Mass supervision, misrecognition and the 'Malopticon'

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Abstract

This paper aims to contribute to debates about 'mass supervision' by exploring its penal character as a lived experience. It begins with a review of recent studies that have used ethnographic methods to explore how supervision is experienced before describing the two projects ('Supervisible' and 'Mass Supervision: Seen and Heard') on which the paper draws, explaining these as an attempt to generate a 'counter-visual criminology' of mass supervision. I then describe two encounters with 'Teejay'; encounters in which we explored his experiences of supervision firstly through photography and then through song-writing. Both media are presented alongside Teejay's commentary on what he sought to convey, inviting the reader to engage with and interpret the pictures and song. In the concluding discussion, I offer my own analysis, arguing that Teejay's representations suggest a need to recognise mass supervision as 'Maloptical' as much as 'Panoptical'. Through the 'Malopticon', the penal subject is seen badly, is seen *as* bad and is projected and represented as bad. Experiences of misrecognition and misrepresentation constitute significant yet poorly understood pains of supervisory punishment. The paper concludes by suggesting several ways in which a counter-visual criminology might follow Teejay's lead in exposing and challenging of mass supervision.

Key words

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Introduction

This paper aims to contribute to important contemporary debates about the emergence of 'mass supervision' (McNeill, 2013; McNeill and Beyens, 2013; Robinson, McNeill and Maruna, 2013), 'mass probation' or 'mass penal control' (Phelps, 2013; 2017a). Even in the world-leader in mass incarceration, the number of people subject to probation or parole far exceeds the number imprisoned; of the 6,741,400 people under some form of penal control at yearend 2015 in the USA, 4,650,900 were being supervised in the community (Kaeble and Glaze, 2016). To place this in some historical context, the *total* population under penal control in 1980 was less than 2 million (Glaze, 2010).

In the very different jurisdiction in which this paper is based (Scotland), similar trends are apparent, albeit on a very different scale. In Scotland, in 2013-14, 20,400 new community sentences commenced alongside a further 2,000 new cases of statutory post-release supervision[2]. In the same period, the average daily prison population was 7,675[3]. That suggests a total population under penal control of over 30,000 people. In 1980, that figure was less than 8,000, with the Scottish courts making less than 3,000 probation orders and the average daily prison population standing at under 5,000. Similar penal trends are apparent in many other European jurisdictions. Aebi, Delgrande and Marguet, (2015) suggest that the expansion of these forms of sanction has led to widening of the net, sweeping more European citizens into diversifying forms of penal control.

Behind these numbers, there are people. This paper's central purpose is not to analyse the reasons for the emergence of 'mass supervision' but to deepen our understanding of how people experience its *penal character*. More specifically, in pursuit of depth rather than breadth, I focus mainly on how one man ('Teejay') chose to represent his experiences of supervision in photography and in song.

In the first part of the paper, I offer some broader context for Teejay's representations by reviewing the findings of other recent ethnographic research exploring supervision mainly in the UK and the USA. In the next section, I discuss the wider research and knowledge exchange projects (respectively 'Supervisible' and 'Mass Supervision: Seen and Heard') through which Teejay's creative representations of supervision were produced. These projects are analysed as an attempt to develop a 'counter-visual criminology' (Schept, 2014) of mass supervision.

The third part of the paper adopts an explicitly emic approach, seeking to present Teejay's visual representations of supervision and to report how Teejay (and two other supervisees) made sense of his pictures. I then go on to describe the process by which Teejay and I collaborated in writing a song inspired by other photographs representing different people's experiences of supervision.

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[2] See http://www.gov.scot/Resource/0051/00514220.pdf , accessed 8th May 2017.
[3] See http://www.scotsman.com/news/scotland-s-prison-population-falls-to-10-year-low-1-4269482, accessed 8th May 2017.

In the concluding discussion, I offer my own analysis of what the pictures and the song reveal about the penal character of mass supervision. I argue that while ethnographic studies like those reviewed in this paper have contributed much to our understanding of the penal character of 'mass supervision', Teejay's representations push us a little further, suggesting a need to recognise 'mass supervision' as 'Maloptical' as much as 'Panoptical'. The 'Malopticon' is intended as a metaphorical penal apparatus or process through which the subject is seen badly, is seen *as* bad and is projected and represented as bad. As such, it produces experiences of misrecognition and misrepresentation that constitute significant yet poorly understood pains of supervisory punishment; pains that rely neither on an architecture of confinement nor on continuous surveillance to produce their effects. Ironically, the pains of *super*-vision might be as much about being *distorted and degraded*, as they are about being *disciplined*. The paper ends by discussing why and how a counter-visual criminology of mass supervision must seek to challenge the Malopticon's dispersal of degradation.

Supervision: Discipline, control and domination

The notion of disciplinary power has been central to explaining the evolution of probation and parole (see Cohen, 1985; Garland, 1985; Simon, 1993). *Discipline*, in Foucault's (1977) classic *Discipline and Punish*, is a translation of the French *surveiller*. Though this has no direct English translation, it connotes terms like surveillance, observation and supervision; methods of mastering or training the human body, not via the use of force or constraint but by influencing or training 'the soul'. For Foucault, the prison is a case study of discipline: an institution evolved to deliver these 'gentler forms of control'. Here, disciplinary power is exercised through the principles of individualisation and constant visibility famously characterised by Bentham's eighteenth century 'Panopticon' prison design. These twin principles work together to create 'normalised', docile subjects who habitually behave in the required manner.

