicated a readiness to acquiesce to the agendas of these groups while at the same time distancing themselves from the policy making establishment. For example, when introducing the Labour government’s controversial Crime and Disorder Bill (which made provision for anti-social behaviour orders), the then Home Secretary Jack Straw proclaimed that ‘[it] represents a triumph of community politics over detached metropolitan elites’ (*The Times*, 8 April 1998: 4).

In such ways, policy has become increasingly punitive and intolerant, with a reinvigoration of prison use. This has occurred in conjunction with the resurrection of a variety of other penal strategies and symbols from the past: stigmatic and highly visible public punishments such as ‘community payback’ orders in Britain (formerly community service) and chain gangs in some of the Southern states in the USA. We also find a deterioration in prison conditions, often the product of overcrowding but sometimes deliberately engineered by governments. Prison austerity, it is thought, symbolizes the new unity between government and the general public in relation to the punishment of crime. It not only manifests public outrage and anger towards criminals but will also ensure that those who experience such conditions will not choose to return to prison in the future (in contrast to the overwhelming body of research evidence which demonstrates exactly the opposite). This was the essence of the ‘prison works’ strategy, developed by the then British Home Secretary Michael Howard in 1993. He signalled his intention to reverse the long-held expectations of the penal establishment that policy must have a reduction of the prison population as its primary purpose, since high levels of imprisonment were *ipso facto* an unwelcome stain on the texture of any country that professed to belong to the ‘civilized world.’ Instead, Howard proclaimed that ‘prison works’ and that ‘this
may mean that more people will go to prison. I do not flinch from [this]. We shall no longer judge the success of our system of justice by a fall in the prison population,’ (quoted in Cavadino and Dignan, 2002: 34). It was a policy that was then avidly followed by New Labour when it came to power in 1997 (see Tonry, 2004).

Changes in manners/culture

As the influence of criminal justice elites on policy has declined, so too has the culture of tolerance and forbearance that they were associated with. Instead of the restraints and moderation that this ‘established group’ were able to impose on penal culture, the angry and intolerant representations of the former ‘outsiders’ – the general public – have become more dominant influences. Governments have been eager to position themselves alongside these sentiments. Tony Blair, when British Prime Minister, thus made the point that crime, anti-social behaviour, racial intolerance, drug abuse, destroy families and communities. They destroy the very respect on which society is founded . . . Fail to confront this evil and we will never build a Britain where everyone can succeed . . . by acknowledging the duty to care, we earn the right to be tough on crime . . . it is time for zero tolerance of yob culture’. (The Guardian, 27 September 2006: 3)

The difference between law-breakers and the rest of society is thus re-emphasized. The Blair speech is also a reflection of the new language of punishment that now informs penal debate. Other examples include phrases such as ‘Three Strikes and You’re Out’ and ‘Life means Life – No Parole’. These all originated in the USA – the Western society which punishes the most and the most inhumanely, illustrative of the turnaround in the leadership of punishment in the civilized world from the time when Sweden was the example to follow. Now, however, instead of mutual identification with offenders what we find instead is a growing mutual identification with their victims. This is also reflected in attempts to ‘bridge the justice gap’ and to ‘rebalance the criminal justice system’. Victims have been given a range of representational rights that can include opportunities to be heard at sentencing and parole adjudications through victim impact statements. This rebalancing simultaneously involves a reduction in the rights of offenders. For example, the state’s control over prisoners after their sentence has finished can be extended. Electronic monitoring, introduced as a liberal and cost efficient way to reduce the prison population in the 1980s, is used in some jurisdictions to regulate sex offenders for upwards of ten years. Opportunities they might have to ‘profit’ from their crimes are removed. In New Zealand, the Prisoners and Victims Claims Act 2005 was backdated to prevent a payout to six prisoners (around SUS100,000 in total) in 2004 after their ill-treatment by the Department of Corrections – they had been kept in conditions close to those in an American super-max prison,7 for which there was no lawful authority. The legislation made provision for victims to be able to sue their offenders for any windfall they might receive (whether this be from a lotto ticket or damages from the government for mistreatment) for up to six years on
leaving prison. In explaining the Bill, the Minister of Justice rejected the notion that criminals ‘pay their debt to society’ while in prison: ‘it costs us $50,000 a year to keep someone in prison . . . that is the cost to society, not the repayment of a debt . . . you don’t repay your debt to the victim by being in prison’ (*The Dominion Post*, 25 January 2005: B5). In this new penal culture there is to be no redemption.

