**Lister Sinclair**
Good evening. I'm Lister Sinclair, and this *Ideas* on the relation between crime and imprisonment.

**Johannes Feest**
With the same amount of registered crime, you can have high prison figures or low prison figures, depending on what you do about it. And that depends on the criminal justice system, including, of course, the legislature.

**Lister Sinclair**
In the years after World War II, rates of imprisonment tended to go down throughout Western Europe and North America. In the last 20 years, the trend has reversed. The United States, to choose only the most dramatic example, has nearly quadrupled its rate of imprisonment since 1970. There has been no comparable increase in the official rate of crime. Why prisons rates go up and why they once went down is the subject of tonight's *Ideas*. It's program two in a special ten-part series called "Prison and Its Alternatives" by David Cayley.

**David Cayley**
It seems like common sense that the rate of imprisonment should be determined by the registered rate of crime. But close study doesn't bear out the connection. Rio de Janeiro and New York have similar rates of crime, and Rio, a larger population. But in New York, there are 65,000 prisoners, in Rio, 15,000. In the Netherlands between 1950 and 1975, recorded crime increased by 300 per cent, while prison numbers dropped by 50 per cent. In the United States in the early '80s, crime fell, while imprisonment soared. One could give other examples.

According to Norwegian criminologist Nils Christie, so much intervenes between those events that show up as crime and the numbers eventually held in prison that there is nearly no reasonable or consistent connection.

**Nils Christie**
It's very close to a non-existing relationship. There are so many factors that determine the present figures outside of those situations and those acts that are deplorable. My country had a fantastically high number of prisoners during the last century, and then it decreased to one-fourth that level and has stayed nearly completely stable this whole century. But the registered crime has, of course, increased many, many, many times.

The United States figures had been stable for many years, and then suddenly they exploded. Crime hadn't gone up. Crime, in the meaning of reported acts, hadn't gone up to any extent that could explain the increase. And when you go and ask the population, as they do every year in most industrialized nations, the population did not report having been victimized by crime more frequently than in the past. But something happens in the political process, and suddenly the prisons will be seen as the solution.

So, by and large, I must, since I've been working with this my whole life, say that it is not fruitful and it is not reasonable to look at the prison figures as a reflection of the crime situation. We must turn it exactly upside down. We have to go to the prison figures and ask, Do we accept to have it like this? Does it fit with our ideals of our society? Do we want to be represented in this way? And since it is enormously expensive to have prisons, can we accept it on the expenses level? Couldn't we use all this money in another better way? We pay some $150, I think it is, here in Norway for each prisoner each day. We could do a lot of good social work with that money.

But the major point is to try to create the ground for a real open discussion on, When is enough enough? For you in Canada, what should be the right number? What would happen if you reduced your prison population by half? Probably not very much with regard to what the population considers as criminal activity. My relatively safe guess is that nearly nothing would happen. But you would have more money available for other purposes, and probably, in the long run, you would get a more civil profile in your society. This relates to the simple fact that it is not without influence on human beings to be in prison, at least in the Canadian situation and the Norwegian situation and in more civilized societies, where people are expected to come out again.

We send our children to school and to the universities with some ideas in our head that they shall be slightly changed. And why should we not understand that these people get changed when they are put in prison? Of course, they were right, the old, who said, Prisons are schools for unwanted behaviour or for crime, if you want to say it like that. They are. Prisoners are segregated and cut off from ordinary society. Why should we expect this to be a useful way of getting them back to that ordinary society, to cut them off and place them together with other people who also have had trouble with these societies? It's such an obvious handicap, any prison director is working under, in terms of changing those who come there into a good direction, seen

from society's point of view.

**David Cayley**
Until recently, the validity of Nils Christie's idea that prisons can do more harm than good was widely recognized. Today, according to important elements of the Reform Party in Canada and nearly all parties in the United States, the test of a politician's mettle is toughness on crime. It's become a sign of moral courage to be willing, as one often hears, to lock people up and throw away the key.

But one can find many earlier examples of leaders, vaunted for their political courage, who understood matters quite differently. Winston Churchill is an outstanding example. In his book Prisons and the Process of Justice, Andrew Rutherford has pointed to the major reduction in British imprisonment rates that Churchill set in motion before the First World War. Andrew Rutherford is a former assistant governor in the British Prison Service and a critic of British penal policy.

