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IV – Confessing and Punishing / L’aveu et la punition

Punishment and Crime in Jenni Fagan’s *The Panopticon*

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Jenni Fagan’s debut novel *The Panopticon* is a tale of punishment that has very little to do with its expected premise, crime, kept in the background. It tells the story of Anais Hendricks, a fifteen-year-old orphan who has been in and out of foster care ever since she was a baby, and a serial offender for more years than the narrative cares to account for. She is sent to an institution pending a possible trial for allegedly assaulting a policewoman and putting her into a coma, an act which may or may not have taken place before the narrative begins. The institution’s name, The Panopticon, invites a reflection on Jeremy Bentham’s eighteenth-century design and on its social and psychological implications.

Surveiller et Punir

In his historical and philosophical study of punishment *Surveiller et Punir* (1975), Michel Foucault analyses the shift in our modern societies to disciplinary power, with its goal of watching and controlling the individual. The consequence is that human relations are reduced to relations of power (at the expense of human rights), with institutions as omnipotent structures

of control and normalization of the individual. Fagan's own institution which only very faintly tries to pass itself off as a social institution is based on those premises. Indeed, Foucault's definition of the Panopticon links architecture with not just the separation of individuals, but also their total lack of privacy:

[...] at the periphery, an annular building; at the centre, a tower; this tower is pierced with wide windows that open onto the inner side of the ring; the peripheric building is divided into cells, each of which extends the whole width of the building; they have two windows, one on the inside, corresponding to the windows of the tower; the other, on the outside, allows the light to cross the cell from one end to the other. All that is needed, then, is to place a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy. By the effect of backlighting, one can observe from the tower, standing out precisely against the light, the small captive shadows in the cells of the periphery. They are like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible. (Foucault, 200)

Fagan's own building is elevated to the rank of protagonist, as it delimits the story to the extent that it cannot be considered simply as background or setting. It is made to be *seen* to implement privacy deprivation:

The Panopticon looms in a big crescent at the end of a long driveway. It's four floors high, two turrets on either side and a peak in the middle – that'll be where the watch-tower is. (Fagan, 5)

Right in the middle of the C shape, as high as the top floor, is the watchtower. There is a surveillance window going all the way around the top and you cannae see through the glass, but whoever, or whatever, is in there can see out. From the watchtower it could see into every bedroom, every landing, every bathroom. Everywhere. (Fagan, 10)

While Fagan's Panopticon is very accurately modelled on Foucault's description, the shift in this description from the neutral pronoun "one" to the very personal and inclusive "you", the personification of the structure ("it can see") as well as the use of vocabulary (the Panopticon "looms" rather than standing for instance), announce its use as an object of oppression of the various characters trapped in it, as is indicated by their own characterisation of themselves as "inmates" rather than "actors", a term which would imply a degree of agency, and certainly not "clients" as the institution ludicrously insists on calling them. In addition, the various uses the Panopticon could be put to in the mind of its inventor are also clearly stated, as Anais explains that "[i]t looks like a prison. It was one, once. And a nuthouse." (Fagan, 7) The goal, in the novel as in the original Benthamite

design, is to subdue people through constant watching, or to use Bentham's own words, permanent inspection.¹ To that effect, the cells/rooms in the novel have doors that cannot be shut entirely, leaving the occupants with no privacy, no possibility to hide from the prying eye. The ubiquity of the inspector, as well as the never-ending nature of the inspection is made clear in the preamble to the novel itself, a paragraph typographically isolated from the rest of the text, placed before the opening of the story proper:

I'm an experiment. I always have been. It's a given, a liberty, a fact. They watch me. Not just in school or social-work reviews, court or police cells – They watch me everywhere. [...] They watch me, I know it, and I can't find anywhere any more – where they can't see. (Fagan, 2)

