



Social order in the de-differentiated society: Deleuzian social theory and the penal institution

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journals.sagepub.com/home/csi**Johan Fredrik Rye** 

Department of Sociology and Political Science, Norwegian University of Science and Technology, Norway

Sigurd M Nordli Oppegaard

Fafo Institute for Labour and Social Research and Department of Sociology and Human Geography, University of Oslo, Norway

Abstract

The article problematises the assumption that modern society is characterised by institutional differentiation as a unidirectional process. Inspired by Deleuze's sketch of the 'society of control', in this article the authors explore institutional de-differentiation in contemporary society. They illustrate the process of de-differentiation by developments in the penal institution, employing empirical materials from the Norwegian prison system. They show how this institution increasingly integrates (imports) elements from other institutions while expanding (exports) its activities into said institutions, resulting in a blurring of institutional borders. Furthermore, the question of institutional differentiation has been related to the question of social control in modern society. The authors discuss the characteristics of the social order of a de-differentiated society by drawing on Deleuze's social theory and arguing that de-differentiation gives rise to forms of power and social logics no longer restricted by institutional confinements.

Keywords

De-differentiation, Deleuze, differentiation, Foucault, institutions, prisons

Corresponding author:

Johan Fredrik Rye, Norwegian University of Science and Technology, University Centre, Dragvoll, Trondheim, 7491, Norway.

Email: johan.fredrik.rye@ntnu.no

Introduction

In sociological theory, institutional differentiation has long been conceptualised as a core trait of modernity. In this article, we critically discuss the differentiation thesis employing the prison system as an illustrative example of institutional changes in the larger society. Developments in the penal institution, which are particularly evident in but not restricted to the article's study case – the Norwegian prison system – demonstrate how the workings of different societal institutions may integrate as institutional borders become blurred in contemporary society. The blurring applies both to the penal institution *in concreto* (i.e. social practices of inmates and guards, other prison agents, architectural designs, specific regulations for behaviour, etc.) and *in abstracto* (as a set of generalised rules and routinised practices, whose purpose is to maintain social order by sanctioning deviant behaviour). Prisons are no longer solely sites of social control, as the penal institution has incorporated non-punitive objectives and techniques from other social institutions into the everyday life of the prison. Conversely, many of the social practices traditionally exclusive to the prison system are now carried out outside of the prisons. The borders between the prison and its environment have become porous, permeated and penetrable.

We argue that these processes of blurring institutional borders are illustrative of parallel developments in other domains of larger contemporary society. These developments run counter to the stipulation of the dominant classical and postwar sociological thought that modern societies are characterised by ever-enhanced institutional differentiation. The idea of socio-historical developments progressing through differentiation was suggested by early social theorists, such as Spencer (1958 [1857]), and most notably advocated by Durkheim (1960 [1893]). In modern sociological theory, Parsons's (1966, 1971) influential structural-functionalism relies heavily on the differentiation thesis. While also playing a central role in other dominant schools of sociological thought – albeit implicitly – its strongest formulations are found in Luhmann (1982), for whom modern society is characterised by intensified differentiation of functions into autonomous social sub-systems.

In this article, we explore the counter-notion of institutional *de*-differentiation in sociological theory, and discuss whether today's modern societies, or at least some of its institutional sub-systems, are characterised by de-differentiating processes. These are developments, we argue, that have the potential to reorganise the institutional fabric of contemporary societies and, in effect, the production of social control and order. While processes of de-differentiation have been noted in previous research (Engelstad, 2018; Lechner, 1990; Tiryakian, 1985, 1992), a more holistic discussion of the de-differentiated society and its production of social order has been attempted less often. Furthermore, most of these analyses have first and foremost been concerned with de-differentiation in the normative sphere along with morals and ethics, and have given less attention to the logic of institutional arrangements and, as in the current article, how the blurring of institutional borders relates to novel modes for the production of social control and order.

The objective of the current article is to supplement and expand these analyses by focusing on the de-differentiation process from a non-moralistic perspective that seeks to

provide a descriptive account of the de-differentiation that may unfold, for instance, in the prison system, which we utilise as an illustrative case for the article's discussion.

Specifically, we challenge the Foucauldian model (Foucault, 1994 [1975]) of social order, based on disciplinary and confining institutions and an individualising and normalising form of power, reflecting the logic of the differentiated society. Inspired by French philosopher Gilles Deleuze's (1995, 1998) sketch of the 'society of control', we argue that social order emerges from, and indeed depends on, the blurring of institutional borders. In the case of the Norwegian prison system, we claim that this emergent social order in a de-differentiated institutional landscape is based on techniques that enable continuous and instant adjustments of behaviour to ever-changing circumstances and occur independently of location.

In conclusion, we suggest the notions of 'the de-differentiated society' can be used to analyse the social order of contemporary societies, and suggest further empirical and theoretical research to develop a full-fledged 'de-differentiation thesis', which is beyond the scope of the current article.

