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TECHNOLOGIES OF THE BODY, TECHNOLOGIES OF THE SELF: HOUSE ARREST AS NEO-LIBERAL GOVERNANCE

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In this chapter, we argue that the practice of electronically monitored “house arrest” is consistent with Foucault’s insights into both the workings of “disciplinary power” and “governmentality” and with the self-governing notions of a conservative, neo-liberal ideology and mentality. Our interpretive analysis of a set of offender narratives identifies a theme we call “transforming the self” that illustrates the ways in which house arrest is experienced by some clients as a set of discourses and practices that encourages them to govern themselves by regulating their own bodies and conduct. These self-governing capabilities include “enterprise,” “autonomy,” and an ethical stance towards their lives.

Key words: house arrest, disciplinary power, technologies of self.

“On the one hand, we govern others and ourselves according to what we take to be true about who we are, what aspects of our existence should be worked upon, how, with what means, and to what ends. On the other hand, the ways in which we govern and conduct ourselves gives rise to different ways of producing truth.”

— Mitchell Dean (1999, p. 18).

“It’s about remembering. Remembering things...it conditions us not to forget. It immediately puts consequences on us if we do, if we do forget... You are accountable for everything you do at every minute of everyday or they have to know where you’re at. And it’s your responsibility to make sure they know. It’s not their responsibility to track you down... You learn to be accountable for yourself.”

— “Julie,” on living under house arrest, 2001.

“Julie” is a thirty-two-year-old European-American and a divorced parent of three young children who works as a manager at a fast food outlet. She is one of the two dozen people we have interviewed living under house arrest in and around a Midwestern metropolitan area.¹ Julie had been convicted of a drug offense and this was her second experience with house arrest, having been sentenced to “doing time

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¹ The names used here are fictitious. The research protocol was conducted within the ethical and procedural guidelines set out by the Human Subjects Committee of the University of Kansas, the American Correctional Association, and the American Sociological Association.

at home” in another state [2]. All together she has spent more than two months being electronically monitored, this time following a three-month stint in a residential treatment center. Now on her own, Julie, along with her children, lives with her mother. Being on house arrest means that Julie needs to respond to random phone calls from a Department of Corrections computer to verify she is home when she is scheduled to be. In order to do this, officials installed a small computerized unit in the house attached to her phone line. The calls demand that Julie complete a drill of answering the phone within the first three rings, saying her name and the time, and blowing into an alcohol tester that is built into the machine. While she is doing this, the device takes her picture and compares it to a reference photograph stored on a central computer.

The practice of electronically monitored “house arrest” has come to play an important role in the criminal justice system of the United States [21].² Currently, house arrest programs tether more than seventy thousand individuals to central monitoring systems in the United States with similar programs in Canada, United Kingdom, Sweden, The Netherlands, Australia, and New Zealand (Newman, 1999). The practice emerged in the context of this broader shift to community-based, “intermediate sanctions” associated with the “new penology” of the 1980s [11, 23]. This ideological and policy shift emphasized a new rationality centered on the sorting and classifying of offenders into finer categories of risk and dangerousness [9]. Intermediate sanctions—including boot camps, intensive supervision, community service, work-release, restitution, day-reporting centers, and day fines—were thought of as incremental punishments along the continuum between the extreme ends of probation and prison and therefore better suited to those classified as lower risk and marginally dangerous.

In this chapter, we contend that the program of electronic monitoring we studied is consistent with Foucault’s insights into both the workings of “disciplinary power” and “governmentality” and with the self-governing notions of a contemporary, conservative, neo-liberal ideology and mentality [3, 8, 16, 17, 39]. Our interpretive analysis of this set of offender narratives identifies a theme we call “transforming the self” that illustrates the ways in which house arrest is experienced by some “clients,” as they are referred to, as a set of discourses and practices that encourages them to govern themselves by regulating their own bodies and conduct. These self-governing capacities may be characterized as “enterprise,” “autonomy,” and an ethical stance towards their lives [14, 39].

The bulk of the academic literature dealing with house arrest has focused on whether or not the treatment is effective in reducing recidivism and/or assessing its

² The original and commonly used form of electronically monitoring someone involves deploying a small radio transmitter that is typically attached to the ankle of the offender. A monitoring box is placed in the home and the arrestee cannot stray more than 150 feet or so from the box without triggering a violation that is recorded by a central computer. Sometimes called “tagging,” the idea is credited to a New Mexico district court judge who was supposedly inspired by the use of a similar device in a 1979 Spiderman comic strip (Klein-Saffran, 1993).

relative cost when compared to other sanctions [see 5 – 7, 19, 23, 24, 28, 31, 40, 48].³ Our goal, however, is to investigate and explore how it actually operates and is experienced by those subjected to it. Only a few studies have marginally explored what offenders make of the experience of house arrest, and only two have studied the experience in-depth [1, 22, 29, 34, 35, 45]. Through an examination of these offender narratives, we can see how the penalty of house arrest is made meaningful within the experiences of these individuals. This approach is consistent with the “law in everyday life” perspective that considers law a social process and seeks to investigate how it operates in routine, everyday ways [10, 18, 41].

