

### Abstract

Aotearoa New Zealand has a high rate of imprisonment, seventh or eighth among 36 OECD countries. The experience of imprisonment, isolation from family and the wider community, the company of a population where violence, misogyny, drugs, risk-taking and rule-breaking are normalised, sees the emergence and practice of a criminal subjectivity. This confers mana, a loyal peer group, mentors and a career, on a population well-endowed with obstacles to these ends. An intoxicating, adaptive, performative subjectivity emerges, is practiced every day, and is not readily given up, accounting for the failure of manualised rehabilitation and treatment models which locate the problem in the individual subject. The prison, a subjectifying machine that perpetuates drug use, violence, poverty, family harm and disenfranchisement, which reduces participation in the wider democracy, mitigates against individual change. Using the philosophy of Michel Foucault, in this paper the authors reflect on method in working with men with extensive prison experience, without relying on the idea of an agentive self – an unlikely fiction among graduates from the prison system.

**Keywords** psychotherapy, subjectivity, prison, violence, agency

## Throw away the manual! Reflections on psychotherapy and crime

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### Introduction

This paper contains reflections on psychotherapy with men who have considerable experience of imprisonment, a population concerning whom it is said, with some justification, that nothing works (Newbold, 2008, p. 385). The conclusions presented here are based on over three decades of group and individual psychotherapy with men who have histories of serious criminal offending, on experience gained from working in a prison, in a therapeutic community treatment facility that specialises in treating parolees, and in a community-based Stopping Violence programme to which men and women are referred by the criminal and family courts and by themselves.

This work is presented under the conference theme, “In Sickness

and in Health,” as part of an attempt to consider violence, addiction, and criminal identity as issues for consideration within a health framework. This paper and its predecessors (Manning, 1995, 1997; Manning et al., 2024; Manning & Nicholls, 2020) argue that criminal justice structures, institutions and procedures tend to create and perpetuate subjectivities that are more, not less, likely to embrace crime, violence and illicit substance use. The movement to treat addiction as a health issue rather than as a matter for criminal justice systems has international backing in harm reduction interventions including decriminalisation (for instance, Dertadian & Sentas, 2025; Russell et al., 2024) and legalisation (Godlee, 2019) of controlled drugs. In the case of violence, there is an increasing tendency for the courts to refer to community-based programmes rather than take punitive measures (Manning et al., 2017). Police and court diversion and restorative justice options (Winfree, 2004) arguably reduced the population of New Zealand prisons by approximately 20% between 2018 and 2022 (NZ Dept. of Corrections, 2023b). This work attempts a theoretical exploration of criminal subjectification in prison,

further arguing that current criminal justice institutions may not be the most useful societal response to illicit drug use, violence, or other crime.

What follows is a Foucauldian discourse analysis of the subjectification of men in prison, in part by the structure and supposed science of the prison system, by the operation of disciplinary practices, and by the adoption of practices among prisoners. It is suggested that the emerging subjectivity includes criminality as one of its more common aspects. Seen through the experiences of a psychotherapist, the article concludes with a focus on working psychotherapeutically with this subjectivity.

Examples given below are deliberately generic, describing aspects common to many people in the male prison population. It would not be possible to identify an individual described in the text.

### Theoretical and philosophical background

What follows draws extensively on the work of Michel Foucault. In a 1982 interview, two years before his death, Foucault says of his objective that he had attempted to create a history of how human beings are made subjects. He identified three stages in his work, the first looking at the sciences, the second at the subjectifying of the person, and the third at the way we subjectify ourselves (Foucault, 1982/2002, p. 326).

We can see the first mode, his critique of science, in his early work on madness, on the clinic and the physician's gaze (1961/2006, 1965; 1963/2003). The second, dominated by four books; *The Order of Things* (1966/1989), *The Archeology of Knowledge* (1972/ 2010) *Discipline and Punish* (1975/1995), and the first volume of *The History of Sexuality* (1978), spans his explication of an *épistémè* governing what can be thought in a given historical era, his description of the creation of docile subjects by means of discipline in schools, factories, barracks and prisons, and his adoption of the term *dispositif*—indicating a deployment of ideas, institutions, customs, ways of understanding that control, produce, and distribute knowledge in a society, that allows and inhibits ways of thinking and doing things. Foucault's description of disciplinary power relations merged over the next few years into the twin notions of biopower (1975/2003), a way of governing us as a population, and governmentality (1978/1991), referring to a set of mechanisms and institutions that operate as self-government of our behaviour, our thinking, even the way we feel, as individuals. Nikolas Rose wrote two books, *Inventing Ourselves*, and *Governing the Soul* (1998, 1999), elaborating on exactly how this happens, how we are formed and how our behaviour is directed and limited by discourse and *dispositif*.