Institutional differentiation in sociological theory

The notion of differentiation – whether labelled social, institutional, structural or functional – is a key tenet of modern sociological thought (Abrutyn, 2009). Aakvaag describes it as 'the most important modern principle of social organization' (2015: 344) and it has been particularly influential in studies of social change (Rueschemeyer, 1977). Differentiation is characterised as a 'master trend', postulating that 'a significant aspect of social change is the replacement of multifunctional institutions and roles by more specialized units' (Colomy, 1990: 469). Through the concept of differentiation, changes are framed as a process towards specialisation, whereby particular social sub-systems take on increasingly narrow and specific tasks as a response to increased complexity in society (Alexander, 1990). At the same time, the notion provides a diagnosis of modern society as the differentiated society (see Aakvaag, 2015; Luhmann, 1982; Parsons, 1971). Through the process of modernisation, society has transformed into a structure comprised of relatively autonomous sub-systems, spheres, fields or institutions, each serving a particular role in the larger social system.

Social change was described as an evolutionary process of gradual specialisation in the early sociology of Spencer and Comte (Alexander, 1990). However, Durkheim provided the foundation for modern differentiation theory. Functional differentiation is central to his historical analysis of the transition from traditional to modern society and 'mechanical' to 'organic' solidarity as principles for integration and, in effect, the production of social cohesion and order (Alexander, 1992; Durkheim, 1960 [1893]). Durkheim identifies pre-modern societies with segmentary differentiation and mechanical solidarity, wherein individuals are directly integrated into equal sub-systems (e.g. tribes and families), each held together by a collective conscience and a shared identity. As societies grow, Durkheim (1960 [1893]: 262) argues, the increased complexity gives rise to a greater division of labour based on specialisation and, thus, a functional differentiation.

Other strains of classical sociology also consider modern society as differentiated. Weber (2019 [1922]: 345–354) describes how the modern bureaucratic organisation develops distinct forms of action, specific values, patterns of action and institutional structures, differentiating it from other spheres. Marx conceptualised modernity as defined by capitalism – a social logic of production that penetrates all aspects of society but in ways that set its members apart through a polarisation between capitalists and workers (Marx and Engels, 2008 [1848/1890]). Notably, in Marx’s historical scheme, the social formation following capitalism is not characterised by differentiation. As classes are dissolved, it becomes possible for the individual ‘to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, herdsman or critic’ (Marx, 1970: 74).

In the modern sociological tradition, the differentiation theory gained momentum through Parsons’s work. Parsons (1966, 1971) formulated a theory of social change based on the notion of differentiation, defining differentiation as a process whereby a ‘unit, sub-system, or category of units or sub-systems’ that has ‘a single, relatively well-defined place in the society’ becomes divided into ‘units or systems (usually two) which differ in both structure and functional significance for the wider system’ (Parsons, 1966: 22). According to Parsons (1966, 1971), differentiation implies that social spheres become increasingly independent of each other over time, yet in their totality still form a whole and reproducing social order as there is an inherent drive towards harmonisation of the operation of different institutions and their actors.

After Parsons, Luhmann (1982) recast the notion of differentiation within his system’s theoretical framework. Differentiation, Luhmann (1982: 231) argues, is a process whereby the system reproduces itself, ‘multiplying specialized versions of the original system’s identity by splitting it into a number of internal systems and affiliated environments’. In the functionally differentiated society – for Luhmann (1982: 241), this is synonymous with the ‘modern’ society – ‘problems’ are displaced from the level of society to the level of each function-specific sub-system. To reduce complexity, these sub-systems developed their own specific codes according to which they communicate and organise internally. Thus, each sub-system develops particular forms of morality, values, law and normative cultures. The consequence is a de-centred society, with restricted opportunity for coordination across institutions.

Other key postwar sociological accounts of modern society similarly understand it as a constitution of separate sub-systems, rearticulating the differentiation thesis without the functionalism of its previous proponents. Bourdieu’s sociology, for example, emphasises the relative autonomy of ‘social fields’, each characterised by its specific configurations of actors, valuations of forms of capitals and desirable objectives, and ‘rules’ (Bourdieu and Wacquant, 1992: 101). Habermas (1987: 153–197) subscribes to the general view of social change as a process of differentiation, but highlights the differentiation of the lifeworld from systems as a second-order differentiation process. Through socio-structural differentiation, the lifeworld is increasingly reduced to a provincial sub-system and loosened from the structures of social integration as opposed to in pre-differentiated or so-called primitive societies (Habermas, 1987: 164). Furthermore, Boltanski and Thévenot (2006 [1991]) argue that differentiation produces different logics of

behaviour and evaluations, describing six ‘worlds of justification’ (‘orders of worth’), each referring to different moral spheres of society.