Theorizing house arrest

There is considerable evidence in the US of the emergence of a new regime of social control; a regime that retains many of the modern themes and practices of the past, while, at the same time, has developed new methods of control and accountability that are both a product and reflection of postmodern culture and a movement towards “conservative, neo-liberal” governance in criminal justice [33, 44]. House arrest with electronic monitoring is consistent with this new regime. It incorporates a number of elements of modern, “total institutions” while this new technique is, at the same time, quintessentially postmodern in design and implementation. But more, while the disciplinary regime of house arrest sets the boundaries or, in a number of the clients’ words, the “structure” in their lives, it is largely left up to them to monitor themselves—to keep to their schedules, to work or go to school as required, meet with officials when scheduled, offer themselves up for drug tests, administer their own breathalyzers, and to literally turn themselves in if they deviate from the conditions of their contract [20, 46]. Thus, although house arrest operates “panoptically” —with clients “internalizing the gaze” of authorities— in a more complex way, their “participatory monitoring actually helps to ensure that the entire system is working properly. They are, to paraphrase Poster (1996, p. 184), individuals plugged into the circuits of our own panoptic control [4, 36].

We see the house arrest program then as a tactic of what Foucault (1991), in his later writings, called “governmentality,” or the *practices* of governing, the techniques and technologies of how governing works, the rationalities and strategies invested to shape, guide, and direct the conduct of others, and that make human life a domain of power and knowledge [14]. As both a disciplinary strategy and a “technology of government,” the practice of house arrest is designed to treat the client’s body as an object to be monitored and assessed, broken down, analyzed, and improved upon. It is a program “...imbued with aspirations for the shaping of conduct in the hope of producing certain desired effects and averting certain undesired ones” [38, P. 52]. It

³ The results have been mixed. A recent meta-analysis of this literature by Layton MacKenzie (1996, p. 322) concludes that, “A large body of research, including random assignment studies, consistently shows the failure of... EM [Electronic Monitoring] programs to lower recidivism.”

attempts, in other words, to normalize the participants and to produce docility. The individual, then, becomes both an object and subject of knowledge, not simply repressed, but shaped and formed within this discursive field and social practice. From this operation of power/knowledge come subjectivity and the formation of the self. Foucault (1997) also explored the idea of “technologies of the self” or patterns of practices that “permit individuals to effect by their own means, or with the help of others, a certain number of operations on their bodies and souls, thoughts, conduct, and way of being, so as to transform themselves...” [15, P. 225]. An individual, equipped with such technologies often created by various “experts” with skilled knowledge, may develop the self-governing capability that brings their conduct into alignment with broader moral, social, and political objectives [39, P. 155; 3].

House arrest, then, as a technology of governing, tends to reflect the overarching political climate in the US of the last several decades which, in turn, is echoed in the “new penology” and “actuarial justice” models that have emerged during the same time frame [11, 12]. As O’Malley (2002) argues, the US criminal justice system may be differentiated as a hybrid of neo-liberal principles —characterized by “...the rational choice subject, the superiority of markets to deliver efficiencies and goods, freedom of choice, a ‘revised autonomy’ of the enterprising self, the centrality of innovation and of enterprising individualism, the small and enabling state”— and backed up by a conservative, “three strikes” incapacitation mentality [33, P. 216]. According to Rose (1996), this type of neo-liberal regime spawns and utilizes certain strategies, tactics, and regulations that encourage the self-governing capabilities of subjects [39]. These capacities include 1) *Enterprise*, or the array of rules for the conduct of one’s everyday existence that include energy, initiative, ambition, calculation, and personal responsibility [39, P. 154] ; 2) *Autonomy*, or the taking control of activities, defining a set of goals, and planning a course of action to satisfy the needs of existence through one’s own powers [39, P. 155]; and 3) *Ethics*, understood as the domain of practical advice as to how we conduct ourselves in the various aspects of our everyday existence and the ways by which we come to construe, decipher, and act upon ourselves in relation to the true and false, the permitted and the forbidden, the desirable and undesirable [16; 39, P. 30, P.153].

The house arrest program discussed here embodies this hybrid form of neo-liberalism. It seeks to govern clients *through* the limited freedom it grants them but always with the constant threat that this freedom may be taken away. In other words, it governs its subjects through structuring and controlling the possible field of action where they are “free” to make the “right” choices in which they learn to govern themselves. Thus the clients are “not merely ‘free to choose’ but *obliged to be free*, “to understand and enact their lives in terms of choice” [38, P. 87]. They are treated as rational actors who respond to positive incentives and negative consequences. The program is touted by officials as being highly efficient and cost-effective as it deploys private sector technologies and makes program participants pay for the use of the equipment as well as their drug tests. Clients must work, most at least forty

hours a week, not at public sector “make work” jobs, but in private sector jobs that, if they do not already have one, are arranged for them. Thus they are rendered docile not through their isolation and segregation from society but rather through their integration into everyday, labor/wage and commodity exchange relations. The discourse of house arrest, articulated by both staff and clients, is one where the values of work, self-help, self-control, responsibility, and accountability are celebrated.

Studying house arrest

In the fall of 2001 Staples conducted face-to-face, open-ended interviews with twenty-three clients in a house arrest program in a metropolitan area in the Midwest. The interviews took approximately thirty to forty minutes to conduct. We used an interview guide of about a dozen general questions centered on their experiences with house arrest. The interviews were taped and later transcribed. The final sample included twenty-three individuals, fifteen European-Americans (twelve males and three females) and eight African-Americans (one female and seven males). The mean age was thirty-three with a range of eighteen to seventy-four.