The third mode, the study of the way we turn ourselves into subjects, is evident in papers, lectures and interviews given in the late 1970s and early 1980s (Foucault, 1982/1994, 1982/2002, 1984/1994, 2000), in his studies of ancient ethical practices (1982/1994), and his pulling together of the theory of power, resistance and the subject (1982/2002) prior to his death in 1984.

Whether Foucault really planned his work as systematically as he suggests, or whether this scheme, moving from the nature and conditions of knowledge to the knowing subject, is a matter of hindsight and secondary academic analysis, we cannot say, but certainly in his later works he refers to the concept of freedom, and to the ability of the human subject to work upon itself, to change itself. However, although he mentions 'freedom' in a number of places in his late work, for instance in his 1983 *Discourse and Truth* lectures at Berkeley (2019), he does not suggest the idea of self-determining agency in the neoliberal sense (Harvey, 2005; Kelly, 2013).

Unlike other attempts to base a principle of the self on Foucault's late work, in which it is claimed that he revisited the idea of the subject, allowing it an agentive (Besley, 2002; Besley & Peters, 2007), or at least actuarial (Kurz, 2009) property, the current work reads Foucault as consistent in his formulation of the self as subjectified by history, by discourse, by *épistémè*, and by *dispositif*. His later ideas about how humans subjectify themselves is not read as discarding this perspective, but as describing how, by means of practices we derive from our history and the discursive forces that prescribe us, we constitute ourselves – what he terms technologies of the self (1982/1994).

Foucault's twin notions of *épistémè* (1966/1989) and *dispositif* (1978) can be somewhat startling, as they imply a demand that the writer, analyst, and, in this case, the therapist, not only look for the subjectifying power acting on a subject or patient, but also on the writer, analyst and therapist, and further, on the nature of writing, analysis and therapy.

The term *dispositif* represents a powerful idea. Agamben accords it central importance in Foucault's thought (2023) and traces its genealogy from the Greek *oikonomia*, usually translated as 'household management,' from which we derive the English word 'economics'. This was a concept used by early Christian theorists to explain the holy trinity without reinventing polytheism. Turning to Latin as the church spread through the Roman empire, the church fathers translated it as *dispositio* (ibid p. 256). Agamben suggests that Foucault's meaning is linked to this early Christian legacy. The *dispositif*, often translated, as in the title of Agamben's essay and in a translation of a 1977 interview with Foucault (1980), as *apparatus*, is the way things are organised – an assemblage of

discourses, ideas, institutions, and customs including “the said as well as the unsaid,” (ibid, p. 194), which is responsible for what he calls a “strategic elaboration” (ibid, p. 195) which can have unexpected consequences. He cites the prison, designed as a response to criminality, the result of which is to create delinquency. This latter observation is echoed by Agamben (2023) almost half a century later, discussing the “apparatus” (dispositivo in the original Italian) of the prison.

So although an assemblage like the prison can be consciously designed for a specific purpose, the emergent dispositif has a completely different strategy (ibid, p. 195-6). Foucault does not elaborate further, and one of the aims of the current work is to do so. We have discussed elsewhere a kind of family background commonly found in prison inmates, in which aggressive, abusive figures are introjected and identified with (Manning, 1997) and also how a certain kind of criminal subject is created in prison (Manning et al., 2024; Manning & Nicholls, 2020).

Here we will explore how Foucault’s work can inform a psychotherapeutic approach to the criminal subject. In doing so, we are aware of Foucault’s warning about theory – that analytical work requires ongoing conceptualisation rather than proceeding from a fixed theoretical position. There cannot be a ‘correct’ theory. Any attempt to suggest that Foucault’s thought is correct or true must involve a contradiction, since in his work, truth, whatever is correct, is determined by dispositif. There are no correct theories, and no ultimate truth. This paper is offered in this spirit, as an ongoing conceptualisation.

