

Victor Hugo and Octave Mirbeau A Sociological Analysis of Imprisonment in Fiction

by

VINCENZO RUGGIERO

Professor of Sociology at Middlesex University in London, UK

Prisons are scandalous, but they make people dream. This paradox encapsulates the ways in which imprisonment is dealt with in classical literature, where notions of punishment appear so frequently that their collection in a text would make a wonderful volume, putting dry socio-legal volumes to shame (Brombert, 1975). Prisons are not in nature, but “man never ceases to pervert his own nature through the tragic pride of condemning his brother” (Hugo, 1969; p. 1718). The history of society, according to Chekov (1966) is the history of how we incarcerate our fellow creatures. However, the prison cell is also the space of dream and poetry, of meditation and religious fervour. Calderon de la Barca (1967) has his hero secluded in a castle, where he learns that dreaming surpasses living, while Pirandello’s (1922) “Henri IV”, after a brief excursion outside, rather than face the ruthlessness of those surrounding him, returns to the reassuring, maddening, tower where he has buried himself.

Students of prison and literature may argue that much of our cultural tradition took shape under conditions of incarceration or involuntary exile. Davies (1990, p. 3), for example, argues that it is perhaps impossible to understand Western thought “without recognizing the central significance of prison and banishment in its theoretical and literary composition”. This paper avoids assessing the veracity of such general claims. It confines itself, first, to a brief overview of how prisons are presented in some influential literary classics and how authors relate to the debates within the sociology of punishment and the prevailing philosophies of incarceration. Second, the paper repeats a similar exercise while focusing on two authors, namely Victor Hugo and Octave Mirbeau. In a brief conclusion it is

remarked that fiction can provide the sociological imagination that many sociologists and criminologists find, sadly, wanting.

Suffering and ascesis

Benvenuto Cellini, a pupil of Michelangelo, an admired goldsmith and sculptor, is incarcerated in Rome, and in his (fictional?) autobiography there is no concession to theories of rehabilitation or individual deterrence. The guards receive the instruction to just do their “duty and see that he doesn’t escape” (Cellini, 1956, p. 189). He is unable to see a connection between his conduct and the punishment imposed upon him, nor does he seem to endorse the consequentialist argument whereby the harm he is suffering is meant to prevent the greater harm he would otherwise produce through his crimes (Duff and Garland, 1994). As soon as he is arrested he begins to plan how to make an escape. A soldier, who never enters his cell without insulting him, inspects the hinges of the door as if Cellini had made up his mind to flee from the outset. The prisoner is reluctant to accept that the guards should be the agents of his re-education, but rather sees in them an arbitrary, unwritten power inflicting a discretionary supplement of pain to the pain of imprisonment itself. For example, he does not tolerate that they touch his bed, and deems this a vexing, motiveless intrusion performed for the pure pleasure of humiliating him. The guards, in his view, are not worthy to touch the bed of a man of his sort, to dirt and spoil it. All prison does, in his circumstances, is to ignite his sense of rebellion:

“You filthy cowards! I’ll grab one of your swords and give you a wack that you won’t forget in a hurry ... I don’t mind risking my life, since I’ll have yours first” (Cellini, 1956, p. 201).

He asks to be left alone with his suffering and misery, and intimates that no more burdens should be added to the ones he is already bearing, or else he will show them what a desperate man can be driven to.

Imprisonment is experienced as unjustified infliction of pain and escaping such pain recurs in Stendhal, as well as in Alexandre Dumas and Victor Hugo, who warns that there are numerous Cellinis in jail, all engaged in refining the incredible art of climbing. The physical destruction of prison buildings is a counterpoint to such incredible art, and is seen as legitimate when symbolizing the collapse of a decrepit social and institutional order. Dumas (1926, p. 236) describes the Bastille as a dark tomb, which detains not only bodies but also thoughts: “the explosion of thoughts made the Bastille explode”. Destroying this archetypical prison

establishment is an act of faith: Bastille and tyranny are synonyms all over the world. Michelet (1981) argues that in revolutionary France there were many other prisons, but that only the Bastille was the symbol of arbitrariness, despotism, “bureaucratic and ecclesiastic inquisition”, and that it was the prison of ideas, the residence of free spirits.

Dostoevsky, who serves a sentence in a labour camp, laments that all prisoners smell like pigs, and that they cannot avoid behaving like pigs, performing some dirty tricks, in order to feel that they are alive. Experienced as sheer retribution, imprisonment does not generate propositions, once freedom is regained, to lead a virtuous life, but to merely live a life. From the outset, as Dostoevsky notes, prisoners count the time they have left: this is their preferred occupation. Instinctively, they refuse to regard theirs as a definitive, concrete condition, and prison as part of their existence. They feel as if they were “visiting” the establishment holding them, and are convinced that once released, at the age of fifty, they will be the same as when incarcerated, say, at thirty: “I’ll still have time to enjoy myself.” Even those serving a life sentence believe that sooner or later an order from Saint Petersburg will allow them out, while “elderly men with white hair keep thinking that, once their sentence is over, then...” (Dostoevsky, 1977, p. 36).