De-differentiation has been far less theorised and analysed empirically than differentiation in both classical and contemporary social theory, albeit with some interesting exceptions. According to Tiryakian (1985: 118), the neglect of processes of de-differentiation stems from an implicit evolutionary assumption, seeing progress and increased differentiation as inherently linked. Thus, he argues, processes of de-differentiation are usually treated negatively or as a residual category. In Parsons’s work, Tiryakian (1985: 120) argues, the concept of de-differentiation describes normative commitments that react to the progressive evolution of societies, such as the absolute ethics of the Puritan Calvinist movement. Through Durkheim’s notion of effervescence, Tiryakian (1985: 129) analyses religious revivals and revolutions and nationalist movements as efforts to ‘awaken’, mobilise and ‘reunify’ the population into one people (see also Tiryakian, 1992). Similarly, Lechner (1990) conceptualises fundamentalism as a ‘logic of de-differentiation’ within a Parsonian framework. According to Lechner, fundamentalism is a form of collective action and value-oriented movement that seeks to establish a meaningful social order as a de-differentiating response to the differentiated modern society.

The above-mentioned analyses are primarily concerned with de-differentiation in the normative and moral sphere, not institutional arrangements as we endeavour to analyse in this article. In this regard, it is interesting to note Engelstad’s (2018) argument that many empirical examples of institutional de-differentiation can be found in contemporary societies. He cites, for example, the transfer of norms between institutional contexts and the blurring of institutional boundaries in the case of labour market regulations and culture policy in Norway, where institutions that are generally perceived as autonomous collaborate and produce inter-institutional arrangements. Engelstad (2018) does not, however, describe ‘de-differentiation’ as a general tendency or provide a conceptualisation of a ‘de-differentiation thesis’.

The Foucauldian perspective

For the purpose of the current discussion, we have found Foucault’s account of societal differentiation process in modern society – which he specifies in his analysis of the disciplinary institutions – as a fruitful perspective to discuss the differentiation assumption in modern social theory. We focus on his account of the relationship between the differentiation of society *in abstracto* – which he shows *in concreto* becomes manifest in the emergence of the prisons, the hospital and other secluded institutions – and forms of power, techniques of social control and, ultimately, the production of social order in modern society. While Foucault’s oeuvre is theoretically complex and multi-faceted, his analysis of prisons and discipline represents an interesting example of the differentiation thesis by providing a novel conceptualisation, but also the seeds to problematise the thesis of ever-enhancing differentiation. Like Foucault, we find the prison system is an instructive case for analysing larger society, and in this article, to theorise the emergence of novel institutional arrangements, logics of social control and the production of societal order.

In Foucault's *Discipline and Punish* (1994 [1975]) and his 1972–1973 lectures on the 'punitive society' (2015 [2013]), he argues that the modern penal institution from the middle of the 1700s differentiated itself from the legal apparatus through the construction of its own techniques of power. The modern penal institution, with the 'panoptic' prison as its material symbol, gives rise to the 'disciplinary' mode of power. Discipline entails a spatial distribution of individuals, granting each prisoner their own cell, and directs itself at the individuals' bodies and behaviour in the name of order and regularity rather than law, to correct abnormal and disconcerting conduct. As the penal institution emerges as an independent sub-system, the body as the object of punishment is transformed from solely being marked as 'criminal' to becoming something that must be trained (Foucault, 2015 [2013]: 261), and the primary task of the prisons, Foucault argues, is to transform an individual's behaviour (1994 [1975]: 239). To succeed in this endeavour, the modern prison had to be concerned with all aspects of the individual: its body, its capacity to perform labour and its everyday conduct and moral tendencies (Foucault, 1994 [1975]: 209).

While developed in the context of the prison, disciplinary power is also exercised within other institutions, such as schools, hospitals and military barracks, for whom the prison serves as a model. Foucault (1994 [1975]: 261–274) thus argues that the disciplinary society – a society defined as one where discipline is the dominant form of power – is the 'prison-like society'. The prison-like society can be seen as a functionally differentiated society consisting of an array of relatively autonomous institutions, all contributing to the overall production of social cohesion and order by applying a range of disciplinary techniques, and developing and administering them, according to particular institutional logics (see Oppegaard, 2020).

In *Discipline and Punish*, Foucault (1994 [1975]: 188), however, also articulated a tendency towards de-differentiation: while disciplinary institutions grow in numbers, he claimed that they also tend to 'de-institute' themselves, as their methods extend beyond their confines and are adjusted to serve new functions. Foucault only provided the analytical seeds for studying the new forms of control and social order and did not specify such developments in any detail.

After the 'cell'ed' prison

Following Foucault, we utilise the prison system as an exemplary case to understand differentiation – or as we argue, a lack thereof – and further narrow our discussion to the Norwegian context. To illustrate the changing prison system in Norway, we draw on materials from a collective prison research project conducted between 2013 and 2018, largely conducted in Trondheim Prison, which includes both a high security facility, an 'open' prison and also administers various penal arrangements located outside these facilities, and in most regards is representative of the larger Norwegian prison system (Rye and Lundeborg, 2018). The research addressed a wide range of aspects of the prison system (such as rehabilitation programmes, drug use, identity formation, the immigrant prisoner and gender). The sociological question of differentiation per se was not a major theme in the project, but a re-reading of the many-faceted materials, analyses and conclusions of the project provide an exemplary case for discussing the changing logics of the

Norwegian penal systems. Therefore, at the more general level, the article discusses institutional de-differentiation, the differentiation thesis and its relation to questions of social control and order. The argument is contextualised with references to relevant research on prisons and punishment.