This paper is introduced in this fashion firstly to address the common idea that Foucault maintained that the human subject is constituted by subjectifying discourse, by history, by dispositif governing what can be thought, including thinking about ourselves at a particular time, and that therefore any claim to individual agentive ability to fashion ourselves must be shaped and limited. Applying Foucault to education, counselling and the culture of self, Besley and Peters (2007) put it that since ontology is historicised, there cannot be an essential self.

Secondly, though Foucault is often seen as an intellectual with little influence beyond the academy (Sugrue, 2022), we are suggesting that Foucault’s work can be useful to psychotherapy, necessarily abandoning the ‘self-as-enterprise’ (Kelly, 2013) approach common in many forms of therapy. This paper, which is about psychotherapy with criminal subjectivity, is part of a series of papers and presentations, so, for context, there follow two notes – one on imprisonment and its subjects,

another on the subject in prison – before discussing how one might work therapeutically with men who have become the inhabitants and the subjects of what Foucault called the carceral (1975/1995, p. 239ff).

## Imprisonment and its subjects

Our prisons (taking Aotearoa New Zealand as an example, but these patterns are likely to be repeated elsewhere) excel in incarcerating indigenous Māori people - 52% overall, and 65% of women prisoners, compared with 16-18% in the population. We imprison the poorly educated (70% with literacy that is judged inadequate for daily life); the brain injured (63%); those with a psychiatric diagnosis (62% within 12 months compared with 21% in the population as a whole); the poor; the traumatised; the addicted, and those who have had the authorities involved in their lives since childhood (73%) (Lambie, 2018a, 2018b, 2018c, 2020). One Chief Executive of the New Zealand Department of Corrections comments:

When I joined Corrections . . . one thing I noticed was the complex link between trauma, vulnerability and crime. Many of our most challenging offenders were raised in poverty and grew up exposed to gangs and overwhelming violence. When they arrive at Corrections, many are in poor physical health, are presenting with mental health or substance abuse disorders, are homeless and unemployed, and are lacking even basic literacy and numeracy skills. (Chief Executive’s Overview, NZ Dept. of Corrections, 2018, p. 4).

It does not seem a coincidence that prisons as we know them appeared at roughly the same time as industrial machines. In the industrial age, people’s labour became disposable and therefore people who are not well equipped to operate within the dispositif of mainstream means of production and profit tend to be “warehoused”, as one imprisoned commentator puts it (Case, 14 February, 2019). They do not fit in, they are a nuisance, and they are sometimes dangerous, so we put them somewhere safe for a while. We store them. Prison is not much more purposeful than that (Newbold, 2007, 2008; Reiman & Leighton, 2020).

One of the most disturbing things about the environment in prison is the amount of time spent doing nothing. Most prisoners, by their own account, spend most of their time without purposeful activity, most of it indoors in the company of others also doing nothing but sitting around talking. (There are classes but only a minority of prisoners are able to pursue

education in a serious way, because it is only available to those with a low security classification, and shame about literacy deters many.) This space is filled with a kind of rehearsal, planning illicit activities, analysing crimes, telling 'war stories' – tales of past exploits – and fantasising about violence, drugs, and sex, including violent sex with drugs.

A former prisoner who, following a 'rehab' programme, had determined to change his life but had returned to prison, was horrified, seeing what he had always known, but now viewed through a new lens. He saw men rehearsing crime, objectifying women and exalting their use and abuse as sexual objects, ridiculing homosexuals, and, as he put it, 'strutting around,' with a particular walk, practising a role, a *sujet* that allowed them to have a measure of something like pride.

It is beyond the scope of this paper to discuss why we have prisons, but Corrections officers, prison officers, police, lawyers, and judges tend to agree that imprisonment does not rehabilitate, nor does it deter, and our previous work has justified this statement, (Manning et al., 2024; Manning & Nicholls, 2020) as has other literature (Foucault, 1975/1995; Newbold, 2007, 2008).