The house arrest program we studied is located in the same building as the Department of Corrections’ 172-bed residential program we will call “The Center.” House arrest, as practiced by this community corrections department, is a highly structured program involving mandatory employment, educational and treatment programs, frequent drug and alcohol testing, and offender fee payment that is touted by officials as an alternative to incarceration. Once assigned to house arrest, offenders sign a three-page seventeen-point contract that outlines all the conditions and behavioral expectations of the program. Clients must develop a daily schedule of approved activities (e.g., work, school, AA meetings, doctors’ visits, etc.). Weekly, face-to-face meetings with their “House Arrest Officer” are required to review and update schedules and to verify their compliance through testing for drug or alcohol use, the collection of pay check stubs, or signed verification of attendance at required treatment programs. All the clients we spoke with were court-ordered to maintain full-time employment. House arrest officers also make unannounced visits to places of employment and residences. In addition, a computerized Mitsubishi Electronic Monitoring System (MEMS) device is installed in the offender’s home. The device functions to verify compliance with the house arrest contract by recording the offender’s voice, taking his or her picture, and collecting breath samples for analysis. The house arrest officer determines the number of calls appropriate within a specific block of time and the system randomly calls the offender within those blocks.

When a call is made, a computer simulated human voice tells the person answering the phone that the call is from the house arrest department and a short pause gives the offender time to get to the phone in case someone else has answered. The system then instructs the offender to take their own photograph and to submit a breath sample through a straw inserted into the home monitoring unit. The photograph is displayed on a computer screen in the house arrest office next to a reference photo previously

entered into the system so that staff can verify the identity of the person answering the call. The results of the alcohol breath test are recorded in the computer and displayed on screen with the photo of the offender, which includes name, date and time. If a violation occurs, the computer immediately places a second call. If the second call results in a violation, an alarm alerts staff at the House Arrest office.

If a client does not respond to phone calls, there is a two-hour window for them to either call the house arrest office or show up in person. If they do not contact the office within this time frame, they are “violated” by their house arrest officer, meaning that they have broken their house arrest contract. Likewise, having a “hot UA” (a positive urine analysis) will result in an infraction. Program staff members frequently call upon local law enforcement to conduct residence checks and to look for those suspected of being AWOL, to provide arrest and detention services, to investigate allegations of abuse in the home, or verify an offender driving on a suspended license. The program requires offenders to pay a daily monitoring fee and all fees associated with the program, including drug testing.

Transforming the self

For all most all of the clients we spoke with, a sentence to house arrest produced a number of seemingly contradictory feelings and emotions. On the one hand, many complained, sometimes bitterly, about the intrusive and “disciplinary” aspects of the program such as the random phone calls and the rigid schedule as well as the cost of participating and the stress on them and their family and other intimates [45]. On the other hand, nearly all the clients began their interviews by declaring that, for a variety of reasons, house arrest was “better” than the alternative of sitting in the county jail. Some of those reasons included being able to sleep in their own bed, cook their own food, work and earn money, and to remain with family. Yet, another purported benefit of the house arrest program was what some described and what we call the tutelage aspects of the program: how it imposed a necessary “structure” onto their lives, how it taught them various life skills, and how it helped them become “responsible” and “accountable.” Therefore, we hear in the narratives of clients the adoption of various modes of evaluating and acting upon themselves as they seemingly develop the self-governing capabilities of “enterprise,” “autonomy,” and “ethics” [39].

For example, “Mark” is an African-American male in his early twenties who attended a local community college. He had been convicted of driving while intoxicated and manslaughter, the result of a car wreck. In his interview, Mark revealed a number of self-governing capacities he claims to have taken from the program. Asked about his daily schedule in the program, Mark said:

Mark: “I’m probably working more than I’ve ever worked in my life but I don’t mind it since that’s what [the program] gave me, was a work ethic, because I didn’t have any since I was just a little spoiled kid who didn’t do anything. And, that is just the whole reason they put you on it, to add that structure to your life, that you’re saying, ‘I go to work, I come home, and that’s the place I need to go, that’s what I put

that on my schedule and that's it.' You're supposed to have that schedule for your life, and life is supposed to be full of appointments and schedules, and, but I mean life is supposed to have that structure and I guess that's what it's suppose to do."

When asked what the experience of house arrest meant to him, Mark said, "The whole meaning and purpose towards house arrest is to have a certain structure in your life and you can't have that structure without any type of guidelines." And finally, echoing an ethical stance on his own behavior, Mark told us, "Man, I don't feel any animosity towards being on house arrest 'cause I have to live up to my responsibilities which I guess this place really teaches that, you have to live up to certain things if you've made those mistakes, live up towards them. And so, I mean, I'm actually happy everyday."

"Marge," a European -American in her 30s and the mother of five children who works in a fast-food restaurant, a job arranged by the program, told us that she hates to be monitored 24 hours a day, but "You know, it's better than sitting in jail." Marge went on to speak of the opportunity for self-sufficiency, lessons and skills learned, and personal accountability that the program permitted and encouraged: "And at least under house arrest you can provide for your family and if you're not out there doing what your not supposed to be doing then it's not a problem anyway." She continued:

Marge: "And, it all, actually, sometimes people that have had problems in the past with maybe drugs or alcohol or situations like that, if they know what's more important then, house arrest can actually be a beneficial thing to a person. You know, for one, your proving to the community that you can survive, be a part of the community without, you know, I don't know, it's, it's not... I'll be the first to tell you that I hate the phone calls, especially in the middle of the night, whatever, but it's a lot better than sitting in jail, at least you still have the opportunity to be with your family and provide for your family, and do the things that you need to do."

Asked to reflect on the relationship between house arrest and jail, Marge states:

Marge: "Even if you have been here at The Center, when you get out of here, I mean, you learn to appreciate a lot more, and, actually, this has all been a really good experience for me, because, I mean, it's taught me budgeting money, even with house arrest, I know have to have a payment in, you know, so I mean, this is part of my probation condition, so, you know, actually you have to sit down and budget your money too to make sure that you have the money for house arrest, you know, so, it's really been a learning experience, and, I've actually benefited from it."