Importing society into the prison

Classical studies have commonly described the prison as a predominantly endogenous social system, assuming it constituted a closed social system with societies of captives, physically and socially delimited by the walls surrounding the prison structure (see Clemmer, 1940; Galtung, 1959; Mathiesen, 2012 [1965]; Sykes, 1958). To the researcher of the contemporary Norwegian penal system, however, the idea of the prison as a socially secluded system is no longer sustainable, if it ever was. The permeability of the institutional borders is most apparent in the daily flows of individuals in and out of the prisons. Admitted or released prisoners constitute only a minority compared to the large number of other actors spending time in prisons. The largest category are the prison officers and administrative personnel; between 2006 and 2015, the number of officers relative to prisoners increased by 14%, and since 2014, there has been more correctional staff than inmates in Norwegian prisons (Kristoffersen, 2016). In addition, an array of other actors regularly visit the prison as part of their roles in law enforcement and the courts as well as workers attending to the daily non-correctional running of the prison facilities, such as cleaners, maintenance workers and delivery personnel. A substantial number of high-skilled professionals, representing Norway's welfare state apparatus, also enter the prisons at regular intervals. Finally, the prisons admit many visitors, such as inmates' families and friends. Many inmates regularly meet with representatives from various non-government organisations providing forms of assistance and activities. Other groups, such as students on guided tours, arrive solely to gain knowledge about the penal institution. The 'prison society' (Galtung, 1959) neither appears as solely populated by inmates, nor – paraphrasing Sykes (1958) – is the 'society of the captives' isolated from the general society.

The social interweaving of everyday life inside and outside the prison walls reflects larger changes in the Norwegian penal policies, which, over time, have drifted towards strategies to facilitate prisoners' reintegration into society. Most importantly, this reintegration is achieved by replacing the principle of prison self-sufficiency with the 'import model' (Christie, 1970), in which prisons rely on outside agencies to provide basic welfare services (see also Garland, 2002, 2004: 170). For instance, the local health administration provides health services because prisons are only staffed to handle less serious health problems, and health emergencies should defer to the general health authorities. Writing on substitute-based rehabilitation of drug addicts, Aleric (2018) describes how the doctor is not recruited to assist the prison institution in its operation but is seen to, and legally actually does, represent an alternative and superior source of authority within the prison.

Similarly, outside educational agencies provide the prisons with schooling services. Inside Norway's high security prison, teachers from nearby high schools typically control separate facilities inside the prison buildings for education purposes. The teachers

emphasise that they are teachers, not prison employees, in their interactions with their students (prisoners) (Bertelsen, 2017). Other examples include dental services, public labour market assistance and help to find post-prison housing. Even the prison librarian is hired by the prison's municipality rather than the prison itself.

In government documents, this model is referred to as the 'administrative cooperation model' (St.meld. nr. 37, 2007–2008). The model allows the prison system to concentrate on its core activities and outsource important but traditionally secondary functions to other institutions by inviting them into the prison. For Christie (1970), however, more important was the argument that an import model would expose the prison system and penal institution to the outside world. The breakdown of the prison as an isolated social system is further tied to the principle of 'normality', which has become a defining aspect for the Norwegian Correctional Service (St.meld. nr. 37, 2007–2008). Rehabilitation, the main objective of the Norwegian penal system – which in a sense is meant to teach the prisoners to become 'regular' citizens – cannot occur through isolation but has to involve some degree of contact and interaction with 'regular' society. Although a prison sentence does entail imprisonment and deprives the inmates of their freedom to move and behave as they please, the principle of 'normality' incites an effort to create as 'normal' an environment as possible. Even when it comes to the prisoners' clothes, the penal institution aims for 'normality', paradoxically by restricting what inmates can wear and preventing the use of apparel that signifies criminal affiliations (Kolloen, 2018).

The normalisation ideology further reflects how the Norwegian penal institution is integrated into national welfare programmes (Ugelvik, 2016). Norwegian prisoners have the same right to welfare provisions as every other citizen, thereby entitling them to free health care, secondary education and social services. In policy documents, imprisonment is described primarily as an opportunity for rehabilitation and prisons as a system facilitating the successful reintegration of the convicts (St.meld. nr. 37, 2007–2008). In other words, the prison – in ideals but increasingly also in practice – is moving towards a logic of de-differentiation.

Exporting the prison into society

In the previous section, we discussed how the effort to 'normalise' the prison society has transformed the everyday social life inside standard prisons: that is, those prisons recognised by the public as 'proper' prisons which are identified by certain architectural characteristics (e.g. high walls, guarded gates, prison cells with locks and lunettes) and in administrative terminology are often termed 'high security prisons'. In Norway, 64% of the prison population serve their sentences in these prisons and another third are sent to 'low security prisons', which differ both in architectural and organisational design (Kriminalomsorgen, 2017). Furthermore, a substantial number of convicts serve their sentences outside of prisons, whether in their homes under electronic monitoring with ankle tags, in drug rehabilitation institutions and programmes, or doing community service. What may be termed the 'export model' – inverting the logic of the 'import model' – refers to transferring the prisons' tasks and practices into society. Such arrangements have gained popularity over the last several decades, illustrating what we find to

represent a key element in the blurring of the Norwegian penal institution's interface vis-a-vis other social institutions.