**Changes in social habitus**

Because of its weakened authority, the central state is now more likely to acquiesce to citizens’ demands for greater involvement in the exercise of penal power. Community consultation regarding released sex offenders, in varying degrees depending on the jurisdiction, is one example of this. Even so, when the external constraints it had previously been able to impose on citizens’ involvement begin to breakdown, then such gestures are frequently not enough to hold back the tide of public anger and frustration that has been released. Instead, we are likely to find sporadic outbursts of aggression and vindictiveness and the return of vigilante activities (Johnston, 1996; Girling et al., 1998). These have no reliable pattern or predictability, other than that they are likely to occur amongst those sectors of society where the state’s authority is weakest, but a rumour or newspaper headline may be enough to ignite them. In probably the most well-known and wide-ranging outburst of vigilante activities in the aftermath of the rape and murder of a young child in England in 2000, the leaders of one local group claimed to possess a self-constructed self-styled ‘list of power’ – the names and addresses of local people whom they suspected of paedophile activities and whom they were intent on hunting down. One woman who was later interviewed about her participation in these activities explained that she had

> enjoyed walking up the street with a gang of women, all shouting to get the paedophiles out. ‘I can’t help it but this is how I felt. Walking the streets with all the noise, I got a buzz out of it. I know it sounds really childish. But when I came back [home] I thought, what have I done?’ (*The Observer*, 13 August 2000: 12)

Participation in such activities seems more ‘natural’, more taken for granted, when thresholds of shame and embarrassment are lowered, thereby removing previous reticences and inhibitions against such involvement.

At the same time, policy-making has become more impulsive. Rather than the product of long-term planning and research, it is increasingly likely to be developed in response to exceptional cases that are then seen as ‘the norm’. In Britain, there were 54 new criminal justice bills between 1997 and 2006 (Garside, 2006). This has been in addition to innumerable ‘summits’, ‘initiatives’ and ‘proposals’, that have included ‘on the spot fines for louts’, ‘benefit cuts for truants’ parents and ‘on the spot fines for dropping chewing gum on the streets’ (Tonry, 2004): all of which are again indicative of the way in which the response to social problems is framed around ‘commonsense’, ‘what everybody knows’ as a matter of course rather than around research-informed expert opinion. The
way in which such initiatives are frequently targeted at the most minor crime is indicative of a habitus that now demands instant, commonsensical responses to social problems, as if these can no longer wait for more considered long-term solutions. The Home Office White Paper *Justice for All* (2002: 86) thus contains the statement that ‘the people are sick and tired of a sentencing system that does not make sense’. It argues for the need to ‘rebalance the [criminal justice] system in favour of victims, witnesses and communities’, on the basis that ‘the people of this country want a criminal justice system that works in the interests of justice’. Not only are such statements illustrative of the new configuration of penal power that directs policy, but they also reflect the taken-for-granted assumption that the interests of justice necessitate an enhanced role for victims with, again, a reduced focus on the well-being of offenders.

**Changes in modes of knowledge**

The spokesperson for the Sensible Sentencing Trust, a particularly influential law and order lobby group in New Zealand, proclaimed in 2007 that ‘We do not need academics, criminologists or psychologists to tell us the simple truth that if you reward bad behaviour you will get more of it!’ (Sensible Sentencing Rally for Safe NZ). This is symptomatic of regular claims in public discourse that this established group is ‘out of touch’, and ‘living on another planet’ (see Hough, 1996). The almost total absence of any interdependencies that previously existed between such elites and ‘ordinary people’ under the previous configuration of penal power has helped to produce these dramatic changes in modes of knowledge. The social distance that existed between the two only built up resentment and distrust. Criminal justice elites are thus now seen as responsible for rising crime because of their ineptitude, even though all the indications are that it has been falling right across Western society since the early 1990s: for example, in England, the 2010 British Crime Survey ‘revealed that offences fell by nine per cent from 10.5 million to 9.6 million in 2009–10, the lowest since at least 1981’ (*Daily Telegraph*, 15 July 2010: 1). And the same elites are associated with punishments that are too liberal, even though prison populations have been increasing: in England the rate of imprisonment increased from 88 per 100,000 of population in 1992 to 154 in 2010 (*World Prison Brief*).