The ways in which these disciplinary mechanisms have evolved or been supplanted in late-modern societies is, of course, a matter of much debate. Deleuze (1990) in particular has drawn attention to the shift from disciplinary societies to 'societies of control' in which:

> 'the different control mechanisms are inseparable variations, forming a system of variable geometry the language of which is numerical… [Disciplinary] Enclosures are *molds*, distinct castings, but controls are a *modulation*, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point' (Deleuze, 1990: 4, emphases in original).

Both Deleuze's (1990) invocation of these more fluid, shifting and interminable forms of control, and of his analysis of how they operate on 'dividuals' (as units of a mass that is to be controlled, rather than as individualized subjects of discipline) in many ways seem consistent with contemporary accounts of penal control. In relation to imprisonment, for example, drawing on earlier work by Downes (1988) and King and McDermott (1995), Crewe (2011) has distinguished

between the depth, weight and tightness of imprisonment. Depth refers to degree of physical security to which one is subject and to the distance from release and from the outside world that this implies, represents and constitutes. Weight refers to the psychological burdens of imprisonment; to how heavily it bears down upon prisoners. Tightness is the dimension that Crewe adds:

> 'The term 'tightness' captures the feelings of tension and anxiety generated by uncertainty (Freeman and Seymour, 2010), and the sense of not knowing which way to move, for fear of getting things wrong. It conveys the way that power operates both closely and anonymously, working like an invisible harness on the self. It is all-encompassing and invasive, in that it promotes the self-regulation of all aspects of conduct, addressing both the psyche and the body' (Crewe, 2011: 522).

In Crewe's analysis then, tightness relates to the pains of indeterminacy, of psychological assessment and of self-government that have become apparent in modern prisons (especially for those serving longer sentences). The concept of tightness resonates clearly with both Foucauldian discipline and Deleuzian control; it describes the psychological straitjacket created by correctional regimes – one which, paradoxically, must be continuously woven and re-woven, and worn on the inside if 'freedom' is to be secured. Crewe (2011) himself prefers Weber's metaphor of the 'shell as hard as steel' created by the bureaucratic machinery of corrections; something other than us that confines us and, in so doing, becomes part of us. As such, it has a certain degree of malleability and permits its wearer some motility, but it travels with him or her. As Crewe elaborates:

> 'The shell of soft power is similar. At best, the prisoner can jettison some of its psychological weight, but he or she cannot simply detach it. The shell also represents the identity that the institution assigns to the prisoner, which has to be carried for the remainder of the sentence' (Crewe, 2011: 523).

Crewe (2011) alludes briefly to the 'tightening' nature of supervision in the community. The shell of soft power may need to be carried long after the custodial part of the sentence; at least through the licence period, if recall to prison is to be avoided. As we will see below, in Teejay's case, as a life-licence parolee, the shell can never be shed; for him penal control is legally and literally interminable.

In somewhat similar vein, several excellent recent ethnographic explorations of reentry and supervision in the community have begun to paint a more complex and fine-grained picture of the penal character of these experiences, particularly in the UK and the USA. Many of these studies, like Crewe's, have begun to examine (directly and indirectly) the pains of rehabilitation in its current risk-focused guise (see Shammas 2014, for a related analysis from a quite different jurisdiction). The late-modern penal subject is, it seems, compelled not just to internalize the 'shell as hard as steel' but to *display* how it has re-fashioned his or her riskiness; thus *performing* the

internalised containment of risk. Official recognition and endorsement of this performance is key to progression, release *and* then also to the maintenance of the supervisee's semi-freedom.

For example, Lacombe's (2008) ethnographic study of an English prison-based sex offender program reveals the ways in which risk-based rehabilitation invites people serving time for sex offences to contort their perceptions *and* presentations of self in line with the requirements of the particular programme to which they are subject. Digard's (2010, 2014) English study of the experiences of post-release supervision for people convicted of sexual offences makes clear that these performances must continue long after release; the failure to perform results in the system biting back in ways that are often experienced as illegitimate and procedurally unfair, for example, through recall to custody or the imposition of further conditions on licenses.

Cox's (2011, 2013) ethnographic study of young people (between the ages and 15 and 24, and mainly from minority ethnic communities) involved with the juvenile and adult justice systems of an Eastern American state tells a similar story. In a paper that vividly describes the dilemmas that the young people face in participating in treatment programs, Cox reaches this conclusion:

> '…young people's aspirations for wholeness may result in their domination by the behavioural change practices which are said to liberate them. This form of domination encourages them to *express* self-discipline and control, yet provides them with few opportunities for an *exercise* of such forms of control… This expression of domination is ironic: it takes place in contexts where young people actually possess few opportunities for social mobility, and thus their enactment of domination over others can cause their further enmeshment in institutions of social control' (Cox, 2011: 604, emphases in original).

Cox's references to 'domination', and her painstaking analysis of the ironies of being required to perform 'agency' in the context of overwhelming structural constraints, perhaps invoke Bourdieusian notions of symbolic violence (see Morgan and Thapar Björkert, 2006) as much as Foucauldian disciplinary power.