Prisons are described in official language, in annual reports, in political policies, by staff on the ground, and even by prisoners, as designed. That is to say, a popular myth has it that the *dispositif* that governs them is consciously, scientifically constructed, and, as Greg Bird writes in a recent book on the subject, "The era of *dispositif* is marked by an obsession with engineering . . . . As the vast assemblage of machinery took hold of humanity . . . ." (Bird, 2023)

Literature on the history of prisons (Morris & Rothman, 1995; Newbold, 2007, 2016) provides ample evidence to refute the idea that they are scientifically planned. Certainly, there have been many attempts to design prisons and other forms of punishment, according to humanitarian, scientific, and retributive principles, but their overall structure, the way the carceral functions, suggests, as Valier puts it, that it "unfold[s] in the shadow of monstrosities" (2004, p. 1). A person commits a horrifying crime, and the system is abruptly changed, usually towards increased security and decreased contact between prisoners and the outside world, limiting contact with families, occupations, and creative interests. The history of prisons has more to do with fear and political expediency (Newbold, 2016, Chapter 9) than design.

We might agree that some individuals in our population are just so dangerous, whether by subjectification, genetics, or by abuse as children, that we can think of nothing else to do but to lock them away to keep everyone safe. However, it is questionable how many such people exist, and extreme differences between nations as to the numbers of people

they imprison suggests that the practice of imprisonment is more determined by culture than by need. Aotearoa New Zealand currently imprisons about 170 people per 100,000 of population, while the USA has about 700, and Japan and the Scandinavian countries have less than 100 (NZ Dept. of Corrections, 2023b; OECD, 2016). Cultural differences between these numbers are expressed in policing and sentencing trends. Aotearoa New Zealand's prison population rose steadily until 2018, and then dropped by 20% in the four years until 2022, arguably because of a determined effort by police and district courts to find some alternative for young men who come to their notice.

### The subject in prison

This story has appeared elsewhere, but is repeated briefly here, to introduce this section. On a regular visit to prison, it turned out that the first man on a specialist's list that day was no longer in the prison, presumably transferred to another facility for a reason no one could explain. There were three officers in the visits hall, a large area with a grid of small tables and stools all bolted to the floor, in which several inmates were waiting, one per table, to see their visitors. The specialist, requiring a measure of privacy, was allocated a glass-walled room with a camera in the ceiling. An officer, perhaps meaning to be light-hearted, pointed to the inmates, all dressed in identical brightly coloured one-piece garments, and said, in a voice that everyone could hear, "Don't worry, look, pick another one, anyone, they are all the same."

Shocking though the officer's crassness was, he was indicating something that any visitor could see. Once seen, it is as though the world has turned, as it does at times, and the observer understands something that perhaps was not attended to until that moment but which can no longer be ignored.

Men in prison do appear similar in many respects. In this sameness of appearance is a rebellion, a defiance, a predictor of non-conforming lifestyle outside the prison. Aggressive and exploitative attitudes are common, and there is a distinct "us and them" framing of social relations. Violence, including sexual violence, is enthusiastically endorsed. There is a belief that one must stand up for oneself, preferably in a threatening or violent manner. All of these factors combine to create a sense of control, of personal power quite at odds with the fact that these are prisoners – incarcerated in the most authoritarian institution in society, and, compared with citizens in the surrounding society, apparently powerless.

Thus this subjectivity fostered by imprisonment is adaptive: it works in a certain world; it conveys status and friendship; it provides havens, protection, mentoring and a career of sorts. Prison, far from being a deterrent, becomes a kind of home. Having been there, it is not more difficult, but easier, to go

back. In the world outside prison, of course, it does not help in adapting to mainstream society, serving instead to create a pathway leading back to prison.

Foucault's book *Discipline and Punish – The Birth of The Prison* describes a historical shift from sovereign power to disciplinary power, in which the school, the factory, the military, and the prison operate via discipline to create what he refers to as “docile subjects” (Foucault, 1975/1995, p. 135ff). This description of disciplinary power relations will, over the next few years, morph into the twin notions of biopower (1975/2003), a way of governing a population, and governmentality (1978/1991), the set of mechanisms and institutions that operate as self-government of our behaviour, our thinking, even the way we feel, as individuals.