In distancing themselves from their condition, prisoners can hardly engage in a communicative process inducing their reconciliation with society: they just withdraw from that process in order to retreat into their own self, oblivious to the acts and social interactions which brought them there. In Dostoevsky’s (1985) “House of the Dead”, however, prisoners work hard, as if punishment consisted of a form of retaliation for their having escaped, in the free world, from the duties of a productive life. According to a materialistic analysis of the “House of the Dead”, it could be argued that prisoners are kept in the labour camp because they constitute a redundant population that is not employable outside (Rusche and Kirchheimer, 1968). On the other hand, as redundant population, convicts are not simply held with the prospect of being eventually received back in the labour market, they are also trained to work under humiliating rules, and simultaneously, forced to perform, under those rules, their productive capacity.

Training prisoners to lower their social expectations requires physical and mental pain, but also the participation of prisoners themselves in the punishment inflicted on them. The inmates must be caught in a power situation of which they themselves are the bearers (Foucault, 1977). A two-ways current is set up between dominators and dominated, an interaction between the two poles of the disciplinary universe, without which the

mechanism of punishment could not function. This situation is well described by Camus (1947) in a crude metaphor: those about to be executed are highly concerned about the proper functioning of the guillotine; accidental faults may necessitate the operation being repeated over and over again. This metaphor also finds literary expression in Kafka's (1957, p. 69) penal colony, where "the sentencee looked so beastly resigned that he could be left free to run about on the hills, a simple whistle being sufficient for him to return, on time for the execution".

Prisoners' participation in the infliction of suffering implicitly demonstrates that they are non-persons who bow to any form of humiliation, even to self-destruction (Levi, 1986). Humiliation may be inflicted through the incessant, sinister noise characteristic of some prisons (Cervantes, 1943), or the maddening silence that leads Casanova (1825) to the "illness of solitude". An unforgettable character in *Les mystères de Paris* brutalizes himself, seemingly for the unconscious necessity of exculpating his guilt. In actual fact he does it because his physical and mental state performs a message to his tortures: stop vexing me, I have given up my physicality, and thus my rebellion. His humiliation is complete, he is a wreck, a sign of accomplished reconciliation, via the degradation of the self, with law and order (Sue, 1949).

Physical and mental suffering find a sublime synthesis in Piranesi's etchings, in which vastness and segregation, emptiness and constriction, co-exist and blend. Spiral staircases, bottomless pits, unreachable ceilings, vertiginous overhangs, vast precipices, added to asymmetrical buildings and optical illusions, confer the very concreteness of restriction, of its nightmare, but also of its opposite: infinity (Gallo and Ruggiero, 1991). The space of suffering is no longer enclosure, it is rather an unbearable dilatation, and anguishing multiplication of levels, a labyrinthine succession of flarings and piercings of a circular, infinite perspective. Yourcenar (1978, p. 84) captures the image of temporal infinity that is exactly the Piranesian prison, where time, like air, is motionless, and at the same time she conjures up its sense of empty space. "This world is enclosed within itself, it is mathematically infinite."

Literary classics, however, oscillate between condemnation of prisons, for their inability to achieve their presumed functions in society, and their appreciation, for their ability to generate positive, spiritual effects on individuals. Dostoevsky (1979, p. 473), after his descriptions of the inhumanity of incarceration, and despite treating crime as tragedy and justice as parody, forces Raskolnikov to kneel down "in the middle of the square", bow to the earth, and kiss "that filthy earth with bliss and rapture", because he has sinned against it too. In *Crime and Punishment*, it is not

“the horrors of prison life, not the hard labour, the bad food, the shaven head, or the patched clothes” that torment the murderer, but the difficulties he finds in feeling repentance, that “burning repentance that would have torn his heart and robbed him of sleep, the repentance, the awful agony of which brings visions of hanging and drowning” (*ibid*, p. 487). Tears and agony would at least make him alive again. Initially unaware, he is soon to become conscious of the fundamental falsity in himself and his beliefs, and a crisis will prepare a new life and his future resurrection. If at the beginning his fellow prisoners appear total strangers to him, and after the initial refusal to look around at the “loathsome and unbearable” environment in which they all live, Raskolnikov starts talking to the other inmates, who even answer in a friendly way, while the New Testament under his pillow renders the cell less unbearable. It is the beginning of a new story, “the story of the gradual renewal of a man, the story of his gradual regeneration, of his passing from one world into another, of his initiation into a new unknown life” (*ibid*, p. 493).