The changing structure of the news media has contributed to these changes in modes of knowledge because of its preoccupation with crime and punishment issues. The media have fuelled perceptions that crime is increasing, giving added legitimacy to those law and order lobbyists who vividly draw attention to this menace, while detracting from that of academic commentators who discuss crime in a more detached, analytical fashion. The latter seem to play down its threat even though in the media, the main source of information about it for most people, it is ever-present and in need of immediate, punitive responses.
The end of civilization?

At various points, then, we can see that the contours of the civilizing process have been interrupted by these decivilizing symptoms in the Anglophone countries. However, their presence does not then act as some sort of time machine, reversing the entire course of penal development. Some of the reversals that have taken place are quite peripheral – indicative of new horizons and possibilities for punishment, perhaps, rather than cornerstone features of the penal system. Other than this, the most striking feature of contemporary penal arrangements is the enlarged presence of the prison in the Anglophone world especially to degrees that would have been unthinkable in the 1970s. But while this may reflect a reversal of those earlier political priorities aimed at reducing prison numbers, this has not been accompanied by a renaissance of punishments to the human body (outside the USA). Overall, it is more the case that the civilizing process has been rerouted rather than reversed as a consequence of the impact of these countervailing influences. At the same time, the civilizing process itself continues to produce ‘uncivilized’ consequences. The use of electronic monitoring, introduced as an efficient and humane way of reducing the prison population, can actually expand it. It leads to increasing numbers being sent back to prison, not because of further crimes but because of parole violations. Furthermore, the bureaucratic veil that has been drawn across the prison has allowed the authorities in the USA to devise ‘supermax’ prisons, institutions that provide the most extreme forms of segregation and sensory deprivation. However, it should also be noted that the retreat observed in the threshold of shame and embarrassment and the more emotive content that has been brought into criminal justice proceedings – decivilizing symptoms – has also given rise to the restorative justice movement. Here, outpourings of emotion – from both victim and offender – are actively encouraged but are designed to be used productively and reintegratively, leading to apologies, forgiveness and reconciliation (Braithwaite, 1989). It may thus be that, in just the same way that the civilizing process can lead to uncivilized consequences, so the decivilizing tendencies may have the potential to bring more civilized outcomes.

These themes are now common across much of the Anglophone world. They are, though, greatly exaggerated in the USA. Why should this be so? As Mennell (2007) has demonstrated, despite recent declines, incidents of violent crime are still higher in the USA than corresponding societies. As this type of crime usually carries more severe penalties than others, then, to some extent, this in itself will account for both the longer prison terms and the use of executions. One of the reasons for the high levels of violence in this country may relate to the way in which the central state was never really able to gain the monopolistic control of violence as was the case in Europe. As we have seen, its authority, particularly in the South, was always fragile. It may also be that, because the free market has been given greater licence here than in some European countries in the aftermath of social and economic reconstruction, interdependencies have...
been weakened. This then helps to generate deep feelings of suspicion, fear and intolerance that can be vented in plebiscites and citizens’ ‘propositions’, opportunities provided by the constitutional structure of that country for more direct citizen involvement in the policy making process at state level. Much of its groundbreaking punitive legislation – three strikes, sexual predator and community notification laws – have come about through these mechanisms rather than originating at the level of state governments and their bureaucracies (see Zimring, 1996; Domanick, 2004).

Scandinavian exceptionalism

In contrast, the Scandinavian societies have remained largely untroubled by these decivilizing trends. Whilst there have been some increases in imprisonment in this region, Finland, the previous exception to the Scandinavian penal model, has actually seen a dramatic decline in imprisonment from the 1970s, to the level where it is on a par with the other Scandinavian societies. At the same time, despite some tightening of maximum-security arrangements, prison conditions, if anything, have improved still further (Pratt, 2008). In these respects, there is now a massive gulf between Anglophone and Scandinavian societies in relation to prison levels and conditions. Yet, on the face of it, the foundations of the civilizing process have been shaken in this region as well. The high levels of mutual identification that its extreme homogeneity had provided have been eroded as immigration (to Sweden particularly) has increased. There have been stirrings from right wing populist parties across these societies (indeed the Norwegian Progress Party is the second most numerous in parliament and in 2008 was actually leading in opinion polls). Their message is based on division and exclusion: anti-immigration, secure borders, welfare for Norwegians and no one else, longer prison sentences. Equally, in Sweden, expert opinion regarding drug use and drug control – with its connotations of Eastern menace to this most advanced Western society – has been largely ignored in favour of a more common-sense ‘zero-tolerance’ policy (Tham, 2001). We also find other modifications to everyday life that are indicative of changes in manners and culture. Stockholm bus drivers do not carry cash for fear of being robbed – (passengers must buy tickets in advance to board), and there were massive public outpourings of grief in relation to the funeral of ten-year-old Engla Hoglund, which was televised in full on state television (she had been murdered by a man with a history of violent crime). One is also likely to see skinhead gangs wandering around Stockholm city centre, often threatening and harassing ethnic minorities, again indicative of previously high levels of restraint and tolerance breaking down.