In similar vein, Miller reveals how responsibility for eliciting these performances of personal transformation is devolved beyond the penal state's agents (prison, probation and parole officers). Miller's (2014) fascinating ethnography of the reentry experiences of men (most of whom identified as African-American) in Chicago's west side shows how:

> 'Reentry organizations, while not acknowledging this, engage in a logic in which former prisoners 'prove' their submission to a program of personal transformation by (1) completing programs designed to broker within them an ethic of transformation; and (2) sharing in treatment groups the kinds of struggles on which they are working. Thus, a changed life is one of constant (re) evaluation, (re) discovery, and above all consistent progress toward the moving target of personal transformation. Unwillingness to

transform is disciplined by service providers who facilitate reentry programs, and by former prisoners participating in these groups themselves' (Miller, 2014: 325).

Thus – heaping irony on irony -- rehabilitation and reentry are devolved from the professionalized institutions of the penal state (principally prisons and parole agencies) to the para-professionalized resources of low income communities themselves. The reentry organizations in these communities work on and with what they can; they work on and with the ex-prisoners who come to them. The consequence is that the socio-structural dynamics of rehabilitation, reentry and reintegration are neglected. Rehabilitation here can only be a personal project of transformation, not a social one.

Werth's (2011, 2012, 2013) exploration of the experiences of parolees in California also produces broadly similar findings, but sheds light on how the parolees resist and subvert their domination and subjugation. In a recent chapter, Werth (2016) argues that many of the parolees were committed to 'straightening [themselves] out', but on their own terms – rejecting externally imposed demands to remake themselves on the system's terms and in its image. Werth interprets this as a form of resistance to the 'logic' of parole, one that assumes its subjects lack the capacity to manage themselves and their lives ethically. Their rule-breaking is thus cast as a form of resistance to what they perceive as the excessive and punitive regulation of their lives; an assertion of autonomy in determining how to live well or how to be 'straight'. Yet, as Werth notes, even this resistance remains vulnerable and subordinate to penal power (via revocation). It also reveals, in some senses, the internalization of discipline through the operation of 'power-at-a-distance'. Despite resisting the (parole-imposed) terms of their re-making, the parolees accept the need for their re-making, suggesting the ways in which such subjectivities may be engendered by penal power.

Durnescu (2011) has specifically explored the 'pains of probation' as reported in interviews with probationers in Romania. Alongside deprivations of time and the other practical and financial costs of compliance, and limitations on their autonomy and privacy, probationers also reported the pain of the 'forced return to the offence' and the pain of a life lived 'under a constant threat'. The threat in question in Durnescu's (2011) study was that of breach or revocation and with it further punishment. Hayes (2015) careful recent study of the pains of probation supervision in England, drawing on interviews with a small number of supervisees and supervisors, similarly reveals six sets of related pains: pains of rehabilitation, of liberty deprivation, of welfare issues and of external agency interventions, as well as process pains and pains associated with stigma. Some of these pains were intensified, some reduced and some unaffected by the supervisory relationship. Hayes (2015: 99-100) concludes that '…whether at the level of policy or of individual practise, we must recognise supervised community penalties as systems of 'pain delivery', however benevolent the intention.'

Developing a visual criminology of supervision

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Both projects on which this paper draws were undertaken under the auspices of the EU COST Action IS1106 on Offender Supervision in Europe[4]. The 'Action' was a research network spanning 23 European countries which ran between 2012-16. It aimed to address the relative invisibility of supervision in academic, policy and public debate by developing new methods and building new capacity for researching supervision in comparative context. One of the Action's four working groups was focused specifically on reviewing existing research on 'experiencing supervision' (Durnescu, Enengl and Grafl, 2013) and on piloting new methods for studies in this area.

In the 'Supervisible' pilot research study we aimed to use visual methods to enable people in England, Germany and Scotland to represent and discuss their thoughts and feelings about being supervised. Towards the end of the Action, we also developed a project called 'Mass Supervision: Seen and Heard'[5]. As the name suggests, Seen and Heard had two components, visual and auditory. With respect to the visual, we collaborated with an artist, Carolyne Kardia, to curate an exhibition of photographs from the Supervisible project and from its sister pilot project 'Picturing Probation' (which involved supervisors in taking photographs to represent their work; see Worrall, Carr, and Robinson, 2017). With respect to the auditory, we collaborated with Vox Liminis, a Scottish arts organisation, in running a song-writing workshop in Glasgow where supervisees, supervisors and others worked with professional musicians to write songs inspired by some of the pictures selected for the exhibition. At our final conference in Brussels in March 2016 (and at a series of other events), we exhibited the images and some of the songs were performed live. Vox Liminis also released an EP featuring some of the songs. We continue to use the pictures and songs in academic, professional and public events. Although Seen and Heard was initially seen as a 'knowledge exchange' (or dissemination) project rather than as (more) research, it produced significant further evidence and learning about the penal character of supervision. Teejay was the only supervisee to participate in both projects. Since we secured fully informed consent to record both the processes and the outcomes of the songwriting workshop, and to put the songs into the public domain (with anonymity protected, where requested), it seems reasonable to include discussion of both his photographs and his song in this paper.