This theory supports the observation that there develops a sameness among prisoners, a familiar subjectification, but it is not enough, since prison populations do not appear (to use Foucault's terminology) as docile subjects. In *Discipline and Punish*, Foucault develops the idea of resistance emerging inevitably alongside power relations. He names “agitations, revolts, spontaneous organizations, coalitions” (1975/1995, p. 219), and three years later, he writes that there is no escaping either power relations or resistance. There is no way, in his view, to be outside the influences of power and resistance – there is no “exteriority” (1978, p. 95). Resistance emerges alongside power, both being distributed throughout society. However, if I consciously resist and cite Foucault in justification, I am misreading him. The conscious act of resistance must itself be an effect of a certain subjectification, an effect that emerges in response to a power relation. We cannot suppose that there is an agentive function that resists, only that it arises in us as its agents. Power and resistance are two sides of a coin, inseparable, and the subjects of the resulting discourse(s) enact the struggle, but not because we decide to.

By 1982, Foucault's ideas about the creation of the subject will have developed another layer of complexity. In a paper entitled *The Subject and Power* Foucault describes how power relations create the subject, and at the end of the paper he gives us two pages under the heading, *Relations of Power and Relations of Strategy*, in which he continues the discussion of the relationship between power and resistance that he began in 1978. Briefly, and without elaboration, he mentions “principles of freedom . . . escape or possible flight” (1982/2002, p. 794) in a struggle with every power relationship, each retaining its specific nature, each becoming a “limit, a point of possible reversal” of the other.

Indeed, we are likely to have some idea that to resist subjectifying power feels like a struggle to be free, but freedom remains undefined, and in this context it looks like another

form of subjectification. As one YouTube lecturer puts it, resistance and discourse are each other's horizon (Guignion, 21 May 2022). That is to say, discourse generates resistance, which in turn becomes discourse, generating further resistance. If power relations and discourse create us as subjects, resistance also creates the self, as it becomes discourse in its turn. We can suggest that it is the discourse emerging from this process that is the subjectifying power in prison which explains the sameness among prisoners. It can be conceptualised as a kind of knowledge shared between them, indicated by various gestures and practices. Claassen (2024), quoting the work of Schutz and Luckmann, points to, for instance, a way of walking which identifies a subject as belonging to this or that group. There are hand gestures, manners of greeting, head movements, tones and language, all technologies of the self – practices that operate in the manner of governmentality to create the subject and identify him as a member of a community. The work of Nikolas Rose (1998, 1999) elaborates on exactly how this happens – how our behaviour is formed and our sense of self emerges from daily practices, largely out of awareness, so that, in a literal sense, we are what we do.

The emergent paradox is that the prison does operate at the level of population to create docile subjects. That is, the idea of imprisonment works in the manner of governmentality among those of us who have never been there. While a majority among the population at large may use the idea of prison as a self-regulating mechanism – a technology of the self – reinforcing conformity to social norms, or docility, the inside of prison has a very different effect among its residents, acting as a self-perpetuating machine that creates subjects who lack docility and must be imprisoned, not just in the present, but in the future. Recidivism rates among prison inmates thus vary between approximately 50% and 75% in the 24 months following release (NZ Dept. of Corrections, 2024, p. 206ff), a figure that continues to increase over the first five years after release (Nadesu, 2009).

### Therapy with the prison subject

Clinical psychology offers cognitive-behavioural and criminogenic approaches, usually in the form of highly manualised group-based programmes in prisons and in the community, aimed at using strategies to analyse and avoid situations and impulses that lead to offending. Such programmes do have an effect, though in Aotearoa Zealand that effect rarely exceeds a 10% reduction in recidivism (NZ Dept. of Corrections, 2018, 2019, 2020, 2021, 2023a). Because of the high numbers of indigenous Māori people in Aotearoa New Zealand prisons, there is also an emphasis on rehabilitative programmes based on indigenous principles (NZ Dept. of Corrections, 2023a). The development of these approaches



is ongoing and has the participation of tribal authorities, but so far the results have not been encouraging. At the time of writing the most recent Corrections Department Annual Report admits that the results of many programmes designed to reduce recidivism do not achieve statistical significance (NZ Dept. of Corrections, 2024, p. 201). The same report indicates that only one of eight programmes assessed demonstrated a measurable effect on recidivism.