**Andrew Rutherford**
Churchill was a young Home Secretary, in his mid-thirties. He was a Liberal, part of the Campbell-Bannerman-later Asquith Liberal government of the first part of this century. And he very much took the view that prison was a black mark on a society's honour. He, himself, had been in prison as a war correspondent in South Africa. He was in correspondence with Irish Republicans serving prison sentences in Ireland. He was very close to John Galsworthy, who had written a play called Justice, which attacks solitary confinement. So, Churchill came at prison as a critic, as a sceptic, and, on becoming Home Secretary, saw his task, to a very large extent, in terms of getting people out, particularly young offenders and less serious offenders. He would turn up, for example, at Pentonville Prison, see a man on the yard, ask for his papers and, on reviewing the case, there and then grant executive clemency. This didn't go down too well with the courts. But Churchill was wanting to send, as he did, a symbolic message to the courts that enough was enough.

Churchill wasn't Home Secretary for very long—in fact, no more than about 18 months—but that period did, I think, play an important part in setting a much more sceptical stance on the part of government. The prison population halved between Churchill's time and the early 1920s and stayed at a very low level in England and Wales right through the inter-war years. I mean, the rate per 100,000 was round about 30. It was lower than the Dutch, who later became known as the country that didn't lock many people up. And it was certainly much lower than those countries who were moving in a fascist sort of direction. So, during the inter-war years, the prison population of England and Wales never went above 11- or 12,000 people.

**David Cayley**
In the years after World War II, a number of other countries were also able to reduce their prison numbers. The Netherlands, for example, cut its rate in half. Denmark and Finland also experienced dramatic drops. In Norway, the rate fell by 13 per cent at a stroke when forced labour for vagrant alcoholics was ended in 1970, and it fell further in 1975, when the youth prison system was abolished.

One of the leaders in the movement that brought about these changes in Norway is Thomas Mathiesen, a professor of the sociology of law at the University of Oslo. For more than 25 years, he has been active in an organization called KROM, an association of prisoners, social workers, academics and other citizens interested in prison reform. He says that one of their proudest achievements has been to expose the prison system to rational scrutiny and that one of the ways they have done this is by bringing about a dialogue between interested people inside and outside the system. The symbol of this dialogue is an annual retreat, undertaken now for 20 years, in which everyone involved gets together under congenial circumstances to talk.

**Thomas Mathiesen**
We organize a yearly conference on criminal and penal policy in the mountains, in a particular place, a particular resort in the mountains, where we always return. We have tried to make a tradition of it. Participation crosses the borders within the system. There are lawyers, researchers, social workers, prison people, prisoners, ex-prisoners—the whole range is represented in a debate then between the top and the bottom of the system.

Now, in the early days, the top wasn't there. They refused to come, the prison department refused to come. And the prisoners weren't there because they would never get furloughs for this purpose, so we had ex-prisoners instead. But gradually this changed. The mass media pointed to the fact that it was illogical of the prison department not to come, and their policy of furloughs changed and now then

they come in great numbers.

It is a major event and one pillar of an attempt to establish what I call an alternative public sphere in the area. Modern mass media have developed in the direction of entertainment, and those media do not really give us a very good chance to get our principled argumentation and our main way of thinking across. So, the idea is to establish an alternative public sphere of discussion, of principled argumentation, relying on the networks that do exist between people in this general area. That's why we meet every year, and often you have roughly 50 per cent old-timers and 50 per cent newcomers to the conference, so you keep the network going and, at the same time, bring in new people.

I think the general philosophy then is that, if you get closer to the issues, if you get closer to the people, if you get close to those who are really involved—the families of the prisoners, the prisoners themselves and so on—you begin to understand much more. We see this in the public opinion studies. If you ask people, What do you think should be done to criminals? people will invariably answer, 80 per cent will answer, Put them in prison, just keep them there, lock them up and throw away the key. If you then go on and ask more concretely, Well, if you have a young person with this-and-this situation who has done this and that and so on and so forth, what would you do? answers invariably become much more sensible and much more nuanced and much more in the line of trying to help a person out of the situation. I think this is a major point, and this is what we try then to do.

**David Cayley**
Thomas Mathiesen and KROM continue to foster rational discussion and mutual understanding in Norway. But he says that in general he finds the arguments for reducing imprisonment harder to make now than when they began. Prison numbers haven't exploded in Norway, as they have in the US, but for a number of years they have been inching steadily up. The same has been true in Sweden, the Netherlands and other former leaders in reducing the numbers in jail. The change began, he says, around 1980.