Staples: "Is it a lot of pressure?"

Marge: "Yeah. Basically, yeah. You know, because, you know you got to make sure that you are there when they call, you know and, if you've lived your life, you know, like I have, five children, I'm constantly busy, busy, busy. If you've lived your life that way, by a schedule, I mean it just totally turns your life upside down, you know. You have to make sure, and there's accountability again, responsibility, especially

for your actions, you know, you wouldn't want to put yourself in that position so now you have to be accountable and responsible, and it is, it's hard at first, but like I said, once you get the hang of it and you're not doing anything wrong and you're doing what you're supposed to be doing, it doesn't become a problem anymore."

Staples: "Any final thoughts about the experience that you would like to share with me?"

Marge: "I don't plan on ever, ever doing it again! (Laughs). I don't. I appreciate the fact that I'm here to talk to you and that I'm not in jail, but, the expense, is you know, just trying to keep up with appointments and scheduled times, and, it's definitely been a life learned experience, and I just do not want to have to face it again."

"Reggie" is an African-American male in his thirties, married with two children. He is a small business owner who had reluctantly agreed to plead guilty to a charge of sexual assault. He told us about how he ended up on house arrest and, like Marge, evokes a sense of personal responsibility that he linked to the community and the larger social order.

Reggie: "So I'm thinking, instead of him [the judge] giving me another thirty days and him taking me away from my family, I have a house note to pay, taking me from my house and my family is hurting my family also, so I think the judge was lenient and said, 'He doesn't need to be in jail, let's do, let's give him house arrest. And then by then I can get a better evaluation and he can be on his way.' So it's satisfying everyone, the judge, the community, you know everything."

And later in the interview, Reggie accepts his own liability for what has happened to him and sets his sights on moving forward and taking control of his own life:

Reggie: "I assume responsibility for being at that bar. So if I assume responsibility for being at the bar, I have no one to be mad at about this house arrest situation but me. That means I have to do what's necessary to get past it. Now, if I want to be mad about the situation and, 'this isn't fair,' then I'm not assuming responsibility and then therefore house arrest is going to be a pain in the ass for me. Let's get past it and go forward, this is what I need to do."

Staples: "So you are just constantly focusing on the alternative, which is just not very pleasant."

Reggie: "Right. And if you don't conform and meet the, uh, contract that you sign, can't say you didn't know, 'cause you signed it."

"Julie," the European-American in her thirties quoted at the beginning of this chapter, states when asked to describe her experience on house arrest that, "It was uh, [pause] structured. It was a lot better than being in jail, which was the alternative for me." Julie goes on to tell us about a specific skill she has developed and how this has led to personal accountability:

Staples: “Hmm, structure. Anything else about the experience that comes to mind?”

Julie: “It’s [pause] remembering. Remembering things, um, ‘cause a lot of times in the normal daily life it is difficult. So we forget things and it conditions us not to forget. It immediately puts consequences on us if we do, if we do forget. But when you’re out on the street normally you forget ‘oh well’ little things,. Here you pay the consequences if you forget anything. I forgot to find out one time here in The Center and lost my passes for three weeks. You forget something on house arrest, you could be called back here and sent straight back to The Center. They don’t give you chances on house arrest.” She continued, “It’s immediate accountability. There is no second chances, there is no ‘well, let me think about it.’ No.”

Staples: “Not a lot of slack, huh?”

Julie: “Uh huh, no slack at all. You are accountable for everything you do at every minute of every day or they have to know where you’re at. And it’s your responsibility to make sure they know. It’s not their responsibility to track you down. It’s part of what it is going out, you learn to be accountable for yourself.”

Later in the interview, Julie evokes the performative technology of the confession when she tells us how others know about her circumstances [16].

Staples: “So, a number of people know that you are on house arrest?”

Julie: “Yeah, everybody that I associate with, everybody that I talk to knows what’s going on with me. I’m not ashamed to admit what I’ve done ‘cause I’m paying for it. I took accountability for what I did and the responsibility for what I did and I’m trying to put it all behind me and move on and they are trying to help me. They are trying to help me put all behind me and making sure that I stay on the right track.”

When Julie described the routine of house arrest, answering the phones, etc. she identified what she sees as the tutelage aspect of the program and the acceptance of docile subjectivity. She stated, “It’s a conditioning program, that’s what all this is. They’re conditioning you to live like, better on life’s terms. It does work. Doing the things you say you’re going to do and uh, kind of uh, learning to respect authority.” She goes on to compare the house arrest to a work release program she participated in another state: “That was plain, straight up, just a work release program. They didn’t try to recondition you at all.”

Finally, asked to summarize her experience Julie offered, “If people understand the concept of house arrest, it’s a breeze. A lot of people try and put more into it than what’s really there. They just basically need to read the rules and regulations. It helps. It says it all right there. It’s guidelines is all.” She went on to elaborate how she saw the need for the tutelage function to be embedded in the everyday lives of arrestees and how this offered them the opportunity to develop personal autonomy and control over their own lives.

Julie: “It’s just a wonderful program, an alternative to jail. I mean, this is a good program [The Center] also but the house arrest...like I said, it keeps you controlled

more in your environment you're used to. The environment that you need to be controlled in, the environment that you're going to be at out there. In here is not where you're going to be forever. That environment is where you need help controlling, not this one. I think the house arrest is a much better alternative to The Center, in my opinion. You know, this is much better than jail. But I really believe that a lot more people should go to house arrest because that's where they need to be controlled in their environment, in their own home. That's where they need the help, not in here... You can't get a much better chance at organizing your life than house arrest. And I've done it; I know it can be done."