The opening statement – “I am an experiment” – is the sentence that governs the whole book. Emanating as it does from no character in particular at this early point in the narrative, it stresses Fagan's intention – to invent a Panopticon that has reached perfection and thereby offset Bentham's design's historical failure in order to examine the consequence of such divergence. In a manifestation of the ultimate form of punishment, Anais, like the other “inmates” of the Panopticon, has been deprived of her human characteristic in order to become “an experiment”, or a registration number, that, in her personal history, actually existed before she was given a name.² Its perfection also lies in the fact that the opening statement is curiously reversible, as Anais refers not just to herself, but also to the institution she is sent to as “the experiment”, a formula which suggests a form of disembodied, abstract power reminiscent of modern dystopian novels. The text therefore can be seen as a voyage backwards, from the perfect system of discipline and punishment, to the reason that led to it, from the punishment to the crime.

In order to emphasize the inadequacy of a system that foregoes crime to focus on punishment, Fagan stresses the gap between the Panopticon's social function – it is a care home for children – and the punitive treatment the children get. This is done by giving the institution a pastoral setting that sharply contrasts with its punitive function: its first entry into the story ironically stresses the gap between what it should be and what it is:

¹ Bentham defines his prison as “a penitentiary Inspection-House” (Bentham, 8).

² “7652.4 – Section 48 was my first name. Seriously, they couldnae even give me a name until they'd filed me and discussed me and decided what I came under for sectioning” (121) see McCulloch, on the Panopticon as an institution which demonises and dehumanises inmates.

A sign for *The Panopticon* is nested in trees with conkers hanging off them. A leafy arc dapples light onto the road, it flickers across my face, and in the car window my eyes flash amber, then dull. (Fagan, 5)

In this parody of a holiday camp, one can detect a jeering comment on Bentham's own goal to educate and to protect as well as to discipline and to watch. As Emmanuelle De Champs points out in an article on Bentham's scheme, his term for imprisonment in the Panopticon is the word "custody", a word the polysemy of which captures the dialectic which governs his project: the Panopticon should be a place both of imprisonment and protection, an idea which, in the philosopher's mind, must lead to the offenders' moral education as well as their education to social utility:

[...] on voit se dessiner les contours du projet réformateur utilitariste: le séjour dans une prison panoptique ne doit pas seulement punir en infligeant une privation de liberté et du travail forcé, il doit aussi inculquer des habitudes durables d'hygiène morale et corporelle. C'est dans la conjonction de tous ces dispositifs que réside l'originalité du programme de Bentham. (De Champs, 20)

Fagan takes up this dialectic and ridicules it by presenting to her readers two opposed perceptions of the Panopticon, that of the institution on the one hand, and of the young people who live in it on the other. The institution's two phrases to describe the Panopticon's inhabitants, "Cared-for young people" and "clients" are both dismissed by the not so well cared for young people themselves as respectively "blatantly 'taking the piss'" (Fagan, 219), and inappropriate because, as they point out, "clients have the right to respond" (Fagan, 220). Anais's term for herself and her fellow inmates at the Panopticon is "lifers" (Fagan, 220) because the reality of their situation is that they have always been and will always be in care. The point made by this onomastic dialectic is that the novel presents a reality which points to the role of the state as carer for its weakest members, as is pointed out by the epigraph, a line taken from a Negro Spiritual, "Sometimes I feel like a motherless child". In focusing on the blurring of the line between care and punishment, *The Panopticon* therefore invites a reflection on what Marxist critic Antonio Gramsci calls subalternity.

The subaltern and self-erasure

As Stephanie Lehner's 2011 book *Subaltern Ethics in Contemporary Scottish and Irish Literature* points out, the term "subaltern" is a relational term which is set in a dialectic with "dominant", "to designate unequal, and