**Thomas Mathiesen**
In the widest sense, what happened was a change in the political climate. An ultra-right party appeared and became very strong. It became the third-largest party in the country towards the end of the eighties. It's no longer that, it's much smaller now. But it had a very profound impact throughout the political spectrum, not only in the struggle for votes but also in the actual political thinking. A kind of neo-liberalism invaded good parts of the political spectrum, including the Social-Democratic Party—I mean, it's not just a question of percentages at polls, it's a question of your thinking—and in central parts of the Social-Democratic Party, a neo-liberalist kind of market-oriented thinking became very important. That's the widest context.

And then within that context, you had a major change in drug policy. The drug issue became extremely hot, and you had, beginning in the seventies and also increasingly in the eighties, increased punishment levels for drug-related crime. So, you now have a situation where you have a possible sentence of 21 years for drug-related crime in our penal code. According to the law, the maximum possibility of 21 years is supposed to be used for organized criminals and so on. In actual practice, it isn't. In actual practice, it is, with very, very few exceptions, used for ordinary drug peddlars, who use drug themselves and sell and buy a little and who are then defined as drug sharks, as they're called, literally translated from the Norwegian. And they spend years in prison.

**David Cayley**
Norway's draconian drug policy is echoed throughout much of Europe and North America. Drugs have spread panic and swelled prisons everywhere.

Johannes Feest is a professor of criminal law and criminology at the University of Bremen in northern Germany, and he says that, in Germany and throughout Western Europe, those convicted of drug crimes are invariably the most substantial segment of the prison population..

**Johannes Feest**
If you would really do away with our drug laws, then it would cut out, in one stroke, 20 to 25 per cent of the prison population. Just about the same figure is given for most of these Western European countries; that is, France, Britain, the Netherlands. They have about that proportion of people sentenced for drug offences. Of course, we have many more people in prison that are there because of their drug habits, but they have been sentenced for burglary or robbery, and they, for some reason, didn't have any drugs on them, because they were committing that robbery or that burglary because they wanted to buy drugs by the proceeds of their offences. So, that figure is very unclear.

Prison governors in Germany now estimate that between 40 and 60 per cent of prisoners are drug people, 40 to 60 per cent.

**David Cayley**
It follows from what Johannes Feest says that de-penalizing drugs would be the quickest and safest way to radically reduce prison numbers. The idea has support in some surprising places: Prominent American conservatives Milton Friedman and William Buckley have spoken for decriminalization. So have some American judges. But generally speaking there has been little sustained public discussion about whether the cure has been worse than the crime in drug policy.

The primary reason for this state of affairs, in Thomas Mathiesen's view, is the expanded influence of mass media, particularly television. In the climate created by mass media, he thinks, criminal justice policy escapes rational consideration and becomes instead a commodity traded in the fickle market of public opinion. This is not because he believes media consumption directly forms people's attitudes but because of the cultural atmosphere he thinks mass media generate.

**Thomas Mathiesen**
To quote an American media researcher, George Gerbner, The question of the media is really a question of a broad kind of enculturation. It's more like asking what is the influence of a religion. And he actually compares television as "the new religion" with Christianity. It's more like asking what is the influence of Christianity on mankind, on Western civilization, on the way we think and act and so on. And there are other researchers who have explicitly compared the new media situation with the Church and said that it is a modern kind of Church.

It has many of the same functions as a church: It comforts you. It brings you heroes and villains. It brings you salvation, if not in the next world, at least in the sense that you can rest for some hours and have fun, while your own life is bleak and sad. It brings people together in the family situation. It gives a sense of communality. We have in common what we see on the television screen. We can talk about it later on or next morning, on the job and so on. So, it has a number of the same functions as a church.

Now, you could compare it to the modern automobile. When the car came, around the turn of the century, many people said, Well, it's a horse and buggy only without the horse. But it wasn't, it wasn't a horse and buggy without the horse. It was a new thing. It created a new society. It created all of the roads, it created all the supermarkets, it created all the housing systems. I mean, it had all this tremendous influence.

It was the same way when television came. In the United States after World War II, here somewhat later, at least some people said, Well, it's just a newspaper in pictures. It wasn't a newspaper in pictures. It was something entirely new. It was something which influenced fundamentally the whole social system. This is the way, I think, we have to look at it.