Seen now within the context of wider debates about the development and potential of 'visual criminology' (Brown, 2014; Brown and Carrabine, 2017), we were seeking to develop ways of challenging a fundamental misrepresentation of punishment; the centring of our penal imaginations in and on the prison. In particular, we wanted to challenge the (relative) *invisibility* of supervision both in academic discussion of the relationships between 'Punishment and Society' (Robinson, 2016) and in public debate. As Brown and Carrabine (2017) note:

> 'Criminological and criminal justice optics are incredibly powerful in the ways in which
> they facilitate practices of seeing and not seeing, practices that have the ability to render

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[4] For more information see www.offendersupervision.eu (accessed 10th August 2017).
[5] Pictures from the exhibition are available here: http://www.offendersupervision.eu/supervisible (accessed 28th November 2017) and materials related to the song-writing workshop and the resultant EP can be found here: http://www.voxliminis.co.uk/seen-and-heard/ (accessed 28th November, 2017).

people, harm and control visible and invisible, apparent or disappeared… Counter-visuality, then, is about the deployment of a politics of visibility for change and transformation' (Brown and Carrabine, 2017: 6).

In broad terms, the COST Action was in this sense a 'counter-visual' criminological project (even if we did not use the term at the time). The public criminological dimension was expressed most directly in the development of the Seen and Heard project which also reflected our preference for an 'emic' approach focusing on how people within a culture (or in this case an institutionalised form of punishment) themselves see and represent it. Our counter-visual intention was to bring these visual representations directly into academic, professional and public conversations.

Rather than offering our own 'etic' or outsider interpretations of other people's experiences of supervision, we wanted to exploit the 'polysemic character' of pictures as an engaging and vivid way to invite meaning-making with and from both their 'authors' and their 'readers'. This approach also reflected our intention to treat participants as 'knowledgeable informants' and partners in the process, not as mere producers of objects that we claimed the authority to interpret (see Pauwels, 2017).

In keeping with this philosophy, in the next two sections, while I have written myself into the narrative of the pictures and the song, I have deliberately kept my own commentary both brief and tentative. After all, one of the most important qualities of creative representations of human experience is their ambiguous, open texture; their resistance of closure; they invite the viewer to make their own sense of what they see and hear. In this context, leaving space for that sense-making seems crucial, since it is in and through that process that the viewer-reader is invited to identify with Teejay's experience; even to feel it or be affected by it. If interpretation and sense-making create an affective connection between the image's 'author' and its 'reader', then these images do more than making supervision visible (even if only in metaphors); they make aspects of the experience 'feel-able'. The same can perhaps be said of the song.

There is no intention here to make any claims about the generalizability of Teejay's experiences to other subjects of mass supervision. The focus here is deliberately on one person's experience; and that experience lies at the extreme end of a continuum of diverse forms of supervisory punishment (at least in its duration, if not in its requirements). That said, as we will see, discussion of Teejay's pictures with other subjects of quite different forms of supervision, the remarkable commonalities across the three sites (England, Germany and Scotland) in the wider Supervisible project (see Fitzgibbon, Graebsch and McNeill, 2017), and the resonances that are apparent with some of the studies discussed above, suggest that some forms of analytical generalizability may apply.

The style in which the next part of the paper is written aims, as far as possible, to bring both the workshop processes and Teejay (as the creator of these pictures and co-creator of the song) -- alive for the reader. This is intended to help the reader put both the pictures and the song in some context.

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Teejay, supervision and photography

I first met Teejay through a Scottish organisation of and for people with convictions called 'Positive Prison? Positive Futures…'[6]. I had helped to establish the organisation a few years previously and served on its Board of Trustees. When looking for people with experience of being under criminal justice supervision to take part in the Supervisible project, it was an obvious and easy thing to ask them to put out the call through their networks. Teejay had been volunteering with the organisation and enjoying the peer support it provided, but we had had little or no direct contact.

When he arrived to take part in the photography workshop in March 2015 (the process of which is explained below), I was struck by how weathered and wizened he seemed. Teejay is a small and wiry man, grey and balding and with sunken cheeks, but his eyes are bright and brim with intelligence (and sometimes a little mischief). He is middle-aged – maybe in his mid-50s. He seems to embody a shrewd and sinewy resilience, born of hard and long experience. Though Teejay is a born sceptic, he is also friendly and easy company.

Teejay was the least gregarious of the three people with lived experience of different forms of supervision who took part in one of two Scottish workshops (for more details, see Ftizgibbon, Graebsch and McNeill, 2017; McNeill, 2017). Both Scottish workshops we co-convened by me along with Jenny Wicks – an artist and photographer. Firstly, I explained the process: The participants would spend about 90 minutes on their own taking pictures with disposable cameras and then we would eat lunch together while the photos were developed. Afterwards, we would collect the pictures and review and discuss the images together. Jenny provided a brief input on different approaches to photography and on the basics of photographic composition. Other than the request to take pictures that represented their experiences of supervision, our only stipulation (for ethical reasons) was that none of the images should include identifiable images of people. The other two people in the workshop with Teejay were a young women who had recently completed a period of probation supervision, and a middle-aged man still subject to probation supervision.

Teejay spent the rest of the morning out and about taking his photos but unexpectedly had to leave the workshop early. This created two accidental opportunities. Firstly, it gave me the chance, a week or so later, to deliver his developed photographs and to speak to him about them one-to-one. Secondly, it required the rest of us in the workshop to try to make sense of his pictures in his absence.