Notwithstanding the undoubtedly genuine efforts by well-trained staff and consultants in Corrections, there is reason, then, to pursue alternative approaches. A hypothesis put forward here and in our previous work is that change is difficult within the criminal justice system because what is targeted is not a symptom, or even a diagnosis, but a criminal subjectivity that is arguably created and certainly reinforced by aspects of the criminal justice system itself, particularly by imprisonment (Manning, 1995, 1997; Manning et al., 2024; Manning & Nicholls, 2020). Rather than deter or rehabilitate, prison culture and the dispositif governing it tends to create habitual criminal subjects out of troublesome young men. The Aotearoa New Zealand culture of criminal gangs is largely created in prison (Gilbert & Newbold, 2017; Newbold, 2007, 2016). (We are not considering female crime here, as it is probably a qualitatively different phenomenon.) What therapeutic interventions aim to change, then, is not a disorder in the usual sense, but a kind of subjectivity. It is tempting, though wrong, to call it a personality disorder, a variety of diagnosis very much out of favour among clinicians (Frances, 2013; Lilienfeld & Latzman, 2018; Mulder & Tyrer, 2023; Mullen, 2011), and one which the World Health Organisation has radically revised in ICD-11, abandoning the familiar labels, including antisocial personality disorder (WHO, 2019).

There are a number of formulations of the origin of the self, or, more correctly, the sense of self, that are congruent with a Foucauldian description of subjectification. From Damasio's multi-volume thesis of its origins in basic homeostatic mechanisms, and their consequent neural and mental maps of the body (1994, 1999, 2003, 2011), to Samson's (2017) extension of Deleuze and Guattari (Deleuze, 1992; Deleuze & Guattari, 1988) and DeLanda's (2006, 2016) work on rhizome and assemblage, to the brain. Such models differ in their focus, but all allow an emergent self, a constantly developing potential rather than a fixed, enduring construct, resulting, as Samson puts it, from a balance between diachronic and synchronic forces.

Lest we be accused of essentialising a criminal subjectivity, the argument advanced here is that in prison diachronic factors – the development of a subjectivity through repeated

interactions between organism and environment – are extremely constrained because the outside, the environment of the prison, is constant, repetitive, and compelling. Clothing and walls have constant, bland colouring; the staff all wear the same clothes and follow a constant behavioural regime, with language, tone and topic heavily influenced by training. Other inmates, arguably the most powerful element in transactions between individual prisoners and their surroundings, exhibit a repetitive, predictable routine of verbal and nonverbal signals, and the progress of every day is largely the same as the last. It is not surprising, then, if there appears to be a sameness among prison inmates, especially in gang-heavy prison populations – 37% at the latest count (NZ Dept. of Corrections, 2024) – as gangs, particularly “patched” gangs, encourage sameness in their members’ behaviour (Gilbert, 2013).

In this manner of thinking, the constituent factors of the psyche are not so much the personal history, although there are often important elements in the culture-of-origin (rather than the family-of-origin); but rather in what discourse does to that history. A criminal self, seen in this way, is not a pathology. Calling it a personality disorder is missing the point, locating the problem within the individual.

Between the 17th and 18th centuries the idea of the self comes to represent a secularisation of the soul (Bazzano, 2021, p. 292). The idea is still with us – an essential something within, at least lifelong, if not eternal. Much of psychotherapy literature continues this tradition, as do indigenous approaches to health, though the latter tend to use the collectivist concept of identity as an enduring self-description, rather than the individualist self (for instance, Durie, 1998, 2001, 2004). Some Western models echo this nuance. Daniel Stern's sense of self, for instance (1998) refers to the way our selves are constructed and sensed as our interaction with our social world develops. The school known as narrative therapy, based on the work of Epston and White (1990), uses the idea of a self-narrative, adapting Foucault's analysis of the subject formed from available stories. In these formulations a personal narrative is what comprises our experience of ourselves, and thus the self. Besley, for instance, critiques “therapy culture” as a structuralist pretension, suggesting the neo-Foucauldian narrative approach as an antidote (Besley, 2002, p. 125).

This approach is linked explicitly with Foucault's notion of governmentality. Besley and Peters (2007) hold that governmentality, a form of power, defines and controls the individual self, implying that the culture of therapy can be seen as a technology in the service of producing docile citizens.