iniquitous power relations between individuals and/or groups, underpinned by the institutional structures of the state.” (Lehner, 9). It therefore applies “to forms of disempowerment, oppression, exclusion and so on” (Lehner, 9). Lehner examines what she calls the subaltern concern of many Scottish authors such as Janice Galloway, Brian McCabe, James Kelman or Alasdair Gray, namely their insistence on “perceiving, registering and negotiating forms of marginalisation, oppression and disempowerment”, and on observing “the oppressive and disruptive effects that gendered institutional structures – such as work, the family, the wider community and the state – have on the individual” (Lehner, 30). In Fagan’s novel, what is being examined is the oppressiveness of state power over the most fragile members of society in a way that recalls James Kelman’s Booker Prize, *How Late it Was, How Late*, which sets Sammy Samuels up against various legal, social and medical institutions, adopting the viewpoint of the lone, threatened protagonist. It is also linked to A.L. Kennedy’s story “The role of notable silences in Scottish History” in which she criticises historiographies for perpetuating the silence of “small people”. In Kennedy’s story, those people occupy the margins; they continue to exist in the small spaces that are inadvertently left by the grand narrative of history and story. Their voice “is the sound of nothingness. It is the huge, invisible, silent roar of all the people who are too small to record” (Kennedy, quoted in Lehner, 116), a roar that is amplified in Kelman’s entire oeuvre. Fagan places the subaltern – her motherless children – under surveillance, and subjects them to the panoptic treatment in a way that also refers back to Kelman’s *Translated Accounts*, as Anais’s own words for the institution, a “nowhere place” from which ‘there’s nae escape.’ (Fagan, 4) would be a very apt description of Kelman’s novel, which is narrated from the point of view of a character subjected to the oppression of an invisible totalitarian state power. The panoptic experiment therefore becomes a Kelmanian environment in which what is taking place is an oppression of the subaltern, as seen from the point of view of the oppressed, disempowered characters.

Panopticism and self-erasure

In the totalitarian world of total control where Anais both is an experiment and is watched by the experiment, the idea of the Panopticon – seeing at all times without being seen – is brought to frightful existence in Anais’s nightmarish imaginings of herself. She imagines the experiment is waiting for her behind the door:

Then they would inject me in the head – with a big needle full of shit that makes your skull see-through. Then they would put me in a box. The box would have a light switch that'd make my thoughts glow a different colour, in my see-through skull. So they could read them. Forced telepathy – it's the last step for total mind control. (69-70)

And the book has its own way of figuring total mind control, which relies on the recurrent description of the building itself, which is never allowed to slip out of the picture. The Panopticon therefore functions as a visible and mysterious sentinel to the text itself, literally kept in sight for the reader, reminded of its constant, inscrutable, and vaguely threatening presence, its all-encompassing surveillance. This is at the heart of Bentham's project which, as the philosopher explicitly indicates, is based on psychological rather than physical control, when he claims that "[u]pon all plans hitherto pursued, the thickest walls have been found occasionally unavailing: upon this plan, the thinnest would be sufficient" (Bowring, IV, 46). What is specific to *The Panopticon* is that the novel, while focusing on the inmates and therefore minutely charting the consequences of psychological surveillance, also goes back to the root cause of punishment and links psychological surveillance to a deficiency that makes this taking over of the characters' lives possible – their disconnection from history. In Anais's case it is a lack of personal history which forces her not only to make up for the childhood memories she does not have by creating several sets of them to choose from, but also, as the term "lifers" reminds the reader, to project a future that has only more entrapment in store. The book uses an obsessive, stifling internal focalisation to convey this idea. Ultimately therefore, Anais is not the prisoner of a system represented by the various figures of administrative authority (social workers and police officers), but by her own social and psychological condition, and the consequences can be given an allegorical reading, harking back as they do to the historiless condition of Scotland itself. Fiona McCulloch, in her discussion of what she calls Fagan's contemporary Scottish Gothic, argues that in the novel, policing and surveillance metaphorically parallel the plight of the Scottish nation and its uneasy relationship with Anglocentric hegemony. She explains that Fagan embraces Scottish Gothic with a view to overturning or redirecting the implications of its dark designs:

Anais's environmental association disrupts and reconfigures Romantic discursive links between childhood innocence and nature. A parallel can be drawn with historically gothic depictions of Scotland's landscape as queer or other in eighteenth and nineteenth century literature : a threateningly unwelcome foreign and hostile space. Yet, in Fagan's contemporary Scottish

gothic, the landscape becomes a pastoral haven that connects Anais to an environment far more homely than the *unheimlich* care system, so rescuing and relocating Scotland's landscape from alterity within a fiction that recognises the gothic menace to be Anglocentric social hegemony. (McCulloch, 122)