This notion of incarceration includes a variety of differing notions. On the one hand, while publicly declaring that he is a murderer, Raskolnikov seems to claim his “right” to be punished. As the German idealistic philosophy would posit, with punishment he is honoured as a rational being (Kant, 1953). He is entitled to retribution and his individual responsibility provides the moral basis for legitimate punishment (Norrie, 2000). On the other hand, the idea of regeneration through custody, that we find in Dostoevsky is in debt with the notion of the Platonic cave, which holds men in chains and where only a dim light filters, so that prisoners are only able to see shades of reality, blinded as they are by their spiritual inadequateness. It is the part of the mythological image of individuals being imprisoned by their own senses and of their struggle to see the light, an image constantly feeding the Christian imagination and its views on custodial punishment. Pascal (1966) offers a particular, sublime rendition of these views, and despite, or perhaps because, he abhors prisons and chains, he warns that life itself resembles a ghastly dungeon in which humans err, ignoring that only divine light can rescue from loss and bewilderment. “Prison is the metaphor of the world and also of the act of striving for salvation” (Davies, 1990, p. 27).

Stendhal (1932) remarks that the protagonist of the *Chartreuse* is reluctant to escape from prison, and when he does he misses his happy solitude. Clelia and Fabrice, in a convent and a cell respectively, discover how they can grow indifferent to the tribulations of life, and that there are intimate regions of the self where spirituality can develop through renouncement. Only the vulgar noise of the guards’ laughter, ugly and

eerie, may distract prisoners from their spiritual exercise, a noise perhaps inflicted with the deliberate intent of annulling the beneficial effect of incarceration. In Stendhal, all forms of extreme happiness are connatural to shady and quiet environments, including prisons (Brombert, 1975).

Foucault (1977, p. 237) terms such environments “complete and austere institutions”, where the convict can reflect in solitude, and when “he has profoundly repented and made amends without the least dissimulation, solitude will no longer weigh upon him”. In the cell prisoners are confronted with their own conscience: it is the Philadelphia system of custody established in 1836, where absolute isolation is deemed to enlighten convicts from within. Prisoners, like Pascalian men and women, are handed to themselves, and in the silence of their cells, they experience the awakening of moral feelings “that never entirely perish in anybody”. Prisons, therefore, do not perform a vindictive, but rather an educational function; they are not the response of power to crime in the form of a pre-determined quantum of suffering, but a mechanism fostering a response from prisoners themselves, who in custody start communicating with that power, and end up internalising it. Prison “provides an intimate exchange between the convict and the power that is exercised over him” (*ibid*, p. 237).

Suffering and asceticism are intertwined in classical literature, and supporters of the beneficial effects of imprisonment are as persuasive as radical critics of it. The novels of Victor Hugo and Octave Mirbeau that I will now examine, on the contrary, are unambiguously critical of prison institutions, and their analysis may uncover a rich repertoire of sociological notions of incarceration.

Fear and escape

Hugo’s prisoners conjure up humanity in pain: livid faces, flaming eyes, fists stretched out through the bars, pointing to the sky in anguishing challenge. The effects of punishment are visible in the bodies and the frantic gestures of those who suffer it, while prison is a sonorous experience, with its rattling of chains, shrill laughter and screeching voices, a cacophony akin to a witches’ Sabbath. Prisoners are not heroes, they are frightened beings, victimized by this cacophony, by invisible devils laughing. Hugo seems to hear the ghastly yell of the thief under the branding iron, a spectacle he says he witnessed personally, and which determined his vocation to fight legal injustice. With Beccaria, whom he

mentions in more than one novel, he exposes judicial murder, the cold vendetta performed without irascibility.

Time is intolerable, because exclusively experienced as present, with no relation with the past and the future. Prison does not impose itself as place, but as “idea”, chaining the inmates like a prison. Imprisonment, through time as pure present, becomes internalised, a psychological condition, an obsessive thought exuding from the surrounding walls. In *Le dernier jour d'un condamné*, Hugo (1991) shows how “the obsession of prison turns into the prison of obsession”, how the cell is a thought, and how prisoners hold the prison inside rather than being held by it.

A poetics of escape is elaborated, in which prisoners are equated to inspired artists striving for freedom, dazzling over the walls. Escaping is a physical effort, but also symbolizes a spiritual ascent; it is like the healing of a wound, the recovery from degradation. Hugo’s prisoners turn fear into rage, and like in Beethoven’s *Fidelio*, to them breaking the fetters is tantamount to emerging from darkness to light.