My relatively brief conversation with Teejay focused simply on his photos and on what they meant to and for him, but naturally some elements of his biography emerged as we talked. Teejay had served the custodial part of a life sentence and is now under parole supervision on 'life

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[6] See: https://www.positiveprison.org, accessed 10th August 2017.

licence'. He has been out of prison and out of trouble for a long time; long enough to no longer be required to meet with a criminal justice social worker[7] – that is, over 10 years – but he had not applied to have this requirement lifted. He said it made no difference to him whether he had to see a social worker or not. Like all lifers, Teejay remains liable to recall to custody for the rest of his life, in the event of further offending or any other technical breach of his release licence's conditions.

Many of Teejay's photographs were deeply evocative for me and for the other people who took part in the workshop. Below, I reproduce some of these images and related excerpts of my conversation with Teejay, as well as referring to the interpretations of these pictures by other workshop members.

Figure 1

Teejay: 'You don't know where you exactly stand… Is that a welcoming, is it welcoming you or is it shutting you out? Is your cup half empty or half full? That to me… it's not welcoming but it's not really saying that you're not getting in.'

Figure One is a picture of the gates of the Botanic Gardens in the west end of Glasgow. The gates cast a long shadow towards the camera and the viewer; because the picture is shot into the sun, it is hard to pick out the detail of what lies beyond the gates. Although other participants in the workshop wondered whether this was a positive image, perhaps reflecting an open door to a new beginning, we also noted that the gate is only *half*-open. As the quote above suggests, the picture is intended to convey Teejay's sense of the liminality of his social position and status as a citizen. To be under supervision for him is to be in an insecure, equivocal and ambiguous position; half in and half out of the community and the polity. As a life licensee, Teejay's social position has been rendered liminal in perpetuity; he will never be fully 'in' and he will remain perennially vulnerable to being taken 'out'.

Figure 2

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[7] In Scotland, criminal justice social workers fulfil the functions of probation and parole staff in other jurisdictions.

Teejay: I've had social workers and that's where that wee thing comes in. It's just endless. It's going through one bench to the next, to the next, to the next on a life licence.
Fergus: …So the benches represent?
Teejay: …It's just an endless row of people coming through the system, same thing. Where it's… there'll always be people in jails so there are always going to be people waiting to join the queue to wait to see a social worker or whoever it is they'll see.

The picture is of a seemingly endless regression of park benches on a path through the Botanic Gardens. For the participants in the workshop, this picture was also ambiguous. Both other supervisees saw in it a clear sense of direction and progression, albeit on a long road. The benches might be a place of rest and respite on that journey. But as he makes clear above, for Teejay the regression of identical park benches into the distance represents something more bleak; the uniform, routine and endless reproduction of criminal justice 'clients' and processes. In some respects, it may be that this reflects Teejay's much longer (and now endless) experience of supervision (compared to the other two participants); the benches could also be taken to represent the succession of uniform, standard-issue social workers by whom he has been supervised. Referring to another picture -- a blurry image of a clock -- Teejay mused on the difficulty he had in comprehending the endlessness of supervision. It may have been easier for the other two workshop participants – both of whom had experience of shorter-term probation-type supervision – to see the image above as representing a meaningful journey with a positive destination.

Figures 3 and 4

Fergus: Okay, the yellow line on the drain, what's this?

Teejay: It's everything's just gone down there. You're saying under… look, I don't blame social workers. There are good social workers, so I'm not blaming individuals. I'm blaming the restrictions that they're coming under. The bureaucracy, the red tape, the mandates, the guidelines, all them they've got to follow. I've had a social worker and my last social worker was a diamond. She was brilliant… do you know what I mean? …when I met her, there were changes because she was more humane. She was more understanding. She took on my personal issues. She was genuine with it. So, I'm not saying they're all bad but that's just… if you do… if you come out and you're under all this you're not seeing; it's like this one [indicating the second picture above]: it's all one way.

Fergus: Yes, the one-way street sign.

Teejay: It's their way or no way, do you know what I mean, and it's not as if they want to make it their way. They make it their way because that's the way it's stipulated and the guidelines that they've got to follow.

Figure Three pictures a drain covering on a road, intersecting a yellow line (which in Scotland marks a parking restriction) and Figure Four shows a road sign indicating that traffic should only travel one-way. Teejay's representation of uniformity (of criminal justice clients *and* of their processing by the system) is both qualified and developed in his discussion of these images. Elsewhere in our conversation, he discussed his sense that his supervision was pointless and purposeless; since he thought it obvious by now that he posed no risk to anyone, he saw his continuing supervision as a waste of resources. Being supervised in a more humane way – by a social worker who was better than most in his experience – may have ameliorated some of the pains of this situation. However, for Teejay, even a good social worker is a cog in a wasteful machine, compelled to channel disciplinary processes (reflected in the road markings and road signs) to which they are also themselves subject. By contrast, for the other workshop participants, the image of the gutter reflected not systemic wastage, but rather the sense that parts of their lives had been wasted or gone down the drain; or that they needed to recycle themselves. For one of them at least, the period of supervision had been a life-changing opportunity to do that recycling, even if the quality of support she received had been uneven.