And in the context of penal policy then, television has brought us into an entirely new situation. Some decades ago—let's say in the '50s or even in the '60s, when KROM was started, when television was here but not a very heavy thing—it was possible to argue in a principled manner. It was possible to argue on the basis of truthfulness, sincerity, relevance—three criteria of principled argumentation—and to have a hearing. It was possible to argue and, at least to some extent, to succeed in having the forced-labour system for vagrant alcoholics abolished, because it obviously didn't work, because it obviously was extremely destructive, because it obviously wasn't treatment at all. And the same thing with the youth prison system.

This kind of principled argumentation, based on truthfulness, sincerity and relevance, is now almost impossible in the broad public space or sphere of television and mass media with the possible exception of the radio. I mean, television does not open for it. Television is pictures with text but primarily pictures, and you cannot argue that way, with pictures. And television is not only pictures, but it's also moving pictures in the double sense of the word. And because it is moving pictures, you get the impression that you have the truth there; it happened just like it's shown.

And once you have that kind of situation, combined with the market orientation, where the point is to sell television, the prison system can continue to roll, the prison system can continue to expand. The arguments against it aren't heard. They don't come through because of the market rationality, rather than the communicative argumentation rationality, of our times in the media.

**David Cayley**
We could say that the prison system has at least two functions: It has real effects. It does something to you to work as a prison guard, it does something to you to be a prisoner. And it has symbolic meaning. I have the impression you're saying television heightens the importance of the symbolic meaning of the prison system and makes it very difficult for you to talk about the reality of the prison system.

**Thomas Mathiesen**
Precisely. That's very true. In a nutshell, you could say that the way in which television has developed has made it extremely difficult to speak about the realities and what's going on in the prisons and the reality of the prisoners' situation and increased the symbolic function of the prison.

For a long time, it has been recognized by sociologists and others that the prison has the symbolic function of making those of us who are not in prison all the better, making us appear white. The blacker you can make those who are in the prisons, the whiter you, by inference presumably, are yourself. So, this is a very important symbolic function of the prison, to divert attention from all of the wrong things you do yourself or we do ourselves, who are not there, and implant all of the anger on the few or relatively few who are in the prison system.

And that particular symbolic function, giving us the good feeling of being all the whiter as the blackness of those who are inside increases, that symbolic function is dramatically increased with the modern mass-media situation. Because this is precisely the picture which is given, the picture of the crook without a conscience, without a culture, who is just a criminal, nothing else but a criminal. He's all, 100 per cent criminal. That particular picture is being enhanced and that makes principled argumentation, which tries to tell people what life in prison is actually like, all the more difficult.

And that is the main problem really. Mass media are so supportive to people's stereotypes and so consolidating for the prison system and make it so difficult to argue in that public space for limiting growth of prisons and even reducing the use of prison.

**David Cayley**
The difficulty that Thomas Mathiesen has faced in Norway has also been noted by an English observer, Andrew Rutherford. He spoke earlier about the reduction Winston Churchill helped to effect in the British rate of imprisonment. By custom, Rutherford says, British criminal justice policy has been non-partisan. Politicians have not taken advantage of each other on the issue, and the civil service has taken a leading role in the formation of policy.

This continued to be true into the late 1980s, when the Home Secretary Douglas Hurd drew on his own department's research to argue that prisons, in his words, "are an expensive way of making bad people worse." During the period that Hurd was in office there was a 13 per cent reduction in British rates of imprisonment. Then in 1991, the government introduced a new Criminal Justice Act that put forward measures to sustain this trend. The Labour Party attacked, the Tories divided on the issue and the Act was eventually gutted. Today, Andrew Rutherford says, Britain appears to be in a new world.

**Andrew Rutherford**
Criminal policy is now much less likely to be determined at the level of elites within a society. In this sense, I would agree with Nils Christie, who says that criminal policy has become a commodity. It can be sold to the public at large by politicians and others, and it, therefore, becomes much more difficult for politicians to play a leadership role. You still see political leadership, of course, in some instances. You certainly see it in Britain and perhaps in Canada too, with politicians saying, with reference to the death policy, that it has no place in a civilized society, even though great majorities apparently according to opinion polls would like its restoration. So, in some isolated areas, the old, elitist approach is maintained.