It is not the case, then, that there are no discernible signs of decivilizing symptoms in such societies. As yet, however, these have made relatively little impact on penal development. For the most part, the strong Scandinavian central state authorities remain very much in place – there has been no recourse
to private prisons, for example. Furthermore, the extensive Scandinavian welfare state remains largely intact. Its guarantees of security reduce danger levels and incalculable risk. Not only does this allow these societies to remain largely inclusive, but it also encourages high levels of trust between individuals and state authorities – including the criminal justice establishment, thereby allowing it to remain in control of much of policy development. Again, there was never the wide division between experts and the public that was allowed to develop in the Anglophone world. Thus lay people sit with judges in lower courts and decide sentencing as well as guilt or innocence. Victims of crime have not been shut out of criminal justice proceedings, and then allowed to proclaim the injustice of their exclusion to the popular media as in the Anglophone countries. Instead, as soon as guilt is pronounced they receive compensation from the state, which then tries to recover this from their offender. This also means that there are no emotive ‘victim impact statements’ read to the court. As such, most of the new initiatives we see in the Anglophone penal arrangements – community payback orders, naming and shaming practices – would be quite unthinkable in the Scandinavian penal world. And in just the same way, because of the different experience and pace of the civilizing process in these two clusters of societies, Scandinavian penal practices would be equally unthinkable in the Anglophone penal world. It remains to be seen whether their respective penal routes now drift further apart, or whether they move closer together. The civilizing process itself contains no predictive capabilities, nor has any endpoint in sight.

Notes

1 See, for example, Dickens (1846), Thackeray (1901–3 [1840]).
2 The Anglophone countries are at the top end of the Western imprisonment spectrum. The USA, the highest, has a rate of imprisonment of 760 per 100,000 of population; New Zealand, third highest after Mexico, has a rate of 191; England, fifth highest after Spain, has a rate of 152. In contrast, the rates of imprisonment in the Scandinavian countries are: Denmark 63, Finland 67, Norway 70, and Sweden 74. Prison rates are taken from the World Prison Brief website of the International Centre for Prison Studies, Kings College, London University, www.kcl.ac.uk.
3 Prior to this, prisons had been used mainly in a holding capacity prior to trial, transportation or execution.
4 The rate of imprisonment in Georgia in 1970 was 258 per 100,000 of population (the rate for the USA as a whole was then 110 [Waller and Chan, 1974]).
5 The rate of imprisonment in Norway in 1970 was 37 per 100,000 of population (Waller and Chan, 1974).
7 Lynch (2005: 68) provides the following description of a supermax prison: ‘inmates are generally subjected to solitary lockdown for approximately 23 hours per day in windowless cells that allow for very little visual stimuli, where possessions are restricted and activities nearly completely eliminated, and where, by design, contact with other human beings is almost non-existent.’
8 In some jurisdictions, such as England, the police may inform teachers and other child welfare professionals. In the USA, under the provisions of Megan’s Law, these capabilities tend to be
much wider. Individual states decide what information will be made available and how it should be disseminated. Commonly included information includes the offender’s name, picture, address, incarceration date, and nature of crime. The information is often displayed on free public websites, but can be published in newspapers, distributed in pamphlets, or through various other means.

9 On the decline of the Finnish prison population, see Lappi-Seppälä (2000).

10 Immigration has been at such a level that one in ten Swedes have now been born outside Sweden (Rooth and Ekberg, 2003).

11 In contrast, Fleisher (1967: 170) wrote that in Sweden, ‘the appreciation of restraint, a certain aloofness, and the disapproval of displays of emotion play a vital part in forming the general outlook toward violence.’

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