Similar to Julie's notions of transferring the lessons and skills learned from the program to affect her life when the structure is removed, "Duane," a thirty-six-year-old African-American who works as a night grocer and has a wife and three children, offered the following when asked to describe his experience on house arrest:

Duane: "Um [pause] it's very uncomfortable. This is the first time, hopefully the last, um, it's uh, it's an experience of that I feel that I can live by and learn from it, you know, apply it to my, you know, my life as I go on... I think that uh, as far as me being, um, prompt. As far as being on time for something and being responsible, uh, as far as taking care of business. Uh, if I went and, you know, doing that before, um, I think it would kind of help me in the future to, uh, you know, to be more responsible. Uh, more business, as far as taking care business and that sort of thing."

Duane's "taking care of business" evokes the enterprising and autonomous skills necessary to navigate daily life. He goes on to take personal account of his past behavior and suggests an ethical narrative in the need to "get a life" (i.e., to govern oneself) or else be subjected to the disciplinary regime of authorities.

Duane: "You know, uh, I guess, um, like I said, it's a valuable lesson. You know, no one can make my bed for me, I made it for myself. Whatever I brought on myself here is basically something that I have to deal with. Learn from it. You know, if you don't learn from your mistakes then, uh, better get a life then 'cause you'll always be in a predicament."

And, asked if he had any final thoughts, Duane turned to the energy, initiative, and ambition of "enterprise."

Duane: "It's not bad, you know, just like with everything else, it can stand some improvement, on the way they, um, handle some situations. So far, so good with me. I want to be honest and just give it one hundred percent. I just hope that the program's honest with me and gives me a chance."

"Chris" is a thirty-two year old European-American male and forklift driver who was divorced with three kids but living with his parents. Like many of the others, Chris characterized the program "structure" imposed on him as both constraining and enabling.

Staples: "So you feel it's effective in terms of watching or controlling you?"

Chris: "Yeah, sure. Yeah, sure it does. It, uh, like I said earlier, it just uh, it's effective in, uh, putting structure in your life. Putting, you know, living by a schedule, you know, instead of just. Basically, I mean it's not, it is kind of controlling. But, uh, that could be a good thing in a lot of areas."

Asked to reflect on the difference between jail and house arrest, Chris said:

Chris: "Uh, basically what I get out of it. Instead of being incarcerated in jail, you're able to go to your house; you're able to work like a normal person. You're able to do the normal things as long as you have it on your schedule. But, it also keeps you from going out and, uh, doing the things that got you there in the first place. Which is for me, DUI. "

Staples: "So is it a blurring between the two?"

Chris: "Yeah, it's more of, uh, like you know really I think they ought to do it more often to people. Because instead having someone sit in a jailhouse where they can't make money. You know, some people need to be there because their attitude is, 'I don't care I'm going to go out and do the same thing I did before.' Well, they need to be in the jail. But a lot of people, you know, realize that they made a mistake and they can get out and, you know, work and pay off fines or whatever. Child support, whatever they have. And uh, but at the same time still have structure in their life and be, you know, on a monitor system where, 'Hey, we can tell if you've been drinking' or whatnot. I think it's a good system."

Here and below, Chris suggests that those who refuse to submit to authority and remain recalcitrant need to be incarcerated whereas enterprising and self-governing individuals can employ the "structure" of the system to their own advantage and satisfy the needs of their existence through their own powers. He also connects the "structure" to his own ethical behavior and aspiring self-image:

Chris: "And so uh, it's a, but it keeps me, 'What time are you going to be home?' 'I'll be home at eleven fifteen,' you know, and that makes me follow my schedule to where I have to go out and be back by eleven fifteen. And so, you're basically keeping your word."

Staples: "Any final thoughts?"

Chris: "Well, let me think. Just basically I think it's a, uh, it's a good rehabilitation program. Basically, that's what I'd call it and uh, as a matter of fact where uh, you know, being uh, getting structure back in you life and uh living uh, living as you say you're going to live. Doing the things you say you're going to do and uh, kind of uh, learning to respect authority. Learning to, uh, humbling yourself. Basically, that's what I've learned from it, and, when I get off in seventeen days, it's going to take you know, transfer the structure that I had in this program into my everyday life when somebody's not monitoring me everyday. And uh, it helps you in doing that."

“Justin” is a European-American, twenty-years-old, who works on a landscape crew and lives with his parents. He was originally assigned to a month house arrest following a drug conviction but a “hot” UA got him another month. Asked to describe his house arrest conditions, Justin focused, like many others, on the “structure” of the program but added that he perceives that the program is reserved for those who have demonstrated some enterprise and autonomy already. “Right, yeah, it’s pretty relaxed. You got structure to it. So long as you talk to people you can get the schedule changes you need. It’s not that bad,” adding “Yeah, it’s more of a deal for people who have, I guess, showed some kind of promise, you know. And you’ve held some employment for a while you look like you might possibly be straightening your life up. We just want to keep an eye on you for a little bit and make sure you’re doing what you’re supposed to be doing.”

“Charles,” an African-American, thirty-two year old who lives with his fiancée works at sales for a living. He did not reveal what he had done to be sentenced to house arrest which he had served two weeks of a month sentence when we spoke.

Staples: “Maybe you could just describe for me what it’s like living under house arrest.”