Rejecting the ejectors

In *Les Misérables*, we are told that freedom is not fully appreciated until we see a guillotine with our own eyes. The name of this “ultimate expression of law” is vengeance and like law it is not neutral, nor does it allow us to remain neutral. It is not merely a framework, a machine, a lifeless mechanism made of wood, iron, and rope. It is a being with its own dark purpose; that arrangement of wood, iron and rope expresses a will, namely to solve all social questions by means of a blade. Hugo’s invective against legal suffering, however, is not confined to death penalty, but embraces all forms of custodial punishment, behind which he sees the perpetuation, and aggravation, of social injustice. The story of Jean Valjean is, in this sense, emblematic.

A convict on parole, after nineteen years in prison, Jean is looking for a place to sleep: not even the prison would take him back. When he finally knocks on the bishop’s door, he is addressed as “monsieur”, a courtesy which is “like fresh water to a shipwrecked man”. Ignominy thirsts for respect, says Hugo, even after nineteen years of “the red smock, the ball-and-chain, a plank to sleep on, heat, cold and hard labour, the galleys and the lash. The double chain for a trifle, solitary for a single word. Chained even when you are sick in bed” (*ibid.* p. 96). Valjean was tried for housebreaking and robbery, and the prison sentence made him “like a tree

sawed down at the root”. Hunger, claims Hugo, is the direct cause of four robberies out of five.

In prison, Jean withdraws into his own conscience and reflects. He reaches the conclusion that he is not the only one at fault, and that the punishment is more ferocious than the offence. In prison, he feels that he is the weak victim of a strong assailant:

“Was it not a serious matter that a man willing to work should have been without work and without food? [...] Had not the scales of justice been over-weighted on the side of expiation? And did not this weighting of the scales, far from effacing the crime, produce a quite different result, namely, a reversal of the situation, substituting for the original crime the crime of oppression, making the criminal a victim and the law his debtor, transferring justice to the side of him who had offended against it?” (*ibid.* p. 97).

In the study conducted by Sykes (1958, p. 67), now a classic of the sociology of imprisonment, the loss of civil rights is pinpointed as the crucial aspect of custody, along with the loss of that more diffuse status which defines individuals as trustworthy and morally acceptable. Prisoners suffer this loss, and while the walls seal them off as contaminated persons, their self-conception is constantly threatened, as if they were daily reminded that they must be kept apart from “decent” men and women. This degradation or rejection, Sykes suggests, is somehow warded off, turned aside, rendered harmless by prisoners, who, in order to endure psychologically, must find a device for “rejecting their rejectors”. Let us see how this device takes shape in *Les Misérables*.

In prison Jean lives as though in darkness, fumbling like a blind man. Only occasionally is he overtaken by a burst of furious rage, rising within him or provoked from without. Rage is the outcome of an overflow of suffering, a swift, searing flame illuminating all his soul and “shedding its ugly light on everything that lay behind him and ahead” (Hugo, 1976, p. 99). After these sudden flashes, darkness closes in again, and the “pitiless”, brutalizing punishment to which he is subjected, gradually, erodes his mind. Prison “turns a man into an animal, sometimes a ferocious one”, and like a caged wolf, Jean dashes madly for the door whenever he finds it open. Instinct prompts him to run where reason would have bidden him stay: in the face of that overwhelming impulse, reason vanishes.

“There are prisoners, obsessed with the thought of escape, eternally envious of the birds and the flies, who make a positive cult of the physical sciences, daily performing a mysterious ritual of exercises. The climbing of a sheer surface, where scarcely any hand or foothold was to be discerned, was to Valjean a pastime” (*ibid.* p. 100).

Jean speaks seldom and never smiles. When shattered by extreme emotion, perhaps once or twice a year, he emits the “sour convict-chuckle that is like the laughter of demons”. The sight of him suggests that he is continually absorbed in the contemplation of something terrible. When he looks upward, beyond the pallid light in which he is crouched, he sees, with mingled terror and rage, an endless structure rising above him, “a dreadful piling-up of things, laws, prejudices, men and facts, whose shape he could not discern and whose mass appalled him, and which was nothing else than the huge pyramid that we call civilization” (*ibid.* p. 100).

Jean is an “outcast of the law”, and feels upon his neck the whole weight of society. He finds his condition inconceivable, the world around him grotesque. He says to himself: this is a dream, and stares at the warder standing a few feet away as though he were seeing a ghost – until suddenly the ghost deals him a blow. As prison shapes him, he becomes capable of two kinds of ill-deeds: “first the heedless, unpremeditated act executed in a blind fury, as some sort of a reprisal for the wrongs he had suffered; and secondly, the deliberate and considered crime, justified in his mind by the thoughts inspired by those wrongs”. Thus, Jean starts “rejecting his rejectors”; his impulses are governed by resentment, bitterness and a profound sense of injury. These translate into hatred for society as a whole, rage against all humans, all created things, into “a savage and obsessive desire to inflict harm on no matter what or whom” (*ibid.* p. 101).