I would suggest that Fagan additionally takes Kelman's argument of the oppression carried out by the totalitarian state one step further by suggesting a displacement of the labyrinth it creates to an ontological level superior to that of the characters, from the plot to the text, which *itself* shows an ability to be a labyrinthine structure. In order to do that, the text occasionally throws up pieces of itself, identical phrases or whole sentences which turn up in various parts of the novel, and effectively make for a convoluted textual structure which the "inmates", the characters, cannot exit. About Tash's disappearance for example, Anais's comment that "it could have been anyone. It could have been some sick cunt with a space in his sex circle." (Fagan, 264) is repeated word for word in two different chapters. By thus tampering with its own linear structure, the text effectively erases in the process the possibility for progression or even escape. By combining this method with internal focalisation, the book therefore enacts the motif of mental entrapment by couching it in textual terms. And mental entrapment breeds self-erasure, which is ultimately the meaning of the vague, vaguely threatening "experiment". It does that first in a fairly conventional way, by having the character question her right to live:

The experiment is watching.

You can feel them, ay. In the quiet. In the room. Wherever you are – they're there. That's a given. Sometimes they're right there, sometimes a wee bit further away; when I want to hurt myself but I dinnae, I can always feel them then. They want me to hurt myself. They're sick like that. What they really want is me dead. (Fagan, 23)

I'd rather be dead today, but I umnay – I'm fifteen and fucked. (Fagan, 18)

It also erases the characters by nullifying Anais's one unquestionable and unalienable right to be human, to be part of that large human community.

In all actuality they grew me – from a bit of bacteria in a Petri dish. An experiment, created and raised just to see exactly how much, fuck you, a nobody from nowhere can take. (Fagan, 31)

The logical conclusion of this process is that the narrator shrinks into nothingness, self-erasing in front of the reader's eyes:

There's nothing to hold on to out there. Not a single thing. Fuck all – you are just floating in space. It's worse than back-to-back panic attacks. It's worse

than psychosis. It's worse than getting fucked after you said no, and it's worse than not knowing anything about who you are or where you're from.

It's worse than the polis fucking with you just for fun, or cos they see you as a nothing, a no mark, an easy meat – just like all the other freaks do. [...] Nothing but empty space. (Fagan, 72-73)

Fagan's portrayal of the subaltern therefore hinges on the pessimistic statement that the not very specific crime committed by the protagonist³ leads to a punishment that doesn't have to be related to it, because the connection is no longer an operative concern of the system, which turns out to be even more effective than the Panopticon as a means of control, as it lands the character into a void, a space of non-existence that seems to be the logical outcome of the solipsistic, self-contained narration that it was born in: the panoptic experience in Fagan's novel leads the character to exist in a realm which has nothing to offer but empty space, a mental Panopticon that performs the disappearing trick to perfection.

Freedom and Malcolm

And yet, as is pointed out by McCulloch, the text "liberates its protagonist [...] so that she can maintain an identity outwith cartographic power structures" (McCulloch, 113). In the mental Panopticon Anais is confined to, the only possibility for escape is magic. As a focaliser, but also, crucially, as a first-person narrator, she can ensure that she can ultimately take the initiative in the narrative and look for freedom in the shape of narrative freedom. Anais, named by the one foster mother who meant anything to her after the writer Anais Nin, is a figure of the creator, a narrator who imaginatively creates an exit from the social and textual labyrinth by creating a fictional world for herself, conjuring up a fantasy or inter-textual world within the realistic, institutional one, a world which includes morphing heads coming out of the walls while she is handling a particularly painful situation at the police station, a pastoral setting which features as a direct counterpart to the dreary panoptic environment and to the tales of prostitution, rape and abuse that are the substance of Anais's backstory and