Charles: “Well, it’s, it beats the alternative, number one. Number two, it’s really not bad ‘cause you can pretty much, you know, be home to focus on things you need to focus on. A lot of times, you know when you don’t have those restraints, definitely things going on and it’s hard to keep up.”

Asked to sum-up his feeling about it, Charles focused on the themes consistent with enterprise, self-rule, and ethical behavior.

Charles: “The biggest thing about this whole program thing is its accountability. I mean, if a person’s not used to being accountable for things, that’s probably why they got in trouble. You know and I think that’s something that maybe relies a lot on. I got to get back to accountability. I’m accountable for my actions, I ‘m accountable for my whereabouts, I’m accountable for everything I do. And that falls into responsibility so if you want to be responsible, you have to stay accountable.”

“Dusty” is a European-American male in his twenties who lives with a brother and roommate and works at a car wash while trying to complete a technical degree at a local community college. He had served more than 60 days on house arrest and says that the routine of house arrest helps “Keeps me honest.” Asked to elaborate on the idea of house arrest, Dusty suggested that the social control function actually creates a kind of space, an “opportunity” for some to reflect on and come to understand themselves.

Dusty: “Well, in my opinion, it’s the type of situation where they’re limiting your activities so you have an opportunity to think about what you’re going to do where you have just a little bit of freedom, but also restrictions, keeping you from doing what you shouldn’t be doing. Kind of see things from that perspective. You know, you’ll maybe make some proper decisions. That’s where I see it.”

Later in the interview, Dusty declared that he has a course of action and a set of goals for himself now; a different way of being.

Dusty: "I have a better idea on what I want to do and what I'm going to change about myself. I had a drug problem myself and as far as my hang up and places that I hung out, the people I hung out with, and a lot of times, I had a poor use of time. I just think it's, think maybe I'll make some better decisions as far as how I use my time and where I go... "Oh, you know I understand why they do it and it seems to make sense to me because uh, you know, I think initially if I wasn't on it, maybe, you know, I think being on it I have an opportunity to make some better decisions. Instead of being just left free from a restrictive environment I have opportunity, a window to think. I can't say I like it but I say it's probably the best thing for me."

Finally, we spoke with "Ernie," a forty-one year old African-American, married, who works as a general laborer in a factory. He had twice been convicted of drinking and driving and was half way through a thirty day sentence to house arrest.

Staples: "OK, maybe you could tell me what it's like living under house arrest. How do you experience the whole thing?"

Ernie: "It's, it, it's better than being here [The Center] and it's not really that bad. You know, they call and you don't have to talk to anyone so you just talk to the machine which is great, you know, so you just blow in the machine. You know, no drugs, no alcohol present in the house, which ain't no problem. I've been sober for over nine years, you know, so I don't see that as a problem. I go to my AA meetings and I speak about it and I, you know, and my group is very supportive. Told me if I have any problems to let them know. My boss is very supportive. He told me he wanted me to make it through this."

Ernie, like Julie above, describes the transformative effects of the confessional technology of the 12-Step Program he participates in. Commenting on his experience at The Center, Ernie feels that it helped him gain self-control. "Yeah, in The Center, it's a wonderful program it's just you have to deal with so many different attitudes and personalities and you know, it taught me my patience. That's one thing this taught me." And later: "Umm, like I says, think before you act, think before you act on your impulse thing like I did."

In his final comments, Ernie offers his own words on how "modern individuals are not merely 'free to choose' but *obliged to be free*, to understand and enact their lives in terms of choice" and acquiring the skills to negotiate life's terms [38].

Staples: "Any final thoughts about the experience that you want to share?"

Ernie: "You should weigh out the consequences 'cause sometimes you don't end up getting lucky like this, you just go to jail. You don't have the privilege of making money, you know, and another thing it taught me how to collect my money a little bit better. I was kind of doing that before, but now I think that I've got better at it 'cause you know, I've practiced it for three months. It's like embedded now."

Conclusion

The house arrest program we studied may well be seen as a “disciplinary technology,” intent on the production of “docile bodies” through both “hierarchical observations,” designed to instill the gaze of authorities in clients, and “normalizing judgments” that set the behavioral standards to be upheld [17, 44]. As practiced, and as participants have attested, it is an intrusive, regimented regime of control that is backed up by the constant threat of incarceration. And yet, rather than simply coerce clients into behaving, this productive form of disciplinary power operates as a kind of training program intended to engender certain “self-steering mechanisms” by which participants may come to experience, understand, judge, and conduct themselves [16]. In this “neo-liberal” model of governing, subjects are “...confronted with a field of incentives suggesting ways of utilizing individual skills and circumstances maximizing their own ‘life chances’ while minimizing their cost to the state” [47, P. 452].

Did the house arrest clients we interviewed really develop the ostensibly self-governing qualities they professed to have adopted? Will they go on to be less troublesome citizens, newly reconstituted liberal democratic subjects? We cannot say; we can only report what they told us. Goffman (1961) suggests that those spending time in institutions tend to internalize the idea that they will be reformed or will learn something from the experience because they do not want to think that this time in their life has been simply wasted [20]. These clients may have adopted a similar stance and want to believe that, despite how difficult they found the program, they met the challenges and it has changed them for the better. Furthermore, it may not be a coincidence that the clients who reflected on what they thought were the more productive qualities of the house arrest program were also the ones who had spent time in “The Center” and/or participated in various “12 Step” programs. Were they merely mimicking the therapeutic rhetoric of empowerment and transformation they had been conditioned to believe? Or were they just telling us what they thought we wanted to hear? Both are possible. Regardless, what seems important to us is that the discourse they have taken on, this narrative of truth they have come to employ to tell the story of their lives is a crucial link in understanding the ways we are governed by others and the ways we attempt to govern ourselves.