Besley and Peters give a good account of how one can approach understanding the subject in educational and

counselling environments. Their neo-Foucauldian approach “avoids interpreting neoliberalism as an ideology, political philosophy, or an economic theory and reconfigures it as a form of governmentality” (ibid, p 132). Their view of how change takes place begins with confession, which “is both a communicative and an expressive act, a narrative in which we (re)create ourselves by creating our own narrative” (Besley & Peters, 2007, pp. 31-32). This account insists that in his later work Foucault changed his hypothesis, allowing the self to constitute itself, and credits the teacher or counsellor with an ability to understand how the old narrative was formed and to assist the subject to create an alternative in which they are in control, agents of their own destiny.

This view is not without its critics. One review notes that change is often in the direction of a neoliberal discourse, suggesting that the direction is led, if not by the therapist, then by a discourse of psychotherapy, which produces subjects who are good at neoliberal agendas – negotiating risk and probability (Kurz, 2009).

Moreover, Foucault’s later work on technologies of the self is misunderstood as implying the freedom of the individual to shape their own narrative. Luepnitz (1992), bringing a Foucauldian sensibility to narrative therapy, suggests that it applies the same technologies of the self that allows the state to rule. Again, there is no ‘outside’ to power relations.

Claim is laid to a discursive therapy in a chapter by Law (1999), whose analysis of male violence uses Foucault well, but when it comes to the new narrative to be created, not only does the therapist know best, but the goal to be achieved is highly specific, involving “taking responsibility”, and “holding to account” (Law, 1999, p. 117). While these may seem, on the face of it, perfectly reasonable objectives for the population being studied here, almost every subject has experienced and resisted numerous attempts by authorities to elicit “accountability”. Underlying Law’s admirable work to reduce male violence, we may suspect a popular discourse in which a defendant is “held to account” (an ill-defined term but one enshrined in sentencing law (New Zealand Parliamentary Counsel Office, 2002)). The defendant then realises the error he has made and is henceforth reformed. It is precisely against this discourse that resistance-become-discourse operates.

There have been other accounts in the literature of a discursive therapy. Kaye’s approach explores “discursive regimens” by which we are subjectified (1999, p. 32), but of course this assumes the privileged position of the therapist, upon whose ability to analyse discourse the method depends.

Foucault’s position toward the end of his life, sometimes interpreted as the “return of the subject” (Dews, 1989), is nuanced and ambiguous. Foucault writes of a “historico-

practical test” of our limits, and working upon ourselves as “free beings”, implying some sense of personal agency, and then, on the same page, of how our possibilities for movement are “limited and determined” (Foucault, 1984/1994, p. 54), re-establishing his earlier stance, that there is no outside to subjectifying power relations.

Here Foucault seems to be saying that we can work on ourselves, in a manner reminiscent of freedom, or individual agency, but what we cannot know is the extent to which what we are doing is determined. We can know that we are capable of things, but not of what we are capable. Foucault does not imply that we can escape discourse, which is important as we consider how to move forward with defining a therapy along Foucauldian lines. The identification of discourse with language as indicated by Kelly (2019) is a key element. Kelly explores the implications in a lecture that focusses on a passage from Foucault’s *The Order of Things*, in which he suggests that we can, by using language, put pressure on it, and thus on discourse, making it “shift imperceptibly upon itself” (Foucault, 1966/2002, p. 403).

From this perspective, when a man (or anyone, though we are here concerned with men) is talking in therapy, these are not his words, even not his experience – they are taken from the cultural discourse(s) in which he participates. Of course, what he is describing may have happened to him, at least in some form, that is not in question, but the way he describes it, the words he uses, the kind and degree of emotion accompanying the spoken language, are all governed by influences of which he is unlikely to be aware.

Subjective experience in Foucault does not mean a phenomenological experience – it means the experience of subjectification, determined by discourse, by rules about what can and cannot be expressed and how, by what is visible and said, and what is invisible and unsaid. We cannot rely on our self-reflective experience to guide us. We have to look beyond the self to the “historical ontology of ourselves” (1984/1994, pp. 53-54). The aim becomes “to learn to what extent the effort to think one’s own history can free thought from what it silently thinks, and enable it to think differently” (Foucault, 1978, p. 9).