³ She is accused of the very real and serious crime of putting a woman police officer into a coma, an act which she can neither remember nor acknowledge, and which the narrative makes no effort either to elucidate or at least to contextualise, making its reality status somewhat questionable. Anais, like her fellow inmates at the Panopticon, is therefore guilty of petty crimes and misdemeanours.

which the narrative never lets out of the reader's sight,⁴ and some intertextual allusions to fairy tales, or to Mary Poppins-style interventions. This power has a symbol – Malcolm, the gargoyle on the entrance gate of the Panopticon, ridden by Anais to fly to the world of her dreams and imaginings. But more crucially than this ability to summon up images of magic, Anais is made to exploit her powers as a narrator of the story to the full: she becomes possessed of the magic wand that can turn her story into myriad other, more hopeful ones. She is granted the narrator's power to tell her own story, and therefore herself, into existence, as is shown by her inventiveness in coming up with a beginning for her life, a skill which could be read as a metafictional awareness of the setting up of a story:

Begin, like always, with a birth. I pick a birth like I believe I was born once, I do it carefully, like it counts. Born in the bushes by a motorway. Born in a VM with its doors open to the sea. Born in Harvey Nichols between the fur coats and the perfumes. [...]

Born in an igloo. Born in a castle. [...] Born on an adoption certificate on a perfectly mundane Tuesday. (Fagan, 31-32)

Anais comes across as a true figure of the creator, with all the stories in waiting just needing her to imagine them into being or, in a more demiurgic fashion – indicated by the “naming game” she plays in the third chapter⁵ – to *name* the events of her world. Naming and inventing, she creates her own world not just from scratch, beginning, as one does, with a birth, but also by resorting to a kind of “morphing”, a farcical, cartoon-like method of creation quite suited to the narrator's age:

“You have a long history of violence.” [...]

The policeman begins to shrink; first, it's his head that seems the wrong size, then his nose elongates and he accelerates – further and further away. (Fagan, 114)

But the ultimate goal is not as playful as it seems, as it emphasises the narrator's power to burst the dam of the socially and historically constructed narrative of oppression and repression. When both the old monk and Pat, Teresa's former friend, acknowledge the actuality of events that should theoretically be confined to Anais's imaginings⁶ it is the ontological

⁴ On this aspect, see McCulloch on Fagan's use of the outdoor Scottish Gothic and the power of the landscape as a haven.

⁵ See 38.

⁶ Pat refers to the experiment as a matter of course, as if its existence was an established fact, while the old monk describes how Anais's birth mother was flown away by a

stability of both this world and the fictional one that are disturbed, proving Anais's power of construction *and* destruction. As the text shows in those instances, resistance to surveillance does not vouch for a disappearance of the social and historical conditions that led to the system. Freedom, as in the image of the winged cat soaring into the moonlight with a teenager on its back indicates, can reveal itself to be a fanciful and relative affair.

Jenni Fagan's novel is a reminder that, as Stephanie Lehner claims, literature is not marked by evasion and irresponsibility towards social, political and historical questions. On the contrary, "it opens a space wherein such concerns can be addressed" (Lehner, 2). *The Panopticon* seizes this narrative power to create, or rescue, a category of the population from being obliterated from the records of history. As Kelman's, or A.L. Kennedy's readers know however, this power is not as smooth and as unproblematic as the figure of the magic gargoyle soaring into a night sky with a child on its back might indicate. *The Panopticon* tells the drab stories of Tash whose dream of providing a home for her girlfriend and her twins babies leads her to work as a prostitute and finally to be abducted and probably murdered by one of her clients, of John, whose damaged mother's attempt to get her children out of care for Christmas fails, leading him to commit suicide, or of Anais who has lived in over fifty foster homes before she was fifteen, has been raped and has seen the only "mother" she ever had murdered, and of many such representatives of subalternity. As the second epigraph to the novel, a quotation from Oscar Wilde, asserts, "when liberty comes with her hands dabbed in blood it is hard to shake hands with her."

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winged cat (Fagan, 248). They therefore both blur the distinction between what is real and what belongs to Anais's imagination.

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