Prisons as incubators of crime

Victor Hugo denounces how the system grinds the poor between the milestones of need and excess – need of work and excess of punishment – finding it monstrous that society should treat in this fashion precisely those least favoured in the distribution of wealth. Similarly, Jean passes judgement on society, and condemns it to his hatred. Hatred is his only weapon, and he resolves to sharpen it in prison and carry it with him when he leaves. The description of the chain gang conjures up an implicit justification of this hatred.

There is a sound like the rattle of chains, and as the procession draws nearer, with sounds and outlines growing more distinct, something approaches as if in a dream. As the details become clearer, darkly silhouetted heads appear, bathed in the pallid glow of the rising sun, resembling the heads of corpses. Each convict has his own collar, but the chain is shared by all of them, so that they have to move in concert “like a

body with a single backbone, a sort of centipede". The procession is escorted on both side by a line of troops of infamous aspect, with "dirty and bedraggled pensioners" tunics, tattered trousers, something between grey and blue', armed with axes, muskets, and clubs. "Mercenary soldiers bearing themselves with the abjectness of beggars and the truculence of prison-guards". A crowd of spectators springs up in an instant, and gathers on either side of the road to stand and stare. Men call their mates to come and look, and the clatter of clogs is heard, all rushing to see that "variegated picture of misery, a harlequinade in tatters", those men with tattoos, sores and blotches of disease, their eyes expressionless, apathetic or gleaming with an evil light, some darting venomous looks to the jeering children.

The chain gang displays every aspect of misery, "every animal face". All convicts bear the stamp of ignominy, that dreadful leveller. "Dante might have seen in them the seven circles of Hell on the move" (*ibid.* p. 785). Urchins swarm around the procession like flies around an open wound.

Hugo does not limit his condemnation to the officially stated functions of imprisonment, such as rehabilitation and re-education; he argues that prisons are dysfunctional modes of dealing with social problems, truculent ways of encouraging criminal careers. Like penal reductionists or abolitionists, he expresses this view in a section of *Les Misérables* tellingly titled "The hatching of crimes in the incubator of prison" (*ibid.* p. 743). Here he remarks that "criminals do not cease their activities because they have fallen into the hands of the law; they are not to be deterred by trifles". In prison many learn new skills, sharpen their ability to avoid apprehension, and plan their future exploits. Prisoners are like artists who hang their latest painting on the wall while keeping busy in the studio, working at new paintings. In the last page of the novel, Hugo appears to endorse a conflictual notion of prison, and for that matter of crime, when he suggests that delinquency and custodial punishment are the reflection of social differences and interests, of the "sombre confrontation of egoists and outcasts" (*ibid.* p. 1232). On the one hand we have the egoists, with their prejudices, their rich education, their appetite that grows with intoxication, their complacency and prosperity which blunt their feelings, with their fear of suffering which translates into hatred for all sufferers. On the other hand, we have the outcasts, with their resentment, fatalism, their hearts filled with misery and needs, "the turmoil of the human animal in search of personal fulfilment".

Pages of murder and blood

Octave Mirbeau is guided by a similar desire to expose prison systems as fundamentally barbaric and dysfunctional. He dedicates his *Torture Garden*, those pages of murder and blood to “the priests, the soldiers, the judges, to those people who educate, instruct and govern men”. Like Anatole France, the author abandons his conservative heritage to embrace a fierce radicalism: he becomes a devout Anarchist (Stableford, 1995). His purpose is to expose the hypocrisies of the establishment and society at large, by showing how much of the institutions and practices which are commonly taken for granted, and even regarded as pillars of civilization, are in fact cruel and repelling. In other novels Mirbeau draws on his own experience of the Franco-Prussian war to describe the ferocious stupidity of soldiers and national States supporting them. *Torture Garden* is homiletic in tone, though the division of the novel into two sections allows for a differentiation of styles, whereby satire is followed by disturbing, allegorical denouncement. Similarities with the work of the Marquis de Sade are reduced to detailed descriptions of sophisticated methods of inflicting pain, and to the use of “butchery of human flesh” as a way of approaching issues around human morality. If there is no God, like de Sade implies, it does not necessarily follow that moral boundaries are drawn by individual choice and arbitrary aesthetic preference, but rather that the morality determining the death of God should be exposed and a new, alternative one tentatively prefigured. Mirbeau strips away all the lies hiding the real nature of punishment, and the perversity of “civilized” institutions: “Where Sade had set out slyly to create moral unease, Mirbeau set out forthrightly to call forth moral outrage” (Stableford, 1995, p. 13).