But with reference to criminal policy as a whole, what we've seen in Britain since Mr. Hurd left office, in October 1989, is a sense among politicians that this issue is too big and too volatile, too potentially damaging but also potentially fruitful, to be left in the hands of the elites and that it can be manipulated and used in a way that can gain a fair degree of political mileage. The genie is out of the bottle now, and it may be very difficult to put back at this particular point. We've certainly seen no evidence in Britain that the Labour Party is any more interested than the Conservative Party in returning to criminal policy being a sort of backstage, behind-the-scenes operation, where senior politicians and officials make it up in what they regard to be the public interest. It seems to me now to be something that is going to be much more determined by

whim and circumstance and various attempts to gauge public opinion than it ever has been up until this point.

**David Cayley**
Why do you think this has happened?

**Andrew Rutherford**
It's happened, I think, largely because politicians feel that this is an issue on which they can be immensely vulnerable and that some of the protections around it have been removed. Formerly there was a political consensus, at least among the major political parties, that this issue was not one for, if you like, political milking. The sort of consensus that has existed in Britain in recent years over Northern Ireland, which has not been used as a political football, also prevailed with reference to criminal policy for some time. I think there was a distrust among politicians about public instincts on these issues.

What has happened more recently, I think, is that politicians are now saying, Well, maybe we've neglected those public instincts for too long. We ought to be listening to what the people are saying to us, that we're out of touch with the real victims of crime. The Labour Party, for example, are saying many of the victims of crime are poor people, are their natural constituents, and that Labour is on the side of those sorts of victims and so on and so forth. So, I think it's going to be not impossible, but it's going to be difficult to return criminal policy to the calmer and more reflective waters that we have seen from time to time.

**David Cayley**
The changed climate which both Andrew Rutherford and Thomas Mathiesen have been talking about is expressed in what might be called a popularization or even democratization of crime policy. It can be observed throughout the Western world, despite considerable national variation. Prison rates nearly everywhere are rising. The influence of elites on criminal justice policy has weakened. The influence of public opinion has grown stronger. A simplified view of crime as a primarily moral problem has driven out more complex understandings of its social origins. And a certain caution about imprisonment seems to have faded from the minds of policy makers as the cultural memory of gulags and concentration camps has grown dimmer.

Sociologist Zygmunt Bauman sees these phenomena in the broader context of a transfer of authority and legitimacy from the state to the market. He's a native of Poland and an emeritus professor at the University of Leeds in northern England, where we met in the fall of 1995. In a series of recent books,Intimations of Post-Modernity, Post-Modern Ethics and most recently Life in Fragments, Professor Bauman has drawn a portrait of an emerging post-modern order that he thinks is distinctively different from the modern order that preceded it. In the modern era, he says, the coordination of society was the task of the state. The state had an obligation to all of its citizens, and it was understood that even those who might, from time to time, belong to what Marx called "the reserve army of the unemployed" would still be needed again in future.

Today in his view, things have changed. Economies now grow without requiring more labour, technical progress means fewer jobs rather than more, and "the reserve army of the unemployed" has been replaced by a new class of redundant people. The state, meanwhile, is gradually abdicating its responsibility for the ordering of society. Contemporary people, Bauman says, derive their social discipline not from their integration in the state but from their participation in commercial markets.

**Zygmunt Bauman**
Most of us, people who can actually afford it, are integrated into society, are playing the game by the rules, because we are seduced by the market opportunities. The major means, in relation to majority of the population, of integrating society today is market seduction. Very seductive offers, very attractive, very alluring offers made by the market opportunities. Opportunities beckon, and in order to grasp them, you have to strain yourself, you have to apply effective means of action, in order to achieve what you want.

However, the problem of integrating through seduction, if it is coupled with the redundancy of a growing part of the potential labour force, leads to another consequence, which was not predicted by anyone, not planned, that a growing part of the population—a minority but a growing minority—cannot be so integrated by seduction simply because, in order to be able to be integrated by seduction, you have to have means, you have to be a fully fledged consumer. If you lack the means which open for you the gates of the supermarket, which allow you to spend your holiday in Edmonton super, super supermarket, then of course, you can't be integrated into society, into the orderly society, via seduction. You are immune to seduction not by your fault, not because of lack of willing

but simply because of the lack of means.

If that is the case, then the seduction of the majority of the population by market allurements has to be supplemented by the suppression of the other part of the population, of those redundant, imperfect consumers, people who are of no visible utility, no visible use, from the point of the circulation of commodities, from the point of view of the consumer market. They are not potential consumers, and, therefore, there is no possible use to which they could be put. They can't be accommodated as producers, and they are useless as consumers.