Figure 5

> *Teejay: 'The wee tree in the cage is sort of being restricted to where it can go without a cage, a kind of obstacle round it. So it's still got the walls but it's not got its freedom. It's confined within its areas… because it is… it's restricted and that. If you look at that [other tree] behind it, there's nothing round that. That's a free tree, do you know what I mean? That's going where it's meant to go.'*

Figure Five shows a tree sapling or a bush surrounded by a protective mesh cylinder. The sapling is growing crookedly. In the background, there is a small tree growing straight, without any protection. For Teejay, this picture reflects upon and represents the damaging and distorting effects even of something intended as a protective mechanism. Here, constraint has inhibited growth and produced deviance rather than preventing it. Other workshop participants similarly noted that supervision provides structure and support but also constraint; as one said, 'it gives you boundaries, it gives you barriers'. One also considered this an image reflective of the effects of institutionalisation.

Figure 6

> *Teejay: 'It's all there, everything's there. Freedom, nothing there. You are who you are. You're free. You can be a wee bird up there, Fergus. You can go wherever you want.'*

Figure Six is a picture of a clouded sky, framed by the upper floors of a tenement block. The almost indistinguishable dots against the clouds might be birds flying very high. Here, Teejay seems to express his yearning for an unsupervised life – to be like a bird flying free.

Taken together, these images in turn convey the liminality and insecurity of Teejay's social position and status, the wearisome nature of endless and wasteful penal processing, the distorting effects of protective constraint and, ultimately, a yearning for freedom from these processes. Teejay's comments throughout this first discussion and, as we will see in the next section, at our

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second meeting, suggested not so much concern with the practical constraints that supervision imposes as with what it *says* about and to him.

Teejay, supervision and songwriting

In February 2016, almost a year after the photography workshop had taken place, Teejay and I met again when we took part in a two-day song-writing workshop. The workshop brought together former or current supervisees, supervisors, supervision researchers and a radio producer to work with professional musicians to write original songs reflecting on supervision. It took place in a city centre bar and music venue; one that opened only in the evenings, and so was ours to use during the two days. A narrow unit built over several levels and with many nooks and crannies, its exposed brickwork and Spartan décor attempted a contemporary urban chic. It also meant that the space was cold on a typically dreary Glasgow winter morning. As we all grabbed coffees and teas and introduced ourselves, I was glad to see Teejay. We hadn't met since the photography workshop, but we were pleased to see one another and quick to catch up. Like most of the 16 participants, Teejay had never written a song before and was both curious and a little nervous about doing so.

The musicians leading the workshop began, after the usual round of introductions, by performing (unplugged) a few songs written in previous 'Vox [song-writing] sessions' in prisons. In the process, they revealed their gifts as interpreter-performers and provided impressive and moving examples of what might be achieved in the next couple of days. In my previous experiences of similar sessions, I had noted how these strikingly vulnerable and beautiful unplugged performances seemed to create a particular 'affective atmosphere' (Anderson, 2009); one in which people become willing to risk both emotionality and creativity and to recognise and support one another in taking these risks.

I briefly explained supervision as the theme of the workshop – making the links to the Supervisible project's aspiration to explore people's thoughts and feelings about supervision through photography -- but making clear that the participants could interpret the theme in any way and write about whatever they wished. With the organisers, I had selected and hung 12 images from the Supervisible project and its sister project 'Picturing Probation' (Worrall, Carr, and Robinson, 2017). The images were selected simply because we (the organisers) found them evocative, powerful or confusing; drawing on our experience of previous Vox sessions, we had some sense of the sorts of images that might best elicit creative responses.

The participants were invited to pair up, and then to look at and discuss the images, noting any words or phrases that they conjured up on the flipchart paper on which the pictures were hung. This is a common technique using in Vox sessions to generate words and phrases that might help participants create song titles or lyrics, as well as helping them think about the session theme. Teejay and I paired up and set about this task. Once again, as in the photography workshop, I was impressed and entertained by his quick-witted reactions, but also by his eye for a metaphor,

and then by his ability to craft narrative connections across images. Because the workshop was over-subscribed, and because I had some previous experience of songwriting in similar workshops, my role changed unexpectedly from that of participant (writing about my own experiences) to facilitator/co-creator of a song based mainly on Teejay's experiences and on his reaction to the photos displayed.

Figure 7: Untitled by Jack Clements

On one of the walls, we had hung four pictures side by side. One pictured a digital clock at midnight: 0:00. Another showed a woman probation officer sitting at the far side of a desk, staring absently past the camera and, it might be assumed, towards an off-camera supervisee. A third image showed the closed sliding glass doors of a probation office. The fourth showed a children's climbing frame and the shadows cast by it and by the two adults atop it. This last image is reproduced in Figure Seven (above).

Teejay immediately connected these four images, crafting a story of supervision from them. Many of the themes found in his photographs recurred in this simple story: The clock signified the supervisee being required to start over yet again, without much hope of success. In the probation officer, Teejay thought he recognised the blank face of bureaucratic indifference; the kind of weary disinterest that would elicit, he expected, an equally weary and disinterested response from the supervisee. The failure of these two people to connect and engage would inevitably result in breach or revocation. Teejay saw the sliding doors as the entrance to the prison to which the supervisee would be returned. The climbing frame represented a spider's web binding *both* the humans it confined: the (higher) supervisor and the (lower) supervisee. As he said to me: 'The criminal justice system is like a spider's web. The more you struggle, the more tightly it grips you'.