Indigestible though the novel may be, the *incipit* contains sarcastic conversations and ironic allusions that are as crude in their content as unbearably light in their formulation. At a gathering of “famous authors”, after feasting bountifully, what can be discussed if not murder? A pompous Darwinian classifies murder among the very foundations of social institutions, the most imperious necessity of civilized life, something to cultivate with intelligence and perseverance: “And I don’t know a better means of cultivation than laws” (TG, p. 19).¹ Our innate need for murder may be curbed, and violence may be attenuated by giving it a legal outlet, for example through colonial trade, hunting, racism, war, because it would be dangerous to abandon oneself to violence immoderately, outside the law.

¹ With TG I refer, throughout this paper, to the 1995 edition of Mirbeau O., *Torture Garden*, Sawtry, Cambs Dedalus.

So goes the conversation of cultivated minds and refined natures, who list among their favourite pleasures “fencing, duelling, violent sports, abominable pigeon shooting, bullfights, varied manifestations of patriotism, hunting” (TG, p. 24). One of them, after calling for fresh cigars and drinks, tells the story of a period of his life, that for a long time he has been reluctant to make public.

Politicians and traders

The journey of the narrator to the Torture Garden in China could not have originated from more apposite source. His friend and mentor, a corrupt politician who is temporarily unable to offer him a position, suggests that going abroad would take him away from the political scene for a while and prepare the grounds for his return in a changed political situation. The journey, therefore, is a pretext, officially aimed at studying foreign penal systems and assessing if they might be applied at home. The politician is the epitome of “our current age”, where “ostentatious dishonesty assumes the place of finer qualities”, and “the more infamous a man is, the more disposed we are to credit him with intellectual force and moral value” (*ibid.* p. 39). “I’ve stolen, I’ve stolen”, he proclaims in the streets and on public squares, and similar proud claims he publishes in his political manifestoes, election posters and confidential circulars.

The narrator describes his father as a rough, vulgar dealer of grain, a man with a sharp business sense and a reputation for deviousness which consists of “getting people where you want them”. His principles are to mislead people about the quality and weight of his merchandise, charge two francs for what cost him two *sous* and, whenever possible, if it does not entail too much of a row, make them pay twice over for the same thing. The moral atmosphere in which the protagonist is brought up is exemplified by arguments of the following nature: “If you take something from someone and keep it for yourself, that’s theft. But if you take something from someone and pass it on to someone else for as much as you can get, that’s business”. After such an upbringing, our hero mixes with politicians, that “pack of starving carnivores”, who take a sensual delight “in the stench of human decay” (*ibid.* p. 49).

The companion he meets in his journey, Clara, is the daughter of an opium trader, and lives in China, where she convinces the protagonist to join her. While cruising, murder recurs as a central point of conversation. The use of infallible arms is advocated, so that, in war, incalculable savings

could be made by abolishing surgeons, nurses, ambulances, and military hospitals.

Meat for the prisoners

Clara loves going to feed the convicts, an odd, amusing pastime, and the only original, elegant distraction for the inhabitants of that lost corner of China.

When I see the convicts, I go all dizzy and my whole body quivers in the same way as it does in love. It seems to me, you see [...] it seems to me that I am descending into the depths of my flesh, right to the dark depths of my flesh (TG, p. 106).

All they need for this elegant distraction is a meat basket woven by the best Chinese artisan, and a pitchfork with teeth of platinum incrustated with gold and a handle of green jade. Every Wednesday, amid a considerable crowd of elegant people, the Convict-Meat-Market is held. Vendors shout: Here! Here! Come on by! Look and choose! You'll not find anything better anywhere ... No one has anything more rotten!" (*ibid.* p.112). Clara inhales decay with delight, as though it was perfume. "But it's not a bad smell, my love. It smells of death, that's all" (*ibid.* p. 114).

The crowd at the prison entrance is restless, and no sooner the door is open than tumult starts: Clara throws herself in the "mêlée of chattering, cries, sounds of suffocation, rustling of fabrics and clatter of parasols and fans" (*ibid.* p. 122). And behind those doors, the clamour of the crowd is covered by the cries, the "muffled wailing, the clanking of chains, the panting of breaths, like bellows, the strange and prolonged groaning of beasts" (*ibid.* p. 124). The prisoners have their necks gripped in iron collars, and are squatting in their own filth, hands and feet in chains, they can neither lie down nor rest. "The slightest movement displaced the iron collar, causing shooting-pains in their throats and their bleeding necks, and causing them to shriek in such suffering and to utter violent insults against us mingled with supplications to the Gods" (*ibid.* p. 125).