1. *Ansary S. J.* When home is a prison cell: The social construction of compliance in house arrest. Unpublished doctoral dissertation. – Gainesville: University of Florida, 1999.

2. *Ball R. A., Huff R. C., Lilly R. J.* House arrest and correctional policy: Doing time at home. – Newbury Park, CA: Sage Publications, 1988.

3. *Barry A., Osborne T., Rose N.* Foucault and political reason: Liberalism, neo liberalism and rationalities of government. – Chicago: University of Chicago Press, 1996.

4. *Corbett R., Marx G. T.* Critique: No soul in the new machine: Technofallacies in the electronic monitoring movement // *Justice Quarterly*. – 1991. – 8. № 3. – P. 399–414.

5. *Courtright K. E., Berg B. L., Mutchnick R. J.* Rehabilitation in the new machine? Exploring drug and alcohol use and variables related to success among DUI offenders under electronic monitoring – some preliminary outcomes // *International Journal of Offender Therapy and Comparative Criminology*. – 2000. – № 44. – P. 293–311.

6. *Courtright K. E., Berg B. L., Mutchnick R. J.* The cost effectiveness of using house arrest with electronic monitoring for drunk drivers // *Federal Probation*. – 1997. – № 61. – P. 19–22.
7. *Courtright K. E., Berg B. L., Mutchnick R. J.* Effects of house arrest with electronic monitoring on DUI offenders // *Journal of Offender Rehabilitation*. – 1997. – № 24. – P. 35–51.
8. *Dean M.* Governmentality: Power and rule in modern society. – Thousand Oaks, CA: Sage Publications, 1999.
9. *Ericson R.V., Haggerty K. D.* Policing the risk society. – Toronto: University of Toronto Press, 1997.
10. *Ewick P., Silbey S.* The Common place of law: Stories from everyday life. – Chicago: University of Chicago Press, 1988.
11. *Feeley M., Simon J.* The new penology: Notes on the emerging strategy of corrections and its implications // *Criminology*. – 1992. № 30. – P. 449–474.
12. *Feeley M., Simon J.* Actuarial justice: The emerging new criminal law / D. Nelken (ed.), *The futures of criminology*. – London: Sage Publications, 1994. – P. 173–201.
13. *Foucault M.* Discipline and punish: The birth of the prison. (A. Sheridan, Trans.). – New York: Vintage Books, 1979/1995.
14. *Foucault M.* Governmentality // C. Gordon (Ed.), *The Foucault effect*. – Chicago: University of Chicago, 1991. – P. 87–104.
15. *Foucault M.* The ethics of the concern for the self as a practice of freedom / P. Rabinow (ed.) *Ethics: Subjectivity and truth* (P. Aranov & D. McGrawth, Trans.). – New York: New Press, 1997. – P. 281–301.
16. *Foucault M.* Technologies of the self / P. Rabinow (ed.) *Ethics: Subjectivity and truth* (P. Aranov, D. McGrawth, Trans.). – New York: New Press, 1997. – P. 223–251.
17. *Foucault M.* Governmentality // I&C. – 1979. – № 6. – P. 5–21.
18. *Garth B. G., Sarat A.* (eds.). How does law matter? – Evanston: Northwestern University Press, 1998.
19. *Glaser D., Watts R.* Electronic monitoring of drug offenders on probation. // *Judicature*. – 1992. – 76. – P. 112–117.
20. *Goffman E.* Asylums: Essays on the social situation of mental patients and other inmates. – Garden City, NY: Anchor, 1961.
21. *Harrison P. M., Karberg J. C.* Prison and jail inmates at midyear 2002. Bureau of Justice Statistics Bulletin, U.S. Department of Justice Office of Justice Programs, 2003.
22. *Holman J. E., Quinn J. F.* Dysphoria and electronically monitored home confinement // *Deviant Behavior*. – 1992. – № 13. – P. 21–32.
23. *Jolin A., Stipak B.* Drug treatment and electronically monitored home confinement: An evaluation of a community-based sentencing option // *Crime and Delinquency*. – 1992. – № 39. – P. 158–70.
24. *Jones M., Ross D.* Electronic house arrest and boot camp in North Carolina: Comparing recidivism // *Criminal Justice Policy Review*. – 1997. – № 8. – P. 383–403.
25. *Jones P.* Community corrections in Kansas: Extending community-based corrections or widening the net? // *Journal of Research in Crime and Delinquency*. – 1990. – № 27. – P. 79–101.
26. *Klein-Saffran J.* Electronic monitoring versus halfway houses: A study of federal offenders. Unpublished doctoral dissertation. – University of Maryland, College Park, 1995.
27. *Layton MacKenzie Doris* What works in corrections: Reducing the criminal activities of offenders and delinquents. – New York: Cambridge University Press, 2006.
28. *Lilly R. J., Ball R. A., Curry D. G., McMullen J.* Electronic monitoring of the drunk driver: A seven-year study of the home confinement alternative // *Crime and Delinquency*. – 1993. – № 39. – P. 462–484.
29. *Maidment M. R.* Toward a ‘woman-centered’ approach to community-based corrections: A gendered analysis of electronic monitoring (EM) in eastern Canada. // *Women & Criminal Justice*. – 2002. – № 13. – P. 47–68.