In that, I see the major social-political cause of this appallingly politically fast-growing number of people who are treated by the law as criminal elements. According to the latest statistics in the United States of America, 4½-million of people are either in prison or on probation or are expecting trial. 4½-million is almost equal to the number of Americans who are attending colleges or universities. I know that there is no direct connection between the two, but, nevertheless, it's good for metaphorical thinking, for visualizing the process of polarization in society. On the one pole, you have this thriving part of the population, using the opportunities offered by the new consumer-market economy. Extremely attractive, extremely pleasant, extremely satisfying, gratifying. On the other hand, you have this waste product of the same development, which has to be disposed of. You can consider the criminal system, punishment system, as a sort of a sewage pipe or sewage gutters into which the waste products of society are channeled.

**David Cayley**
The same horrible image was used by Alexander Solzhenitsyn in The Gulag Archipelago. He speaks of the successive waves of imprisonment in the Soviet Union under the title "The History of Our Sewage Disposal System." Today, the term refers not to the ideological enemies that Stalin's regime imprisoned but to those who are seen as social burdens.

The idea that those in need of state aid are burdens, in Zygmunt Bauman's view, represents a profound change in the majority's view of the state. The state which took shape after World War II was broadly speaking a welfare state, even where it wasn't explicity given that name. It was designed as what Bauman calls "an enabling institution," an idea preserved in the term "social safety net." It would catch you if you fell, but its purpose was to allow you to aspire to freedom and independence. Its benefits were universal.

Today it is seen more and more not as a means to freedom but as entitlement to permanent crippling dependence; and, as such, it no longer appeals to what political scientists call the "median voter," the one who ultimately makes a majority.

**Zygmunt Bauman**
The welfare state, in its original form, was based unconsciously on this idea of the median voter. More than half of the population used it. Virtually every measure which was provided by the welfare state in the field of national health, in education, in the field, say, of child benefits, was meant for the majority of the population. So, the community was seen as a sort of collective insurance company. We are all paying but we are all insured.

What is happening slowly, gradually, very often imperceptibly is the subjection of virtually every service to so-called means testing, which means that only those people who can't afford to buy this service on the market will use it. But that means that the median voter is no longer interested in keeping it alive. Instead of seeing community as the collective insurance company, he sees community as a drain on the taxpayer's money. I am paying taxes for your benefits. It is not that we all contribute for our joint benefits, but I am paying for your dole. And then if someone comes and tells me that you need my tax money because you are lazy, because you are potentially criminal, because you are drug addict, because you don't strain yourself properly, because you are not a decent person, then I will listen very carefully because somehow it explains my suffering. Why I should pay for your benefits?

Now, if there is a magic point in the history of the welfare state, I would say the magic point is precisely here when this median voter is bypassed, when suddenly it is a my-money-against-your-benefits situation emerging. It is emerging slowly here and there, step by step. For example, in Britain until now, the child benefit has been paid to everybody, whatever their income, because the child is important and the child should be provided for, whatever is the situation of the parents. And because it is paid to everybody, no one can imagine abolishing it because the middle classes, the majority of the population, will object. Everybody benefits, right? But now people are arguing that means testing should be applied to the child benefit

and only people who are below certain level of income should get it so that the benefits are targeted where they are needed. But once that is done, then there will be much, much less resistance against, first, cutting it down to the bare bones and, in the longer perspective, probably abolishing it altogether.

John Kenneth Galbraith wrote this book about contented majority. You probably read it. It's a very important book. He said, in our democratic society, with this polarization between seduced and suppressed, the democratic majority may simply vote out the minority interests quite freely. The majority is contented with the market situation, they swim in the sea quite nicely, thank you. And, therefore, the minority interests, the interests of impoverished people who are unable to get their living through the normal economic structure, appear to be purely and simply burdens.

**David Cayley**
In the book to which Zygmunt Bauman refers, John Kenneth Galbraith describes what he calls The Culture of Contentment, which is also the book's name. This is the culture of those who benefit from the current order and who make a virtue of their good fortune. A classic text of this culture, according to Galbraith, is Charles Murray's Losing Ground, with its convenient argument that people are not on welfare because they are poor but rather that they are poor because they are on welfare, which keeps them is a state of slackness and dependency. The state is generally viewed negatively, and taxation is denounced as an improper way of coordinating social and economic policy. But curiously, Galbraith says, there are certain residual state functions that are still viewed with enthusiasm, and the first amongst them is the repression of crime, for which the contented are willing to write the government a blank cheque. Zygmunt Bauman sees this culture at work in the current cry for law and order.