Delicately, accompanying her shivers with exquisite gestures, Clara rummages in the basket with her fork, then lifts out some scraps of meat that she graciously flings through the bars into the cage. Ten heads begin swinging simultaneously, and twenty bulging eyeballs cast flushed looks on the meat – looks of terror and hunger. The prisoners cannot eat, explains Clara, they cannot reach the meat, theirs is the torture of Tantalus. People passing by the cages laugh and "abandon themselves to impassioned mimicry". A blonde woman with a blank, cold look, holds a revolting

greenish fragment of meat with the end of her parasol, which she alternatively offers and withdraws. The convicts draw back their lips, baring their teeth like mad dogs, with famished expressions, no longer human, and try to snatch the food which always evades their mouths, “sticky as they were with dribble”.

Prisons are not for prisoners

But what crimes have these prisoners committed to deserve such torment? No idea, is the reply. Perhaps none at all, or probably something trivial. “Petty theft, I expect. They are vagrants from the harbour, vagabonds, paupers” (*ibid.* p. 126). At first sight, crime and punishment seem to have lost, here, any relationship: the latter not only finds no justification in terms of its “beneficial” effects, but also shows no commensurability in respect of the type of crime it addresses. Punishment is non-consequentialist, on the one hand, and is a way of disposing of the social residue, the unemployable vagrants and paupers, on the other. There is, however, something more in the *Torture Garden*, namely a Durkheimian sense that prisoners are tormented for the sake of spectators, who are assumed to be law-abiding individuals, and that through the spectacle of suffering they re-enforce their feelings of solidarity and set of values. Prisons, therefore, are not addressed to offenders, but are a means for boosting the common moral order, the *conscience collective* (Garland, 1990).

It could be argued that prison appears to be the legal form of sadistic pleasure in inflicting pain. However, even pain as torture, paradoxically, can hide a principle of “proportionality”. As Nietzsche (1968, p. 93) suggests, sadism can be translated into the notion of “legalized equivalence”, whereby offenders, as creditors, give away a deposit or a pawn, something which belongs to them, for instance their freedom, their body, their very life. In ancient societies, creditors could cut limbs and bits of flesh as appropriate and equivalent with the entity of the debt. “And soon precise evaluations were provided, legitimately established, as to the exchange value of limbs and parts of the body.”

In the final pages of the *Torture Garden* sadism mingles with Durkheimian principles of punishment as re-enforcement of the *conscience collective*. It is interesting to examine what values Mirbeau ascribes to such *conscience*.

Torture is mingled with horticulture and blood with flowers. In the *Torture Garden* the extraordinary vigour of the vegetation is activated by

the prisoners' excrements, by the blood of the tortured and by all the organic debris left each week by the crowd: the beauty of wealth is built on this powerful compost, of which plants are voracious. Nature is made complicit with the refinements of cruelty. All this cruelty, however, is part of civilization, and is akin to the devastation caused by civilizing "cultures". Mirbeau, while describing torture, recalls the streets of Calcutta, the fresh Himalayan villas of Darjeeling, and the magnificent mansions of Bombay, that give the impression of mourning and death left "by the atrocity of clumsy massacre, vandalism and senseless destruction". Wherever it appears, he concludes, "civilization shows this face of sterile blood and forever dead ruins" (TG, p. 141).

"Wherever there is spilt blood to justify, acts of piracy to be consecrated, violations to bless, hideous trade to protect, you're sure to see him, that British Tartuffe, pursuing the work of abominable conquest on the pretext of religious proselytism or scientific study. His cunning and ferocious shadow hangs over the desolation of conquered peoples, tied up with that of the cut-throat soldier and vindictive Shylock. In virgin forests, where the European rightly inspires more dread than the tiger, on the threshold of humble straw-huts that have been devastated, between the burnt-out shacks, he appears after the massacre, like a scavenger, to plunder the dead the evening after the battle" (*ibid.* pp 142-43).

Catholic missionaries, in their turn, are said to bring civilization "on the end of torches and at the point of sabres and bayonets". In brief, the torture garden contains the passions, appetites, personal interests, hatred and lies, along with the laws and social institutions which shape justice, glory, heroism and religion. A final vision hits the protagonist at the climax of his considerations: he sees the face of his friend, the corrupt politician, grimacing over the shoulder of the fat executioner.

Conclusion

Fiction offers invaluable materials for sociological analyses of imprisonment. Classical novels alternate exposure of prison systems as destructive and unjust with some appreciation of the introspection and regeneration that the prison cell may induce. This paper has focused on two authors who put "prison on trial" and find it indefensible (Mathiesen, 1990). In Victor Hugo, poverty, social disadvantage and scandalous iniquity are the main sources of crime, and prisons reproduce injustice while causing the reproduction of crime. His arguments would cut a fine figure in conflict theory texts on crime and punishment, as they would in

reformist, reductionist, and abolitionist circles. Mirbeau's arguments, instead, present us with a repertoire of notions that we are used to associating with Durkheim and Nietzsche, namely that punishment reassures and regenerates the righteousness of the law abiding community, on the one hand, and metes out in legally sanitised fashions our desire to inflict pain. Both authors show how fiction can provide the imagination that many scholars, in criminology, find sadly wanting.