First, the permeability of the prisons has a very spatio-material quality. Even serving time in high security prisons rarely implies total seclusion from the outside society for the full duration of the sentence. Typically, as the sentence progresses, the prisoners are granted leave of absence, initially a few hours near the prison and accompanied by a prison officer. Later, if the prisoners demonstrate their trustworthiness, the leave may be extended to days without guards. Other reasons for leaving the prison are court appearances and visits to welfare facilities, such as hospitals in case of illness and psychiatric institutions in case of severe mental problems. Further programmes in the high security prisons include out-of-prison activities for selected inmates committing to take part in an in-house drug rehabilitation programme, and outside excursions that are part of the prison routine. These prisoners also attend local football games, visit cultural events, go on hikes and attend other recreational activities. In other words, serving in a high security facility does not necessarily imply a 24/7 presence in the prison.

Second, some forms of punishment are designed to take place outside the prison in its entirety. For example, 'Paragraph 12-sentences' refer drug addicts to mandatory stays at drug rehabilitation institutions. These institutions emphasise that they are not prisons but institutions of support. Another form of punishment is electronic monitoring with ankle tags, confining the prisoners to their home but allowing them to travel to work, school or other locations according to strictly defined schedules. The extensive use of community services (Skardhamar, 2013) also implies that punishment often takes place outside of the prison. Another example introduced in 2006 is 'Drug programme with court control', which is referred to as the ND programme and described as an alternative form of penal sanctioning where the 'prisoners' live at home and move around freely in society. The ND programme aims to facilitate the rehabilitation of the convicts through 'normal' activities, such as going to cafes, the gym and the movies, in order to inculcate in them what a 'normal life' entails. Although the convicts in the ND programme are not confined, they are in a sense punished by being forced to learn to live a standard and crime-free life; they are also kept under an intensive control regime, comprising regular urine tests and in-depth reflective conversations with correctional officers (Haukland and Oppegaard, 2018). Thus, these 'prisoners' are not imprisoned but nonetheless kept captive by the penal system.

Conceptually, the 'export model' represents the counterpart to the 'import model'. Instead of bringing society into the prison, the work of the prison is exported to the society beyond the prison walls. Punishment – or what the Norwegian penal system usually calls 'rehabilitation' in its discursive materials – is physically relocated from the prison institution. The export model is not an equivalent to Foucault's (1994 [1975]) concept of the 'prison-like' society, which describes how other societal institutions borrow disciplinary techniques, and, in effect, resemble the prison. The export model involves redistributing the functions of punishment and rehabilitation traditionally fulfilled by the prison institution to other institutions. The drug criminal is not sent to prison but to the hospital, while the ND programme brings the convict into the everyday life of the city and 'ordinary' society. In both cases, however, the result is a blurring of the distinctions between the prison and other institutions.

Third, the low security ('open') prisons represent another example of the intentional blurring of distinctions between the prison and the outside world. Here, the logic is neither an importing of other institutions into the prison nor an exporting of the punishment, but rather an attempt to mimic 'normal' society – to create a prison that mirrors the society outside. The 'open' prisons endeavour to appear as though they are not prisons, but instead establish the conditions of regular everyday lives in an attempt to prepare the inmates for their reintroduction to society. For instance, Lundeberg et al. (2018), in their study of a Norwegian low security prison, describe how exterior and interior architectures are stripped to no longer resemble a prison, the prison officers wear casual clothes and hide any items symbolising their positions of authority, and a point is made of the prisoners being in charge of the keys to their own cells. As researchers, we were at times genuinely in doubt whether our interactions were with prisoners or prison officers. In one prison, members of the general public buying plants from a prison-run greenhouse may never even realise they visited a prison.

However, as the prison experience blends into the everyday life of larger society, it extends beyond the serving of the sentence. Jacobsen (2018) describes how previously incarcerated people experience the prison's surveillance and discipline long after they formally have been 'freed' from the actual prison. In a properly Foucauldian manner, being released from the actual prison does not remove the prisons' gaze, now internalised and effective even in the privacy of one's own home. Similarly, Shammas (2014) argues that the inherent ambiguity of the 'open' prisons gives rise to 'pains of freedom' emerging from role confusion, anxiety, relative deprivation and individual responsibility. The prison is thus extended, not just spatially (outside the prison), but also temporarily (beyond the sentencing period) and in terms of 'pains' inflicted (not just deprivation of 'freedom' but reshaping the very experience of 'freedom'). Expanding the realm of crime prevention further, Garland (2002: 16–17) notes that transformations in the field of penology at the end of the last century saw a shift towards, among other things, an expanded institutional infrastructure of crime control that aims to hinder criminal behaviour even before crime happens. Driven by notions of security and risk management, an interconnected and overlapping network of agencies and institutions involving both state and non-state actors emerged to facilitate crime prevention measures to keep the general public from ever becoming 'offenders'.

