Available online at www.sciencedirect.com
ScienceDirect
International Journal of Law and Psychiatry 29 (2006) 397–404
INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY

Penal managerialism from within: Implications for theory and research

Leonidas K. Cheliotis *

Universities of Cambridge and Kent, United Kingdom

Received 17 November 2005; received in revised form 22 March 2006; accepted 26 March 2006

Abstract

Unlike the bulk of penological scholarship dealing with managerialist reforms, this article calls for greater theoretical and research attention to the often pernicious impact of managerialism on criminal justice professionals. Much in an ideal-typical fashion, light is shed on: the reasons why contemporary penal bureaucracies endeavor systematically to strip criminal justice work of its inherently affective nature; the structural forces that ensure control over officials; the processes by which those forces come into effect; and the human consequences of submission to totalitarian bureaucratic milieus. It is suggested that the heavy preoccupation of present-day penality with the predictability and calculability of outcomes entails the atomization of professionals and the dehumanization of their work. This is achieved through a kaleidoscope of direct and indirect mechanisms that naturalize and/or legitimate acquiescence.

Keywords: Managerialism; Criminal justice work; Control mechanisms

1. Introduction

There is now a burgeoning corpus of literature rebuking the ways in which penal organizations on both sides of the Atlantic have become increasingly managerialized over the last 20 years or so. Broadly defined, managerialism encompasses a pragmatic, technologically-supported, and quantification-oriented political construction 'that has subjected the police, courts, probation, and prisons to a regime of efficiency and value-for-money, performance targets and auditing, quality of service and consumer responsiveness' (Loader & Sparks, 2002, p. 88). Within that context, as Malcolm Feeley and Jonathan Simon (1992) most famously suggest, prisons and their performance are no longer evaluated by reference to intractable, individual-focused, deterrent-reformist purposes, but rather depend upon more feasible and measurable, yet also cynical and often vacuous, systemic targets like the proper allocation of resources, streamlined case processing, and the reduction of overcrowding. Prisoners, Feeley and Simon (1994, p. 178) go on to argue, are not treated 'as coherent subjects…but as members of particular subpopulations and the intersection of various categorical indicators', identified by means of sophisticated risk assessment techniques. Hence, contemporary penality 'not only has trouble recognizing the cultural investment in the figure of the criminal, it has trouble with the concept of

* Tel.: +44 1223 302885 (home), +44 774 7592298 (mobile).
E-mail address: LC324@cam.ac.uk.

0160-2527/$ - see front matter © 2006 Elsevier Inc. All rights reserved.
doi:10.1016/j.ijlp.2006.03.003

humanity' (Simon & Feeley, 1995, p. 173; see also Bottoms, 1995; Garland, 1996; Kempf-Leonard & Peterson, 2000; McWilliams, 1987; Simon, 1993, 1995; Shichor, 1997).

But whilst much ink has been spilt over the deleterious impact of managerialism on the various criminal justice organizations, but also on those caught up in criminal justice processes, very little has been done to assess 'the impact of managerialism on the deliverers of criminal justice: those who work in the new performance culture and those who manage it' (Liebling, 2004, p. 378). This, indeed, is a curious omission. For it is hard to imagine how theories critical of managerialist practices can actually hold true, unless they predicate professionals' total submission to the mandates of what Rose (1996) calls a 'strong centre of calculation'. Put differently, without directly arguing the case, the overwhelming majority of contemporary penological analyses seem largely to accept some version of Weber's ideal-typical conception of bureaucratic organizations, which claims that officials are forced fully to assume a rationalized, nonchalant orientation vis-à-vis clients and colleagues, and thus to perform their duties in blind alignment with organizational objectives, no matter how unethical or inhumane the latter may be.[1]

Drawing principally on classical sociological sources, this article attempts to offer an avenue for inquiring four closely related lacunae: *first*, the reasons why contemporary penal bureaucracies strive to ensure that officials adhere strictly, perhaps even to an unprecedented degree, to formal blueprints; *second*, the structural bases of totalitarian control over officials, that is, the objective forces that serve to rigidify criminal justice work even in its most hidden recesses; *third*, the specific processes by which those forces come into effect; and *fourth*, the human consequences of subordination to over-rationalized bureaucratic structures. It is argued that the evermore 'passionless' nature and scope of contemporary penal bureaucracies, especially their over-emphasis on the predictability and calculability of outcomes, presupposes the atomization of professionals and the dehumanization of their otherwise affective work. This is achieved via a tapestry of direct and indirect control mechanisms that build upon what Gaventa (1980, p. 15) terms 'the rule of anticipated reactions' to disobedience (the power to sanction nonconformists, that is) and, to a lesser but still noteworthy degree, ideological incorporation. The last section, more of a coda than a conclusion, issues a number of caveats, and offers some general observations about the directions future research and theorizing on this area should take.

In the course of the discussion, it will become more and more obvious that, much in accord with the Weberian tradition of ideal-typical analysis, I often exaggerate the essence of the phenomena under scrutiny, and reconstruct them in a form with greater internal unity than may appear in empirical reality, thereby offering a set of heuristic yardsticks in comparison to which future research can be undertaken. To this goal, as the initiated student of formal organizations will be quick to recognise, no reference is made in the core text to the role human agency can play in the implementation of criminal justice policy, or to the potentially positive aspects of penal managerialism.

2. Eliminating the variable human

In passages such as the following, Max Weber, himself one of the most ardent admirers of bureaucratically governed structures, claimed that

> from a purely technical point of view, [bureaucratic organization is] capable of attaining the highest degree of efficiency and is in this sense formally *the most rationally known means of exercising authority over human beings*. It is superior to any other form in precision, stability, in the *stringency of its discipline* and in its reliability. It thus makes possible a particularly high degree of calculability of results, for the heads of the organization and for those acting in relation to it. It is finally superior to both in intensive efficiency and in the scope of its operation, and is formally capable of application to all kinds of administrative tasks. (Weber, 1968, p. 91)

[1] Managerialism, of course, is neither confined to the Anglo-American world, nor has it impacted solely upon criminal justice professionals. Instead, it has extended its reach into various other areas as well, from hospitals and public health to social welfare and education. Jeff Schmidt, for instance, goes so far as to argue that [n]o professionals are immune. Even philosophers, who at one time struggled to develop thought that encompassed all human endeavors, are now hired on the basis of their willingness and ability to carry out the minutely specialized work of analytical philosophy. Consequently, they increasingly identify themselves as masters of the associated specialized tools and methods, rather than as independent moral and political thinkers. (Schmidt, 2000, p. 92) It is in this spirit that Raine and Willson seek the roots of the managerialization of criminal justice in England and Wales beyond the mere drive of 'new right' politicians to inject private sector principles and practices into the public sector, for such central directions 'have come to be seen as having a status and significance above party politics; as global phenomena of our time' (Raine & Willson, 1997, p. 82).