References

- BROMBERT V., (1975), *La prison romantique. Essai sur l'imaginaire*, Paris, Librairie José Corti.
- DAVIES I., (1990), *Writers in Prison*, Oxford, Basil Blackwell.
- DUFF A. AND GARLAND, D., (1994), *A Reader on Punishment*, Oxford, Oxford University Press.
- FOUCAULT M., (1977), *Discipline and Punish*, Harmondsworth, Penguin.
- GALLO E. and RUGGIERO V., (1991), "The 'Immaterial' Prison: Custody as a Factory for the Manufacture of Handicaps", *International Journal of the Sociology of Law*, 19, pp. 273-291.
- GARLAND D., (1990), *Punishment and Modern Society*, Oxford, Oxford University Press.
- HUGO V., (1969), *Oeuvres complètes*, Paris, Le Club Français du Livre.
- HUGO V., (1982 [1862]), *Les Misérables*, Harmondsworth, Penguin.
- HUGO V., (1991), *L'ultimo giorno di un condannato*, Milan, SE.
- KANT E., (1953), *Metafisica dei costumi*, Bari, Laterza.
- LEVI P., (1986), *I sommersi e i salvati*, Turin, Einaudi.
- MATHIESEN T., (1990), *Prison on Trial*, London, Sage.
- MICHELET J., (1981), *Storia della rivoluzione francese*, Milan, Rizzoli.
- MIRBEAU O., (1995 [1898]), *Torture Garden*, Sawtry, Cambs, Dedalus.
- NIETZSCHE F., (1968), *Genealogia della morale*, Milan, Mondadori.
- NORRIE A., (2000), *Punishment, Responsibility, and Justice*, Oxford, Oxford University Press.
- RUSCHE G. and KIRCHHEIMER O., (1968), *Punishment and Social Structure*, New York, Russel & Russel.
- STABLEFORD R., (1995), "Introduction", in Octave Mirbeau, *Torture Garden*, Sawtry, Cambs., Dedalus.
- SYKES G.M., (1958), *The Society of Captives: A Study of a Maximum Security Prison*, Princeton, Princeton University Press.

RÉSUMÉ

Ce rapport aborde le point de vue critique de l'emprisonnement. Il analyse notamment "Le Jardin des Supplices" d'Octave Mirbeau et des passages choisis de "Les Misérables" de Victor Hugo non sans offrir un débat parallèle sur les philosophies pénales y compris la rétribution, la réhabilitation, la dissuasion, l'abolition et la réduction de la peine. La fiction nous fournit un matériel précieux en vue d'une analyse sociologique de l'emprisonnement. Les romans classiques présentent parfois le régime pénitentiaire comme étant destructif et injuste et ajoutent des appréciations sur l'introspection et la régénération que la cellule d'une prison peut entraîner. Pour Victor Hugo, la pauvreté, l'inégalité sociale et une iniquité scandaleuse sont les sources essentielles du crime. Les prisons reproduisent l'injustice et provoquent la réitération du crime. En revanche, Mirbeau nous montre notamment, à travers tout un répertoire de notions que nous associons généralement à Durkheim et à Nietzsche, que la punition rassure et régénère le bon droit de la communauté qui respecte la loi tout en permettant d'infliger des peines sous une forme juridiquement correcte.

RESUMEN

El artículo trata de visiones críticas del encarcelamiento. Analiza "El jardín de las torturas" de Octave Mirbeau, y pasajes de "Los miserables" de Victor Hugo, proponiendo al mismo tiempo una discusión paralela de varias filosofías penales, entre ellas la del castigo justo, la rehabilitación, la disuasión, el abolicionismo y el reduccionismo. Las obras de ficción nos ofrecen material de valor inestimable para un análisis sociológico de las cárceles. Los clásicos de la literatura alternan entre la denuncia del carácter injusto y destructivo de los sistemas penitenciarios y una ventana abierta sobre la introspección y regeneración que puede inducir una celda. Para Victor Hugo, pobreza, marginación social y una injusticia escandalosa son las causas principales del crimen, y las cárceles reproducen la injusticia provocando la reproducción del crimen. Las argumentaciones de Mirbeau, por su parte, nos proponen un repertorio de conceptos que acostumbramos asociar con Durkheim y Nietzsche, es decir que el castigo tranquiliza y regenera el sentimiento de rectitud de la comunidad respetuosa de las leyes al mismo tiempo que satisface de forma jurídicamente neutralizada nuestro deseo de infligir un castigo doloroso.