**Zygmunt Bauman**
What is left of the state is what is called the preservation of law and order, and law and order means fighting the margins. Law and order is not a problem of the majority. The majority is always orderly, because the way the majority behaves sets the standards of order, so in fact by definition, the majority is orderly. So, the question of law and order is always the question of the margins.

Now, in the older perspective, the unemployed, the poor presented themselves to the state mainly as a problem of regenerating, rehabilitating, preparing them to take back their economic and military role in society. But now, since no one is expecting them to take back this role in society, they appear to the state mostly as the problem of law and order.

**David Cayley**
Prison provides a way of managing these unwanted people and, at the same time, allows a profitable crime control industry to be erected on their backs, the only job, in a sense, which society allows those who have become redundant. It's expensive. Critics have remarked forever that, if only prisoners could get their hands on the money spent imprisoning them, they could all join the middle class. But then, as Zygmunt Bauman points out, prisons have a crucially important symbolic function as well.

**Zygmunt Bauman**
You and me, who are seduced by the consumer market, we are deeply, in our subconscious, full of fear because we may stumble. You have a stable job today, you may lose it tomorrow. Jobs are fast disappearing. Redundancy is not just a matter of the working class; it is also the fate of quite a few middle-class people, right? Company directors even become redundant time and again. So, in even the most satisfied consumers, there is this underlying fear that this sort of game is very dangerous, it is a risky game. So, perhaps there is some temptation to settle for a quieter life, to surrender some of the benefits in order to get some more security.

Now, in order to push away these seditious ideas, like tranquillity, a certain, orderly life and so on, you should be shown what the alternative is. And the alternative is the reality of the prisons, the realities, the dregs of society. The alternative is to be channeled into the gutters. If the alternative is too awful to contemplate, that will make the risky and very often unpleasant life of the market consumer more endurable—if you know what your alternative is, then the problems you encounter in your own consumer life will seem somehow less repulsive. I am already a pensioner, so I don't mind so much, but people younger than me, who are still in employment, still earn their living month by month and day by day, they have these inner demons. There is a price to be paid for this allurement of consumer society; namely, uncertainty of daily existence.

And the inner demon whispers into your ear. The inner demon whispers, Perhaps a little bit older car, perhaps not

the latest brand of the computer but instead a stable job, for example. Now, that's the temptation, quite a real one. And quite a few people could be lending their ears willingly to this sort of proposal, which would be disastrous to the economy as it is working today because it can work only on the assumption of the instant obsolescence of every commodity so it can be replaced by another one. That's how it works, how the wheels rotate.

So, these inner demons must be exorcized, burned in effigy, as I say, burned in effigy. How can you burn them in effigy? By burning the embodiments, the symbols, of the alternative, those people who don't play the consumer game. What's happening to them? Look. They go to Alabama Prison, in the desert. They are chained into gangs. They are just breaking stones. That's what they are doing.

**David Cayley**
Zygmunt Bauman's account of the snug fit between the expanding prison and the new economic order stresses the weakening of the positive functions of the state and the strengthening of its negative, repressive function. In this sense, he holds out a fairly bleak prospect.

But there's another more hopeful aspect to his account of the emerging post-modern order, which I'd like to briefly summarize as a conclusion to tonight's program. According to Bauman, the state no longer possesses what he calls "an ethical monopoly." It has lost it by ceding the task of coordinating society to the market. But the legitimacy of the prison as an institution is rooted in this monopoly. Prison sentences translate the diverse acts that constitute crime into a uniform language; whatever has happened, a universal standard can be applied in assigning punishment. But diversity is the fundamental post-modern characteristic. So, how will a single universal standard of punishment be maintained, when every other universal standard is faltering?

A post-modern view, according to Baumann and others, would tend to reinsert crime into its full context and eliminate the automatic reduction to a common denominator. The prison certainly remains a convenient warehouse for unwanted people, but its moral authority on this account is very much weakened. Even as its power seems to grow, it's counterproductivity as an institution becomes more obvious. This opens a space for experimentation with alternatives. And its with these alternatives that I'll be concerned in subsequent programs.