We have demonstrated how the penal institution is interwoven into the workings of other societal institutions. However, the prison is not a regular welfare institution; it is still an institution endowed with an exceptional authority for the exercise of power (Ugelvik, 2016). The arrangements of imprisonment – whether in high or low security prisons, or outside these – enables the initiation of techniques of power that in other circumstances would be impossible. The prison may use coercion such as solitary confinement and restraint beds, monitor conversations and restrict behaviour deemed 'unsafe' or 'improper'. Furthermore, prisoners' personal data and other sensitive information, such as records of their previous interactions with other institutions and results of blood and urine tests, are available to the prison. Thus, being incarcerated enables the penal institution to initiate extensive measures for obtaining information on the prisoner and exposing them as biological and social beings (Oppegaard, 2018), which is essential

for understanding how the de-differentiating processes are inherently related to techniques of production of social control and order.

Garland (2002) outlines a de-differentiation of the institutional landscape which involves a two-fold process whereby tasks previously performed by one specified institution are dispersed and transformed into functions maintained through a cooperation and coordination between different and traditionally separated – and autonomous – institutions. Consequently, the institutions blend into one another, often quite literally, performing their function within the other's jurisdiction and perimeters. In the case of the Norwegian prison system, this institutional de-differentiation is illustrated first, by the import of functions from other institutions and agencies into the prisons and, second, by the export of sentencing beyond the prison walls, both driven by the overarching aims of 'normalisation' and 'rehabilitation'. In effect, the barriers between institutions become diffused, meaning they can no longer function by confinement, as they are no longer autonomous and able to function on an isolationist logic.

Social order in the de-differentiated society

A thesis of societal de-differentiation, describing the blurring of institutional interfaces, necessitates an account of the production of social order. To Durkheim (1960 [1893]), order in differentiated societies is the result of the mechanisms of organic solidarity, where individuals are socialised into corresponding differentiated identities and roles. Other differentiation theorists similarly describe how individuals, through a variety of different processes, are made to comply with societal demands. In Foucault's disciplinary societies, the very rationale of the penal and other institutions, achieved in its *in concreto* manifestations (prisons, hospitals, schools, etc.), is the production of a disciplined and docile population. The disciplinary control techniques further enabled the production of social order through the 'normalisation' of individuals. The question then becomes: what is the form of power and configuration of social order in the de-differentiated society?

In this section, we take Deleuze's sketch of the 'society of control' as a theoretical starting point for discussing how de-differentiation of the penal institution – and the institutional landscape at large – may signal the emergence of an alternative form of power and social order. While seldom framed in terms of institutional de-differentiations, the notion of the 'society of control' has been much-discussed as a contrast to the Foucauldian disciplinary power (Clough, 2020; Gilbert and Goffey, 2015; Kelly, 2015), particularly in the literature on surveillance (Caluya, 2010; Galič et al., 2017; Haggerty and Ericson, 2000). For Foucault and Deleuze alike, forms of power function as analytic devices for periodisation of social control. Foucault's analysis of the disciplinary society was an analysis of a particular historical era and Deleuze argues that presenting Foucault as 'the thinker of confinement' is misleading (2006 [1986]: 36; see also Oppegaard, 2020):

Foucault never believed and indeed said very precisely that disciplinary societies were eternal. Moreover, he clearly thought that we were entering a new type of society. To be sure, there are all kinds of things left over from disciplinary societies, and this for years on end, but we know

already that we are in societies of another sort that should be called, . . . societies of control. (Deleuze, 1998: 17)

Traces of a description of discipline as passé are present already in *Discipline and Punish*, where Foucault (1994: 188) argued that while disciplinary institutions may be increasing in numbers, they are simultaneously becoming ‘de-institutionalised’. Deleuze (1998: 17–18) takes this as a starting point for his own sketch of the society of control:

We are entering into societies of control that are defined very differently from disciplinary societies. . . . [Structures of confinement] – prisons, schools, hospitals – are already sites of permanent discussion. Wouldn’t it be better to spread out the treatment? To the home? Yes, this is unquestionably the future. The workshops, the factories – they are falling apart everywhere. Wouldn’t systems of subcontracting and work at home be better? Aren’t there means of punishing people other than prison?

Control as a mode of power can be conceptualised as including three elements or techniques: *dividualisation*, *continuous modulation* and *instant communication* (Oppegaard, 2018). Although all three are found in Deleuze’s own writings, he does not make such a schematic conceptualisation of control. In the following discussion, we use the case of the Norwegian prison system to show how these techniques may enable novel forms of social control and thus order in a de-differentiated society.