Consider a vignette: A 37-year-old Māori man who walks, talks, and looks like a gang member suffers panic attacks in public and is disturbed by recurring violent thoughts, impulses and dreams.

A therapist might respond in several ways. We could ask about the traumatic beginnings of his anger in an abusive and neglectful childhood. We could encourage the adoption of a new way of thinking, a cognitive alternative to anger and shame. We could place the anger in a larger narrative, which we frame as external, a story that he is following, and explore alternative stories about him that could be adopted, changing

the narrative. We could offer interpretations such as that he is identifying with his abuser(s) since that is a more powerful position than being a victim.

All of these approaches have considerable literature to support them, but there is good reason to believe that they do not work well with the kind of subjectification one finds in prison.

Having studied the symptom, if it can be called that, we can initiate a conversation about discourse, asking, where do these things come from, the panic and the anger? Childhood trauma will be suggested, and perhaps prison, but then another question emerges, concerning how fear and anger got into childhood and prison.

Some might suggest that “hard times” for the family might have something to do with it. The story, the genealogy, can go back generations and involve forces in society as a whole, racism, colonisation, disenfranchisement, and the history of a people.

Of course, we can discuss trauma, narrative, identifications and introjections – these are all interesting discussions. We can structure our conversations, or not, as long as the question where did that come from? is occasionally asked.

This involves working within a paradox. Attempting to harness discourse or resistance is a non sequitur as it is not possible to examine discourse except from discourse. One then must be engaged, not in a scientific enterprise but an ethical one, that of perusing an examined life (Grosz, 2013). This means that psychotherapy, defined along these lines and for this purpose, is distinct from those approaches to psychology that promise change, liberation, or autonomy. Working with men who have spent considerable time in prison, and who belong to a criminal culture, we encounter inequity, ethnicity, poverty, educational deficits, and poor housing, in the room, as psychotherapists describe the experience. Access is an issue, with psychotherapy remaining largely the domain of the wealthy, excluding the great majority of those who have experienced these social determinants. Moreover, this is a population among whom hyper-arousal, hyper-vigilance, paranoia, and impulsivity are common, so it is inadvisable, possibly even cruel, to seek further unruly tendencies by investigating the unconscious.

Importantly, we do not try to control the direction of any change that the practice produces. We allow the practice to have its effect. Of course, as a practice of freedom, as Foucault suggests, this does not mean that the individual is liberated – Foucault remained cynical about that idea. It means that there is another set of influences available to shape whatever

subjectivity emerges. It is not a question of the professional knowing best and prescribing – there is an engagement of the self with the self, an involvement of the subject with the subject. No promises are made. In Foucauldian terms this is an ethical exercise (1982/1994).

Although psychotherapy’s technologies are typically one-to-one, it makes more sense to consider the we operating here, out of awareness – incorporating cultural and historical memes and discourses, gestures typical of predecessors, attitudes practised in the present, randomly modified by usage, and thus the meaning also becomes modified, and the cultural beliefs and practices, the discourses in fact, shift a little. For this reason, group therapy is preferable, as subjectifying practices are available for study in the room, and members can experience themselves and others, and themselves with others. It is much easier to see the typical gestures, ways of sitting, tones of voice and voice-gesture combinations that indicate criminality in others than to see them in ourselves.

Beginning with the observation that the highly-manualised programmes of intervention delivered in prisons produce disappointing results, considering various formulations concerning subjectivity and the development of a sense of self and applying notions derived from Foucauldian philosophy, we entitle this article with the suggestion to throw away the manual in favour of a discourse-based approach to therapy.

As a final remark, there must be political action as well as therapeutic engagement. Foucault has been accused of relativism (Chomsky & Foucault, 2006; Habermas, 1987), of overinvolvement with hedonism and aesthetics (Simons, 2000), and with undermining the potential for political action. His life, however, belies these attacks. He repeatedly involved himself in political movements on local (university politics at Vincennes), national (prison reform) and international (intervening in an execution ordered by Franco) levels (Macey, 1993/2019). The answer is to stop sending people, particularly young men, and even more particularly young indigenous men, to prison.

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