30. *Martin R.* Truth, power, self: An interview with Michel Foucault - October 25th, 1982. / L.H. Martin, H. Gutman, P. Hutton (Eds.), *Technologies of the self: A seminar with Michel Foucault*. – London: Tavistock, 1988. – P. 9–15.
31. *Maxfield M. G. & Baumer T. L.* Home detention with electronic monitoring: Comparing pretrial and postconviction programs // *Crime and Delinquency*. – 1990. – № 36. – P. 521–536.
32. *Newman G.* *The global report on crime and justice*. – New York: Oxford University Press, 1999.
33. *O'Malley P.* Globalizing risk? Distinguishing styles of 'neo-liberal' criminal justice in Australia and the USA // *Criminal Justice*. – 2002. – Vol. 2. – P. 205–222.
34. *Payne B. K., Gainey R. R.* A qualitative assessment of the pains experienced on electronic monitoring // *International Journal of Offender Therapy and Comparative Criminology*. – 1998. – № 42. – P. 149–163.
35. *Payne B. K., Gainey R. R.* Understanding the experience of house arrest with electronic monitoring: An analysis of quantitative and qualitative data // *International Journal of Offender Therapy and Comparative Criminology*. – 2000. – № 44. – P. 84–96.
36. *Poster M.* Databases as discourse, or electronic interpellations / D. Lyon & E. Zureik (eds.), *Computers, Surveillance, and Privacy*. – Minneapolis: University of Minnesota Press, 1996.
37. *Renzema M.* Home confinement programs: Development, implementation, and impact / J. M. Byrne, A. J. Lurigio, & J. Petersilia (eds.), *Smart sentencing: The emergence of intermediate sanctions*. – Newbury Park: Sage Publications, 1992 – P. 41–53.
38. *Rose N.* *Powers of freedom: Reframing political thought*. – England: Cambridge University Press, 1999.
39. *Rose N.* *Inventing our selves: Psychology, power, and personhood*. – England: Cambridge University Press, 1996.
40. *Sandhu H. S., Dodder R. A., Mathur M.* House arrest: Success and failure rates in residential and nonresidential community-based programs // *Journal of Offender Rehabilitation*. – 1993. – № 19. – P. 131–144.
41. *Sarat A.* *Crossing boundaries: Traditions and transformations in law and society research*. – Evanston, IL: Northwestern University Press, 1998.
42. *Smith L., Akers R.* A comparison of recidivism in Florida's community control and prisons: A five-year survival analysis // *Journal of Research in Crime and Delinquency*. – 1993. – № 30. – P. 267–292.
43. *Staples W. G.* Small acts of cunning: Disciplinary practices in contemporary life // *Sociological Quarterly*. – 1994. – № 35. – P. 645–664.
44. *Staples W. G.* *Everyday surveillance: Vigilance and visibility in postmodern life*. – Lanham, MD: Rowman & Littlefield Publishers, 2000.
45. *Staples W. G.* The everyday world of house arrest: Collateral consequences for families and others // C. Mele & T. Miller (eds.) *Civil penalties, social consequences*. – New York: Routledge, 2005. – P. 139–159.
46. *Staples W. G., Decker S. K.* Between the 'home' and 'institutional' worlds: House arrest as postmodern social control. Draft manuscript. – 2007.
47. *Tuschling A., Engemann C.* From Education to Learning - the emerging regime of learning in the European Union // *Educational Philosophy and Theory*. – 2006. – № 38. – P. 451–469.
48. *Ulmer J.T.* Intermediate sanctions: A comparative analysis of the probability and severity of recidivism // *Sociological Inquiry*. – 2001. – № 71. – P. 164–193.

ТЕХНОЛОГІЇ ТІЛА, ТЕХНОЛОГІЇ «Я»: ДОМАШНІЙ АРЕШТ ЯК НЕОЛІБЕРАЛЬНЕ УПРАВЛІННЯ

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У статті зауважено, що практика електронно-контрольованого “домашнього арешту” відповідає ідеям М. Фуко про “дисциплінарну владу” та “управління”, а також самокерованим націям у контексті консервативної, нео-ліберальної ідеології та ментальності. Наш інтерпретативний аналіз низки наративів визначає тему, яку ми окреслюємо як “трансформація “я””. Вона ілюструє способи, в які домашній арешт переживають деякі клієнти як набір дискурсів та практик, що спонукають їх управляти собою, регулюючи власні тіла та поведінку. Ці саморегулюючі можливості охоплюють “ініціативу”, “автономію” та етичну позицію стосовно життя.

Ключові слова: домашній арешт, дисциплінарна влада, технології “я”.

ТЕХНОЛОГИИ ТЕЛА, ТЕХНОЛОГИИ “Я”: ДОМАШНИЙ АРЕСТ КАК НЕОЛИБЕРАЛЬНОЕ УПРАВЛЕНИЕ

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В статье отмечено, что практика электронно-контролируемого “домашнего ареста” соответствует идеям М. Фуко про “дисциплинарную власть” и “управление”, а также самоуправляемым нациям в контексте консервативной, нео-либеральной идеологии и ментальности. Наш интерпретативный анализ серии наративов определяет тему, которую мы определяем как “трансформация “я””. Она иллюстрирует способы, в которые домашний арест переживается некоторыми клиентами как набор дискурсов и практик, стимулирующих их управлять собой, регулируя собственные тела и поведение. Эти саморегулирующие возможности охватывают “инициативу”, “автономію” и этическую позицию по отношению к жизни.

Ключевые слова: домашний арест, дисциплинарная власть, технологии “я”.

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