First, while the disciplinary society was individualising – producing individuals from the mass (Foucault, 1994 [1975]: 155) – the control society produces and is concerned with dividuals (Deleuze, 1995: 180) – breaking the ‘in-dividable’ individual down into its constituent parts and transforming them into independent parameters. In our analysis, such a dividualisation is visible in the way prisoners’ blood and urine samples are inspected for traces of illegal substances (Oppegaard, 2018) and substitute-based rehabilitation is used to alter the chemical composition of the convicts (Aleric, 2018). Second, according to Deleuze (1995: 178–179), control functions as ‘a modulation, like a self-transmuting moulding continually changing from one moment to the next, or like a sieve whose mesh varies from one point to another’. Control is not concerned with moulding people once and for all, or in accordance with any predefined norms, but rather involves adjusting its instruments and measures to the ever-changing conditions in a continuous modulation of the convict. A prime example is the malleability of a prison sentence, as convicts may be allowed parole or could be moved to another security level or programme depending on how their behaviour is assessed. Third, instant communication, Deleuze (1995: 174) argues, is, together with continuous modulation, what the control society operates through, enabling a constant assessment of the prisoners and implementation measures deemed suitable, independently of where they are located. While this kind of control captures the essence of systems for digital surveillance and governance, it also illustrates the *modus operandi* of the de-differentiated penal institution, where the population no longer has to be confined by particular and autonomous institutions for their behaviour to be observed and controlled.

The ‘society of control’ is most visible in the emerging irrelevance of the structures of confinement. While discipline is location-bound, control is a form of power traversing

confinements and institutions. As control functions independently of where people are and where they are going, the cell as the foundational element of disciplinary society is superseded by movement. In the disciplinary society, Deleuze writes that '[i]ndividuals are always going from one closed site to another, each with its own laws' (1995: 177), passing from one institution to the next, starting 'all over again each time' (Deleuze, 1995: 178). In the control society, however, 'you never finish anything' (1995: 179). As noted by Jacobsen (2018) in her study of re-offenders, the mentality of the prison keeps working long after their release. While Foucault used the prison cell as the model for conceptualising the disciplinary society, Deleuze (1998: 18) uses the analogy of the highway in sketching out the control society:

In making highways, for example, you don't enclose people but instead multiply the means of control. I am not saying that this is the highway's exclusive purpose, but that people can drive infinitely and 'freely' without being at all confined yet while still being perfectly controlled.

What previously was a set of differentiated institutional logics and techniques of control now merge, forming an interconnected institutional network enabling the letting loose of the population. From the perspective of the prisoners, these developments may be experienced as increased differentiation, as specialised agents enter the prison and fulfil their particular function. However, from an institutional perspective, the same developments are best conceptualised as an example of de-differentiation, wherein representatives of previously independent and separate institutions cooperate in a coordinated effort towards 'rehabilitation'. Institutional de-differentiation can be conceptualised as a deterritorialisation of the mechanisms of power (Deleuze and Guattari, 2013 [1980]). In contrast to location-bound discipline, the forms of power of the control society are severed and lifted out of specific territories. In the case of the prison, the prisoners are brought into a de-differentiated institutional landscape where control is exercised independently of their physical and institutional location. This deterritorialisation gives rise to a social order where the fixed, separate and autonomous institutional arrangements – the striated, the delineated, hierarchical and differentiated space of disciplinary societies – are transformed into what Deleuze and Guattari (2013 [1980]: 550–581) call smooth space. The striated space is organised as successions, where the trajectory is subordinated to the points, like in the disciplinary societies where populations move from one enclosure to the next (see also Oppegaard, 2020). Smooth space, however, is organised on the primacy of the trajectory, subordinating each point to the overall path, like the current Norwegian prisoners who, wherever they are located, are on a journey towards rehabilitation.

Strengths, limits and challenges of the de-differentiation thesis

The Norwegian penal system illustrates how borders between institutions are blurred. We have employed the prison system as an illustrative example to demonstrate how this sub-system integrates elements from other societal institutions to accomplish a wider range of societal objectives: punishment, health care, social services, education, labour

market training and many more societal functions are all performed inside the walls of the prison. As the subject of an array of 'rehabilitation' measures, the convicts are at times treated as anything but prisoners. Simultaneously, the objectives of punishment and rehabilitation are spread across other non-punitive societal institutions. Our analysis of the Norwegian prison system thus illustrates institutional de-differentiation as the product of the dual process of, on the one hand, importing other agencies and institutions into the prison while, on the other hand, exporting 'punishment' out into society. This argument differs from Foucault's concept of the 'prison-like' society, in which non-punitive institutions take on the same features as the prison; they only resemble the prison. This article has described how the distinctions between the penal and other institutions are becoming blurred; society and the prison melt together.

These observations might indicate more than pragmatic reforms of the prison system, but instead represent a process of institutional de-differentiation. This changes the very fabric of society, constructing new roles, values, objectives and institutional arrangements and interconnections. The prison officers ambivalently combine the roles of the punisher and the caring social worker; the doctors may play the lead role in drug rehabilitation programmes; and the inmates are instructed to behave as anything but inmates. Inspired by Deleuze's sketch of the society of control, we have interpreted changes as giving rise to a form of power functioning independently of its object's location and without predetermined moulds, but as a continuous modulation that cannot be reduced to the operations of any one institution. Control is instead exercised by an orchestra of different institutions and logics that can communicate across institutional borders and establish a flexible but impervious web of mechanisms for governing and regulating the population.