From these initial observations, we worked first independently and then together to write lyrics. Teejay provided the song's narrative structure and all of its metaphorical allusions. My role was limited to tidying up metre and rhyme, with minimal contributions to the formation of the ideas and words themselves. When it came to putting the words to music, Teejay played me a song from his mobile phone; I can't recall the artist or the song, but I remember that we described it as a sort of 'rising lament', and so that was the sort of music that I tried to write to accompany his words. Over the course of several hours we settled on chords and a melody. On the second day,

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we rehearsed and eventually recorded the song together, as well as checking in with the other participants.

The lyrics of the song 'Blankface' are reproduced below, but before discussing it further, I suggest readers listen to it. Songs are better heard than read; this one can be played freely here: https://voxliminis.bandcamp.com/album/seen-and-heard-ep, in a version recorded later by one of the musicians that led the workshop, Louis Abbott. Intriguingly, although this is essentially a post hoc cover version of the song, Louis's interpretation and performance of the song comes closer to conveying Teejay's meaning than he and I were (musically) able to.

Blankface

The clock spins, zero hour begins
This is the end, the end again
Here sits Blankface and she spins my tale
I've stopped listening now I know that I'll fail

Tick by tick and line by line
Thread by thread now you weave mine
A web of shadows, a silk spun tomb
A windowless room, windowless room

Sliding doors open and they welcome me in
This is the place, the place we pay for sin
These four seasons they reflect in glass
Trapped in a jar here where the time will not pass

Tick by tick and line by line
Thread by thread now you weave mine
A web of shadows, a silk spun tomb
A windowless room, windowless room

One day ending, a new day begins
Tick says 'he'll do it', again and again and again
You see what you want but I know it's not real
Anyone out there who can feel what I feel?

Working through this writing, rehearsing and recording process provided an opportunity for me to learn more about Teejay's experiences of supervision and my own (both as a researcher and as a former criminal justice social worker). Unlike more conventional forms of research like interviewing, we learned not by questioning one another directly but in our collaborative

consideration of how and where these experiences fitted into or informed the narrative we wanted to convey. For example, Teejay talked about how he recognised 'Blankface's' expression, having seen it many times across the interview room desk; and how he had mirrored that expression back to countless supervisors in the past, perhaps invoking Figure Two above. In forming the song's chorus, we spoke about how it feels to have your (his)story 'spun' by a supervisor 'tick by tick'-ing boxes to complete forms, and how shrunken and drained (like the desiccated prey of a spider) this can make a person feel.

Teejay's weariness with a life lived under supervision surfaced in the final verse, just as it does in some of the photographs above. As in the discussion of those images, this weariness seemed to be less about the requirements and intrusions of submitting to supervision – after all, he could have applied to have the requirement to meet with a social worker lifted. I have struggled for some time to understand why Teejay couldn't see the point in making that application. Now, I think I understand that Teejay's weariness was not about being supervised; it was about *still* being construed as a subject *requiring* supervision, a construction he rejects in the penultimate line: 'You see what you want, but I know it's not real'.

The pain that he articulates in the song then is not primarily the pain of being surveilled and disciplined, it is the pain of being relentlessly ('tick by tick', but now in the sense of time passing) *misrecognised* as someone who (still) needs to be surveilled. As Teejay had asked in our brief meeting to discuss his photographs: 'You see me [as I am] coming across to you? Am I a risk in any way that you see?' What Teejay most wanted was to be recognised and trusted as a person worthy of unsupervised freedom.

Discussion: Misrecognition and degradation in the Malopticon

In different ways, Teejay's representations of his experiences of supervision invoke the themes in many of the ethnographic studies discussed above. Broadly, his experience seems to have most in common with the parolees in Werth's study; perhaps partly because of the similarities in the terms of their involvement with criminal justice; that is, as people who have progressed beyond release but not to freedom. However, unlike Werth's participants, Teejay didn't present as someone actively engaged in a struggle with the system's *disciplinary* power; from his perspective, personal transformation had already happened by his own effort and on his own terms, years before. The problem was that the penal system refused to acknowledge this, denying him dominion over his own life. Despite this, Teejay had not internalised, accepted or been subjugated by the system's logic. He was highly reflective about his situation and both dismissive and critical of it. In formal terms, he did what he had to do; he complied. But in his pictures and in 'Blankface', he actively disputes and contests the legitimacy of his continuing misrecognition as a subject in need of supervision.

Although it would be foolish to over-generalise from Teejay's experience, placing it in the context of the other studies reported above suggests that *both* the symbolic and the material aspects of

being gripped tightly by the penal state's processes and agents hurt penal subjects in significant ways. Indeed, it is notable that, in the Supervisible project more generally, 'judgment' was a very prominent theme in the pictures from all three jurisdictions. To give just one further example of this theme (from Fitzgibbon, Graebsch and McNeill, 2017), a German supervisee living under supervision (in a kind of halfway house) shared a picture of a chest of drawers with the lowest drawer open. In explaining this picture's intended meaning, he referred to the German term 'Schubladendenken' (literally: drawer thinking); a compartmentalized and stereotyped way of thinking that might be translated as 'pigeonholing'.

> 'Each time I see my probation officer – they have these predefined questionnaires, these ones they use. […] And I am, for instance, I am in the drawer [*figurative for: category*] "without social contacts", "without work".'