Several qualifications for the de-differentiation arguments are required. First, we refer to a tendency towards de-differentiation and emerging forms of social control, which are yet not dominant but coexist with differentiation and disciplinary forms of power. Second, the diffusion de-differentiation is neither universal nor uniform. We have chosen the Norwegian prison system as an illustrative showcase, despite its distinctive features (cf. the notion of Scandinavian penal exceptionalism, Pratt, 2008a, 2008b); other institutions and societies are displaying different configurations of de-differentiation. Following Giddens's (1984) principled critique of linear development schemes, the forms and spread of the society of control should always be a matter of empirical investigation. Thus, the present article's discussion of the Norwegian prison system serves to illustrate how blurring of institutional borders takes place, though is not 'evidence' that this is a universal phenomenon in contemporary societies. Third, the de-differentiated society is, as emphasised by Durkheim and other classical sociological theorists, not novel but in some regards predating modern society. However, a de-differentiated society does not imply a retreat to mechanical solidarity, but is genuinely different in its integrative logic, as the blurring of institutional borders gives rise to new forms of control.

Finally, this article focused on identifying and describing representations of novel developments and further suggested conceptualising these developments within Deleuze's sketch of the society of control. We have not sought to identify any general social processes underlying the transfer from the disciplined society to the society of control, and, in that sense, what Alexander (1992) terms 'Durkheim's problem' – i.e. the

difficulty in describing the social processes through which differentiation (or, in this case, de-differentiation) actually occurs – remains. However, our case study of the Norwegian prison system might nonetheless point towards ‘normalisation’ and ‘rehabilitation’ as principles and objectives that make de-differentiation necessary, since these norms limit enclosures and incentivise coordination and cooperation across institutions, as a specific mechanism driving de-differentiation within this particular social sub-system.

Further research is needed to investigate both the notion of the de-differentiated society and our Deleuzian hypothesis, which should draw on empirical materials from other cases rather than the one discussed in this article, and explore how other sub-systems may similarly find their institutional border porous, permeated and penetrable in modern society.

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ORCID iD

Johan Fredrik Rye  <https://orcid.org/0000-0001-5252-359X>

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Author biographies

Johan Fredrik Rye is a professor at the Department of Sociology and Political Science, Norwegian University of Science and Technology. His fields of research include criminology and the sociology of prisons and social theory but also migration (international labour migration, domestic rural to urban migration, second homes and other forms of leisure mobilities), youth and rural studies.

Sigurd M Nordli Oppegaard is a researcher at Fafo Institute for Labour and Social Research and a doctoral research fellow at the Department of Sociology and Human Geography, University of Oslo. His fields of research include social theory, labour and economic sociology, the digitalisation of work and industrial relations.

Résumé

L'article problématise l'hypothèse selon laquelle la société moderne se caractérise par la différenciation institutionnelle en tant que processus unidirectionnel. À partir de l'esquisse de Deleuze de la « société de contrôle », nous explorons la dé-différenciation institutionnelle dans la société contemporaine. Nous illustrons le processus de dé-différenciation à travers les changements dans l'institution pénale, en utilisant des éléments empiriques du système pénitentiaire norvégien. Nous montrons comment cette institution intègre (importe) de plus en plus d'éléments provenant d'autres institutions tout en étendant (exportant) ses activités dans ces institutions, ce qui entraîne un brouillage des frontières institutionnelles. En outre, la question de la différenciation institutionnelle a été liée à celle du contrôle social dans la société moderne. Nous examinons les caractéristiques de l'ordre social d'une société dé-différenciée en nous appuyant sur la théorie sociale de Deleuze et en soutenant que la dé-différenciation donne lieu à des formes de pouvoir et à des logiques sociales qui ne sont plus limitées par les cantonnements institutionnels.

Mots-clés

Dé-différenciation, Deleuze, différenciation, Foucault, institutions, prisons

Resumen

El artículo problematiza el supuesto de que la sociedad moderna se caracteriza por la diferenciación institucional como un proceso unidireccional. Tomando como inspiración el esbozo de Deleuze de la 'sociedad de control', se explora la des-diferenciación institucional en la sociedad contemporánea. Se ilustra el proceso de des-diferenciación a través de los cambios en las instituciones penales, usando materiales empíricos del sistema penitenciario noruego. Se muestra cómo estas instituciones integran (importan) cada vez más elementos de otras instituciones al tiempo que expanden (exportan) sus actividades a dichas instituciones, resultando en un desdibujamiento de las fronteras institucionales. Además, la cuestión de la diferenciación institucional se ha relacionado con la cuestión del control social en la sociedad moderna. Se discuten las características del orden social de una sociedad des-diferenciada tomando como base la teoría social de Deleuze y argumentando que la des-diferenciación da lugar a formas de poder y lógicas sociales que ya no están restringidas por confinamientos institucionales.

Palabras clave

Cárceles, Deleuze, des-diferenciación, diferenciación, Foucault, instituciones