He illustrated this giving an example of his probation officer reacting to the news that the supervisee had lost his job:

> 'He didn't ask me how I felt in this moment without work. All he was concerned about was that when [it] all goes wrong for me that I could ricochet [*figuratively: reoffend*]. […] Another stabilizing factor has disappeared.'

For this German supervisee, as for Teejay in Scotland, the penal apparatus of mass supervision in and through which they suffer might be conceptualised better as a 'Malopticon' than as a Panopticon. The evidence in this paper points to pains associated with the *persistence* of supervision and of its *constructions* of its subjects, rather than with its *penetration* into their 'souls' or psyches. These are pains associated as much with civic degradation as with penal discipline. So long as a person is under supervision, he or she is constructed as untrustworthy; as unworthy of dominion.

In the Malopticon, penal subjects suffer not hyper- or super-visibility; rather, they suffer the pain of *not* being seen; at least not as they would recognise themselves. In Teejay's imagination, Blankface sees him as just another supervisee; as just another bundle of risk factors; as just another prospective failure – and he sees her as just another penal apparatchik; just another time-serving pen pusher. The Blankfaced officers of the Malopticon stare *at* the supervisee, but they do not see *him or her* at all; their gaze fails to individualise him or to discern him. But not only is the subject of the Malopticon seen badly; he is she is seen *as* bad. If that badness is no longer cast primarily in terms of moral disapprobation, then it is cast as the risk-based calculation that he or she is, above all else, a bad bet. Worse still, the Malopticon projects this dubious assessment – socially and temporally: 'Tick says he'll do it, again and again'. Merely by virtue of its insistence on supervising them, the Malopticon represents and projects its subjects as untrustworthy. So, while in its rhetoric it sometimes calls for their reintegration and re-entry, it simultaneously undermines confidence in their redeemability by perennially misrecognising and discrediting them. When they resist, the Malopticon uses this as 'evidence' to confirm the veracity of its constructions, tightening its grip on its subjects and projecting its reified misrepresentations more intently. Thus,

the Malopticon insists upon the compulsory internalisation of misrecognition by its subjects *and* the outward (social) projection of their degradation (Garfinkel, 1956). In Teejay's case, this projection is permanent and the degradation is indelible.

Though it is tempting to link this sort of analysis to Bourdieu's work on symbolic violence and on misrecognition, I hesitate to do so mainly because of Teejay's keen awareness of and rueful reflexivity about his social position. This seems at odds with Bourdieu's reading of how the subjects of misrecognition are structurally corralled into complicity with the process. Rather, Teejay's acute sense of grievance about his situation points me towards Nancy Fraser's wide-ranging work on social in/justice. Fraser (2007) explores the relationships between recognition of status, redistribution of economic resources and representation in political terms. *Mis*recognition for Fraser is a problem for *social* justice because:

> '…people can also be prevented from interacting on terms of parity by institutionalized hierarchies of cultural value that deny them the requisite standing; in that case, they suffer from status inequality or misrecognition' (Fraser, 2007: 20).

Drawing also on Honneth's (1995) work, Ruth Lister (2007) suggests the need to recognize *both* the social consequences of misrecognition *and* its psychological effects. She illustrates this powerfully with reference to empirical studies of the experiences of people in poverty and of people seeking asylum. In similar vein, Wacquant's (2010) analysis of 'Urban Denigration and Symbolic Desolation in the Hyperghetto' points out the ways in which these forces come to be concentrated in particular places and spaces and on particular populations in what he terms the 'dualizing metropolis' of advanced societies. Though the focus of this paper is much more circumspect, the findings reported above seem to endorse a conceptualization of misrecognition that attends both to its psychological costs and to its social consequences.

Sharpening our analyses of these costs and consequences seems to me to be a crucial part of developing a 'counter-visual criminology'. Teejay's representations, when set alongside the findings of other studies, suggest that we need to map and challenge mass supervision not just as the 'dispersal of discipline' of which Cohen (1985) and others warned, but also – within 'societies of control' (Deleuze, 1990) – as the 'dispersal of degradation'. The term 'dispersal' may be somewhat misleading since mass supervision is concentrated in particular places and on particular populations (even if a little less so than mass incarceration: see Phelps, 2017b). In 'advanced societies', the degradation of certain social groups (asylum seekers, migrants, 'felons', ghetto-dwellers) serves a common purpose; these degraded groups can be put beyond the pale and behind the veil; the deprivation or diminution of their citizenship serves to minimize the neo-liberal state's liabilities (see Barker, 2017). The Malopticon strips them of entitlement to support by projecting them both as threats to be managed and as objects of control (Miller and Stuart, 2017). The dispersal (and concentration) of degradation through the Malopticon is thus part of the inter-connected welfare retrenchment and penal expansion that Wacquant (2009) described.

A counter-visual criminology of mass supervision therefore should take Teejay's lead in seeking to resist these processes by flipping the lens to shine a light on the Malopticon itself – as a threat to justice that needs to be disassembled – and by re-asserting the claims to recognition, redistribution and representation of the people that the Malopticon distorts and degrades. In so doing, and following Schept (2017), we might begin to unsettle *both* the mis-representation of supervision as an 'alternative' to incarceration *and* the internal ideologies and practices of supervision that denigrate its subjects. To be clear, it may yet be possible to construct penal supervision such that it can be less Maloptical and to deliver it in ways that recognize and support its subjects. That said, the forms of supervision that are explored and exposed in this paper seem fit for neither purpose.

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